

**TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING**

First Quarterly Meeting, Fiscal Year 2024

Meeting Date: October 18, 2023
Meeting No.: 143

Place: TCEQ Campus, Bldg F
Room: 5108

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MEETING ATTENDANCE

Committee Members

Abiy Berehe

Natalie Ballew

James Harcourt

David Villarreal

T.J. Helton

David Van Dresar

Allen Berthold

John Malito

David Gunn

Affiliation

Texas Commission on Environmental Quality
(TCEQ)

Texas Water Development Board (TWDB)

Railroad Commission of Texas (RRC)

Texas Department of Agriculture (TDA)

Texas State Soil and Water Conservation Board
(TSSWCB)

Texas Alliance of Groundwater Districts (TAGD)

Texas A&M AgriLife Research (AgriLife
Research)

Bureau of Economic Geology of The University of
Texas at Austin (UTBEG)

Texas Department of Licensing and Regulation
(TDLR)

Agency Staff

Alan Cherepon

Grant Gibson

Lauren Gray

Christopher Heiligenstein

Cindy Hooper

Peggy Hunka

Leah Martinsson

Kathy McCormack

Alison Owen

Michael Parr

Robert Reedy

Carly Rotzler

Scott Underwood

Affiliation

TCEQ

TCEQ

TCEQ

RRC

TCEQ

TCEQ

TAGD

TCEQ

TCEQ

TCEQ

UTBEG

Texas Parks and Wildlife Department (TPWD)

TCEQ

Program

Water Availability Division

Water Availability Division

Water Quality Planning Division

Water Availability Division

Water Availability Division

Water Availability Division

Waste Permits Division

Environmental Law Division

Water Availability Division

Interested Parties

Kourtney Dixon

Rachel Hanes

Diana Nichols

Joshua Keen

Sarah Kinkle

Ken Kramer

Reyna Loosmore

Laura Martin

Martha Pskowski

Jamie Shakar

Affiliation

West Texas Oil Reports

Greater Edwards Aquifer Alliance

Kelly Hart & Hallman, LLP

Zarvona Energy, LLC

Texas Water Conservation Association (TWCA)

Sam Houston State University Institute for
Homeland Security

Gonzales County Underground Water Conservation
District

Inside Climate News

City of Houston

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 18, 2023
2. Record for Texas Groundwater Protection Committee meeting on July 12, 2023
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, September 13, 2023
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, September 13, 2023
5. TGPC Groundwater Issues Subcommittee *Annual Report*
6. TGPC Public Outreach and Education Subcommittee *Annual Report*
7. TCEQ Rules Update, 10/18/2023
8. 2023 – 2024 Water-related Conferences in Texas, October 2023

MEETING RECORD OF OCTOBER 18, 2023

1. PRE-MEETING REMINDERS

Before the meeting started, Abiy Berehe (TCEQ) provided the attendees with some tips that would facilitate a productive videoconference option for the meeting.

2. CALL TO ORDER AND INTRODUCTIONS

The member of the TGPC presiding over this meeting was physically present at the location listed on the first page and this meeting location was accessible to the public. Other designated TGPC members and the public were also able attend this meeting via videoconference or teleconference at no cost.

Abiy Berehe (TCEQ), Designated Alternate Chairman of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:34 PM CDT and called the roll of TGPC members. The designated representative or alternate from the Texas Department of State Health Services (DSHS) was not present at the meeting.

Allen Berthold (AgriLife Research) left the meeting at approximately 1:35 PM CDT.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Chris Heiligenstein (RRC) reported that the TGPC GWI Subcommittee last met via videoconference on September 13, 2023, and 13 state and federal agencies and organizations were represented.

The current Agricultural Chemicals Task Force Status Report (available on the TGPC GWI Subcommittee webpage, <https://tgpc.texas.gov/tgpc-subcommittees/tgpc-groundwater-issues-subcommittee/>, under the “Additional Resources” heading) was reviewed with the following highlights:

- Fiscal Year (FY) 2023 monitoring results:
 - 12 water well samples collected and analyzed by TCEQ, and also one duplicate and one blank; all 14 were analyzed by immunoassays for atrazine and 2,4-D and were collected from Panhandle region Public Water System (PWS) wells with previous high atrazine levels;
 - Two atrazine detects at 0.12 ppb and 0.10 ppb, and no 2,4-D detections;
 - Six of the samples were analyzed by Method 525.2 by the DSHS laboratory; there were no pesticide detections;
 - Cooperative monitoring in FY 2023 began in April 2023 and concluded in August 2023, and included samples from various aquifers; 175 water well and seven spring samples which include duplicate and blank samples for immunoassay analyses; 182 atrazine and 96 2,4-D for a total of 278 analyses; and,

- Two atrazine detections at 0.25 ppb and 0.12 ppb, and two 2,4-D detections at 26.09 ppb (below the Maximum Contaminant Level (MCL) of 70 ppb) and 3.07 ppb.
- End-Of-Year and monitoring reports would be sent to the U.S. Environmental Protection Agency (EPA) Region 6 in Dallas in September 2023.
- The Cooperative and Panhandle sample results were entered into the TCEQ Interagency Pesticide Database (IPD) in August 2023.
- United States Geological Survey (USGS) data were recently checked and downloaded, but due to the different database formats and effort required to properly transfer the data we are awaiting additional sample results before entering into the IPD.
- Current totals for the three tables that comprise the IPD: Wells 7,017, Samples 15,736, and Analytes 389,127.
- The IPD and pesticide queries from the TCEQ Public Drinking Water and Source Water Protection programs would be uploaded into the U.S. EPA Central Data Exchange Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Grant Database as soon as the queries for FY 2023 were completed.
- A table-top display and staff providing information on the TGPC, including pesticide information and data, was set up at the annual TCEQ Public Drinking Water conference in Austin on August 8 – 9, 2023.
- The revised draft FY 2024 TCEQ Quality Assurance Project Plan (QAPP) had been submitted to U.S. EPA for review and was awaiting approval.

The current TGPC Publications Status Report (also available on the TGPC GWI Subcommittee webpage) was reviewed with the following highlights:

- *Joint Groundwater Monitoring and Contamination Report – 2023 (“Joint Report”, SFR-056)*
 - Work would begin on the *2023 Joint Report* in January 2024.
- Groundwater Assessment (AS-465/24) for the *2024 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d) (“Texas Integrated Report”)*
 - Work on the Groundwater Assessment for the *2024 Texas Integrated Report* would begin in September 2023.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water;
- Emerging Chemical and Biological Contaminants;
- Aquifer Storage and Recovery (ASR);
- Abandoned Water Wells;
- Environmental Justice and Groundwater Access and Quality;
- Groundwater Quality Monitoring;
- Brackish Groundwater;
- Evapotranspiration Networks; and,
- Others (i.e., funding for Economically Distressed Areas Program (EDAP) studies, manganese sampling in PWSs, the development of a tool to anticipate when PWSs might run out of water during drought conditions and potential solutions, and a

petition for adding two blind catfish found in the Edwards Aquifer and two freshwater mussels found in six counties along the Rio Grande Valley to the U.S. Fish and Wildlife Service (FWS) Threatened and Endangered Species List).

As required by the GWI Subcommittee's current *Charge* (https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge10Jul2019.pdf), a draft of the *TGPC GWI Subcommittee Annual Report* was reviewed and approved, and it would be presented to the TGPC for approval at their next meeting.

Results from the recently-completed TGPC Groundwater Quality Monitoring Survey were presented and discussed.

Margaret Willis (DSHS) shared some of the analysis data prepared for their *Children's Health and Groundwater Quality in Private Water Wells in Child Care Operations in Texas* white paper, and they expected to present the initial draft at the next meeting.

The next TGPC GWI Subcommittee meeting was scheduled for December 13, 2023.

Allen Berthold (AgriLife Research) rejoined the meeting at approximately 1:39 PM CDT.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee last met via videoconference on September 13, 2023, and nine state agencies and organizations were represented.

The Subcommittee reviewed the current Outreach Events Status Report (available on the POE Subcommittee webpage, <https://tgpc.texas.gov/tgpc-subcommittees/tgpc-public-outreach-and-education-subcommittee/>, under the "Additional Resources" heading):

- Texas A&M AgriLife Extension Service (AgriLife Extension) Water Well Screening Events
 - John Smith (AgriLife Extension) reported that there were two screening events.
- TGPC Exhibit Booth
 - TCEQ Public Drinking Water Conference on August 8 – 9, 2023;
 - TAGD Groundwater Summit on August 29 – 31, 2023; and,
 - There were approximately 233 visitors at the booths.

John Smith (AgriLife Extension) reviewed the Texas Well Owner Network (TWON) schedule of completed and confirmed water well one-day training events and workshops. There had been over 2,593 samples or attendees at TWON events since May 2021.

Peggy Hunka (TCEQ) reviewed the Google Analytics activity report on the TGPC website.

Revisions to the POE Subcommittee *Charge* and *Activity Plan* were discussed. Suggested changes included not limiting the topics for discussion and focusing on

outreach and education opportunities as well as possible FAQs, combining the TWON and Well Screening Events into one report rather than two, and reporting Google Analytics information to the TGPC at the quarterly meetings.

The *TGPC POE Subcommittee Fiscal Year 2023 Annual Report* was reviewed and approved, and it would be presented to the TGPC for approval at their next meeting.

The following *Groundwater Educational Outreach Plan* topic update was provided:

- Abandoned Wells
 - Casey Stevens (TDLR) reported that they had sent out 40 abandoned water well notices to landowners, with an additional 30 letters to be mailed by October 1, 2023.

The following Frequently Asked Questions (FAQs) and Fact Sheets were discussed:

- The draft FAQs titled *How Is Pesticide Contamination of Private Water Wells Prevented ?*, and *What Did TCEQ's Monitoring Program in Urban Areas Find in the Groundwater ?* were returned for further review and additional edits. Peggy Hunka (TCEQ) reported that most of the 43 FAQs had not been updated in five or more years and that the Subcommittee would be reviewing all FAQs for “plain language” edits and website link updates. Subcommittee members would be receiving emails with the FAQs related to their program areas for updates.

The next TGPC POE Subcommittee meeting was scheduled for December 13, 2023.

4. PRESENTATION

John Malito (UTBEG) and Robert Reedy (UTBEG) shared information on their assessment of nitrate in groundwater and PWSs in Texas. They quantified the distribution of groundwater nitrate levels in the major and minor aquifers in Texas and assessed linkages between nitrate violations in the state's Community Water Systems (CWSs) and their populations. There were 35 CWSs in Texas with persistent health-based non-compliance violations for nitrate-N concentrations based on U.S. EPA Safe Drinking Water Information System (SDWIS) data (over 12 quarters, January 2018 – December 2020) located primarily in the Ogallala, Seymour, and Trinity major aquifers. Elevated nitrate-N levels were located primarily in the Bone Spring, Cross-Timbers, and Blaine minor aquifers based on the most recent data from the TWDB groundwater database for wells sampled between 1930 and 2023.

Presentations at TGPC meetings were always available on the Meeting Records of the TGPC webpage (<https://tgpc.texas.gov/meetings/meeting-records-of-the-texas-groundwater-protection-committee/>).

Allen Berthold (AgriLife Research) left the meeting at approximately 2:07 PM CDT and rejoined the meeting at approximately 2:09 PM CDT.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Joint Groundwater Monitoring and Contamination Report – 2023

Cindy Hooper (TCEQ) reported that staff would provide a draft table of contents to the members at the next meeting to consider the form and content of the *Joint Groundwater Monitoring and Contamination Report – 2023*. Emails would be sent to the members in January 2024 requesting updates for the new reporting year, and members were welcome to provide input before then.

TGPC Groundwater Issues Subcommittee Annual Report

Chris Heiligenstein (RRC) presented the *TGPC GWI Subcommittee Fiscal Year 2023 Annual Report* highlighting FY 2023 results and FY 2024 plans. David Gunn (TDLR) proposed, David Van Dresar (TAGD) seconded, and all remaining TGPC members approved the *TGPC GWI Subcommittee Fiscal Year 2023 Annual Report*. The report would be posted on the TGPC website.

TGPC Public Outreach and Education Subcommittee Annual Report

Peggy Hunka (TCEQ) presented the *TGPC POE Subcommittee Fiscal Year 2023 Annual Report* highlighting FY 2023 results and FY 2024 plans. David Villarreal (TDA) proposed, David Gunn (TDLR) seconded, and all remaining TGPC members approved the *TGPC POE Subcommittee Fiscal Year 2023 Annual Report*. The report would be posted on the TGPC website.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for January 10, 2024, at 1:30 PM CST as a hybrid meeting.

6. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED ACTIVITIES – STATUS UPDATE

Groundwater Contamination Notice Coordination (Texas Water Code §26.408)

Grant Gibson (TCEQ) reported that, since the last TGPC meeting, their Impact Evaluation Team (IET) had met four times and reviewed seven groundwater contamination cases, and 79 notices had been sent to the potentially affected private water well owners and users.

Groundwater Management Areas

David Van Dresar (TAGD) reported that the Groundwater Management Areas (GMAs) were beginning their evaluations for the next round of regional water planning. Some of

the GMAs were waiting on models to be revised by TWDB, and others were working on the nine factors that must be considered in those evaluations.

David Van Dresar (TAGD) left the meeting at approximately 2:51 CDT.

Regional Water Planning

Natalie Ballew (TWDB) reported that they had received additional funding for Regional Water Planning Groups (RWPGs) from the Texas 88th legislative session (88(R) – 2023) and were amending contracts to increase funds, and that they would present all draft population and water demand projections to their Board for adoption on November 9, 2023.

David Van Dresar (TAGD) rejoined the meeting at approximately 2:52 PM CDT and was present for the remainder of the meeting.

Groundwater Availability Modeling

Natalie Ballew (TWDB) reported that their Board had approved the use of funds for Groundwater Availability Model (GAM) updates for three aquifers (i.e., Seymour, Blaine, and Marathon) in September 2023.

Natalie Ballew (TWDB) added that the East Sparta Aquifer brackish groundwater study was recently completed (https://www.twdb.texas.gov/groundwater/bracs/studies/Spart_East/index.asp), and that they anticipated holding a stakeholder meeting for proposed brackish groundwater production zones in the southern portion of the Trinity Aquifer at the end of 2023 or the beginning of 2024.

Natalie Ballew (TWDB) requested that this agenda item be expanded to include additional topics (e.g., Brackish Resources Aquifer Characterization System (BRACS), desalination, and ASR) at future TGPC meetings.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that:

- Their FY 2024 Request for Proposals (RFPs) closed at the end of September 2023, and they were in the process of reviewing and ranking the 22 submitted project proposals; and,
- They were working with TCEQ on the draft *Nonpoint Source Pollution Management in Texas 2023 Annual Report*.

Natalie Ballew (TWDB) left the meeting at approximately 2:56 PM CDT, Allen Berthold (AgriLife Research) left the meeting at approximately 2:57 PM CDT, and they were absent for the remainder of the meeting.

National Groundwater Information

Cindy Hooper (TCEQ) reported on the Ground Water Protection Council (GWPC) 2023 Annual Forum and Underground Injection Control (UIC) Conference that was held September 12 – 14, 2023, in Tampa, Florida:

- *GWPC Produced Water Report: 2023 Regulations & Practices Updates*
(<https://www.gwpc.org/wp-content/uploads/2023/06/2023-Produced-Water-Report-Update-FINAL-REPORT.pdf>)
 - The 2023 report was an update to their first report in 2019. Some highlights included:
 - § An emphasis on the Permian basin due to its significant oil and produced water production, which then leads to challenges (e.g., induced seismicity, recycling, and beneficial reuse issues);
 - § Mention of emerging treatment specifications for produced water recycling, including challenges posed by high Total Dissolved Solids (TDS) levels in the Permian Basin; and,
 - § An emphasis on the importance of addressing these challenges given the global focus on the Permian Basin and suggested proactive measures, such as expanding monitoring systems for induced seismicity.
- Data Gathering and Communication
 - There was an interest and benefit for groundwater information to be easily available online and shared, while also paying attention to privacy and security concerns. A few local governments shared their online databases, including the City of Boerne’s “Internet of Water”.
 - USGS provided an update on their National Groundwater Monitoring Network and Climate Response Network which would be updated over the next two years.
 - GWPC discussed their online Produced Water Exchange Portal, which focuses on decision support tools for produced water management in onshore oil and gas operations and identifies beneficial recycling opportunities.
- ASR and Managed Aquifer Recharge (MAR) Updates
 - Some of the key topics that were presented included:
 - § Geochemical challenges;
 - § Regulatory challenges, including differences between the states; and,
 - § The use of wastewater as a source for ASR and Aquifer Recharge (AR), including how to address Per- and Polyfluorinated Substances (PFAS) and other contaminants that may be present.
- PFAS Rule
 - U.S. EPA staff discussed their PFAS rule update, which was expected to be finalized in December 2023; they had received 100,000 comments, and the final effective date would be three years later (i.e., 2026).
- U.S. EPA – Environmental Justice
 - Matthew Tejada (U.S. EPA Deputy Assistant Administrator for Environmental Justice) spoke about their agency’s program for environmental justice and how they were integrating civil rights compliance within their programs.
 - They had a new tool called EJ Screen that could help identify areas with environmental justice concerns, impacted communities, and cumulative impacts.

7. ANNOUNCEMENTS

Michael Parr (TCEQ and the TGPC's Legal Counsel) made an announcement regarding their Best Management Practices (BMPs) project for the aggregate production industry (i.e., quarries) which they regulate in various aspects. Groundwater was one the BMP topics, and TGPC feedback was requested related to water use and water storage impacts on groundwater at these types of facilities, as well as any groundwater quality recommendations for these types of facilities.

Leah Martinsson (TAGD) requested that a summary of this information be emailed to TGPC members after the meeting.

Rules Update

Cindy Hooper (TCEQ) reported on current TCEQ rulemaking and non-rule projects that were of interest to the TGPC:

- 2023-125-290-OW – SB 3 and Staff-Initiated Revisions and Efficiencies; and,
- Annual hearing and opportunity for public comment regarding Texas Administrative Code (TAC) Title 30 Chapter 213, Edwards Aquifer.

Additional information on a specific TCEQ rule could be found at <https://www.tceq.texas.gov/rules/whatsnew.html>.

Leah Martinsson (TAGD) requested that TCEQ rulemaking updates on three recent bills (i.e., House Bill (HB) 4256, Senate Bill 2440, and HB 4856, all 88(R) – 2023) be provided at future TGPC meetings. Abiy Berehe (TCEQ) indicated that rulemaking might not be required for HB 4856.

New Publications

Abiy Berehe (TCEQ) reported on the following TCEQ publication which was available on their website:

- *How to Sample Your Well Water and Understand the Results* (GI-433 and GI-433/esp, July 2023), <https://www.tceq.texas.gov/downloads/drinking-water/preparedness-resources/gi-433.pdf> and <https://www.tceq.texas.gov/downloads/drinking-water/preparedness-resources/gi-433esp.pdf>.

Upcoming Conferences

Abiy Berehe (TCEQ) referred TGPC members to the conferences listed in the “2023 – 2024 Water-related Conferences in Texas” handout – the current version of this handout was always available on the TGPC's POE Subcommittee webpage at <https://tgpc.texas.gov/tgpc-subcommittees/tgpc-public-outreach-and-education-subcommittee/> under the “Additional Resources” heading.

8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Abiy Berehe (TCEQ) adjourned the meeting at approximately 3:14 PM CDT.