

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 First Quarterly Meeting, Fiscal Year 2025

Meeting Date: October 9, 2024
 Meeting No.: 147

Place: TCEQ Campus, Bldg F
 Room: 2210

TABLE OF CONTENTS

MEETING ATTENDANCE	2
MEETING HANDOUTS	3
MEETING RECORD OF OCTOBER 9, 2024	4
1. PRE-MEETING REMINDERS	4
2. CALL TO ORDER AND INTRODUCTIONS	4
3. SUBCOMMITTEE REPORTS.....	4
Groundwater Issues.....	4
Public Outreach and Education.....	6
Legislative Report.....	6
4. PRESENTATION.....	7
5. BUSINESS DISCUSSION AND POSSIBLE ACTION.....	7
<i>Joint Groundwater Monitoring and Contamination Report – 2023</i>	7
<i>Groundwater Quality Protection Through Monitoring White Paper</i>	7
<i>TGPC Groundwater Issues Subcommittee Annual Report</i>	7
<i>TGPC Public Outreach and Education Subcommittee Annual Report</i>	8
<i>Activities and Recommendations of the Texas Groundwater Protection Committee</i> – <i>Report to the 89th Legislature</i>	8
Set Future Meeting Date	8
6. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED ACTIVITIES – STATUS UPDATE	9
Groundwater Contamination Notice Coordination (Texas Water Code §26.408) .	9
TGPC Website Activity Report	9
Groundwater Management Areas	9
Updates on Regional Water Planning, Groundwater Availability Modeling, Brackish Groundwater Studies, and Innovative Water.....	9
Nonpoint Source Pollution.....	9
National Groundwater Information.....	9
7. ANNOUNCEMENTS.....	10
Rules Update.....	10
New Publications	11
Upcoming Conferences.....	11
8. PUBLIC COMMENT	11
9. ADJOURN.....	12

MEETING ATTENDANCE

Committee Members

Kelly Mills	Texas Commission on Environmental Quality (TCEQ)
Natalie Ballew	Texas Water Development Board (TWDB)
Chris Heiligenstein	Railroad Commission of Texas (RRC)
Eric Lawrence	Texas Department of State Health Services (DSHS)
David Villarreal	Texas Department of Agriculture (TDA)
T.J. Helton	Texas State Soil and Water Conservation Board (TSSWCB)
Julia Stanford	Texas Alliance of Groundwater Districts (TAGD)
Allen Berthold	Texas A&M AgriLife Research (AgriLife Research)
Justin Thompson	Bureau of Economic Geology of The University of Texas at Austin (UTBEG)
David Gunn	Texas Department of Licensing and Regulation (TDLR)

Agency Staff

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Abiy Berehe	TCEQ	Water Availability Division (WAD)
Katie Brice	TCEQ	WAD
Alan Cherepon	TCEQ	WAD
Linzy Foster	United States Geological Survey (USGS)	
Cindy Hooper	TCEQ	WAD
Peggy Hunka	TCEQ	WAD
Kathy McCormack	TCEQ	WAD
Sarah Schreier	TCEQ	Radioactive Materials Division (RMD)
Scott Underwood	TCEQ	WAD
Omar Valdez	DSHS	
Scout Vanderwal	DSHS	

Interested Parties

<u>Interested Parties</u>	<u>Affiliation</u>
Tim Andruss	Victoria County Groundwater Conservation District (GCD)
Lauren Boggs	Harris County
Sergio Cisneros	City of Houston Public Works Department
Ty Edwards	Middle Pecos GCD
Andrew Feigenbaum	Black & Veatch
Nancy Foust	
Ruth Giles	Texas Health and Environment Alliance (THEA)
Lauren Gonzalez	Black & Veatch
Ken Kramer	
Mary Musick	

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 9, 2024
2. Record for Texas Groundwater Protection Committee meeting on July 31, 2024
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, September 18, 2024
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, September 18, 2024
5. *Groundwater Quality Protection Through Monitoring* white paper
6. TGPC GWI Subcommittee *Annual Report*, October 9, 2024
7. TGPC POE Subcommittee *Annual Report*, October 9, 2024
8. Final Draft *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 89th Legislature*
9. TGPC Website Activity Report, July 1 – September 30, 2024
10. TCEQ Rules Update, 10/7/2024
11. 2024 – 2025 Water-related Conferences in Texas, October 2024

The following items were also on display on the handout table:

1. TGPC Public Information Act Policy
2. Several flyers regarding Recent Groundwater-related USGS Texas Publications

MEETING RECORD OF OCTOBER 9, 2024

1. PRE-MEETING REMINDERS

Before the meeting started, Kelly Mills (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.

Kelly Mills (TCEQ), Designated 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.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Chris Heiligenstein (RRC) reported that the Subcommittee last met via videoconference on September 18, 2024, and 11 state agencies and organizations were represented.

The Agricultural Chemicals Task Force Status Report was reviewed with the following highlights:

- TWDB completed its Cooperative Monitoring for Fiscal Year (FY) 2024, but TCEQ's spectrophotometer was not working and had been sent in for repair, so the immunoassay (IA) pesticide sample analysis results would hopefully be reported at the next meeting.
- The proposed FY 2025 Pesticide Monitoring Plan was primarily dependent upon TCEQ's spectrophotometer being repaired or replaced, based upon available funds; if it was not repaired or replaced, only pesticide groundwater monitoring data from USGS and other TCEQ monitoring programs would be provided to the U.S. Environmental Protection Agency (EPA).
- The TCEQ Interagency Pesticide Database (IPD) would be updated after TCEQ's spectrophotometer was repaired or replaced and IA analyses 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 6 – 7, 2024, and at the annual TAGD Groundwater Summit in San Antonio on August 20 – 22, 2024.
- Alan Cherepon (TCEQ) attended and presented a summary presentation on TCEQ's atrazine monitoring for the U.S. EPA Federal Insecticide, Fungicide, and Rodenticide (FIFRA) grant at the Atrazine Stewardship meeting at the TDA office in Austin on August 28, 2024.

- The annual Texas Plant Protection Conference in Bryan was scheduled for December 10 – 11, 2024.
- The annual U.S. EPA/States/Tribes FIFRA Fall grant meeting for FY 2025 would be held in Dallas in late October or early November 2024. Alan Cherepon (TCEQ) was scheduled to attend the meeting virtually and report on his work for TCEQ’s FIFRA grant.

The TGPC Publications Status Report was reviewed with the following highlights:

- *Joint Groundwater Monitoring and Contamination Report – 2023* (“*Joint Report*”, SFR-056)
 - The Draft 2023 *Joint Report* had been completed and sent to TCEQ agency publications for an expected publication in September 2024.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 89th Legislature* (“*Legislative Report*”, SFR-47)
 - The TGPC Legislative Report Subcommittee had met on March 20 and June 5, 2024, to work on the *Legislative Report* for the 89th Legislature.
 - The *Legislative Report* for the 89th Legislature was expected to be published and distributed to the Texas Legislature by December 31, 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*”)
 - The 2024 *Groundwater Assessment* was published in June 2024.
 - The published report was included in the Draft 2024 *Texas Integrated Report*, which was approved by TCEQ on June 26, 2024. The Draft 2024 *Texas Integrated Report* would be submitted to U.S. EPA for final approval.
- *Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 89th Texas Legislature* (“*PGMA/GCD Legislative Report*”, SFR-53)
 - Work on the *PGMA/GCD Legislative Report* would be initiated in late summer 2024.

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;
- Groundwater Quality Monitoring;
- Evapotranspiration Networks; and,
- Others (i.e., a U.S. EPA final rule announcement regarding the control and clean-up of contamination created by the disposal of coal ash, and a U.S. Fish and Wildlife Service (FWS) announcement regarding an extension of their decision on whether to list two blind catfish that are native to the Edwards Aquifer as endangered species).

As required by the GWI Subcommittee’s *Charge*, a draft of the GWI Subcommittee’s *Annual Report* was reviewed and approved with one minor change, and it would be presented to the TGPC for final approval at their next meeting.

The final draft of the *Children’s Health and Groundwater Quality at Child Care Operations Using Private Water Wells* white paper was reviewed. Feedback had been received prior to the meeting, additional feedback was requested during the meeting, and an updated final draft would be presented at the next meeting.

The final draft of the *Groundwater Quality Protection Through Monitoring* white paper was reviewed and approved, and it would be presented to the TGPC for final approval at their next meeting.

The next TGPC GWI Subcommittee meeting was scheduled for December 4, 2024.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the Subcommittee last met via videoconference on June 5, 2024, and nine state agencies and organizations were represented.

Peggy Hunka (TCEQ) reviewed the Texas Well Owner Network (TWON) training schedule. During the previous quarter, TWON staff held four one-hour events and collected 318 samples. There had been 4,062 samples or attendees at TWON events since May 2021 with 1,469 in FY 2024.

The Outreach Events Status Report was reviewed with the following highlights:

- Texas A&M AgriLife Extension Service (AgriLife Extension) Water Well Screening Events
 - Joel Pigg (AgriLife Extension) reported there two events had been held in July 2024 and two in August 2024. Eight events were planned in September 2024, two events were planned in October 2024, and one event was planned in November 2024.
- There had been two TGPC exhibit booth events held during the previous quarter – the annual TCEQ Public Drinking Water Conference and the annual TAGD Groundwater Summit.

The list of upcoming conferences and the drought monitor report were reviewed. The draft POE Subcommittee *Annual Report* for FY 2024 was reviewed and approved. The *Groundwater Educational Outreach Plan* was discussed but no edits were made during the meeting. Ten updated Frequently Asked Questions (FAQs) were approved for posting on the TGPC website.

The next TGPC POE Subcommittee meeting was scheduled for December 4, 2024.

Legislative Report

The Legislative Report Subcommittee had not met during the previous quarter so discussion of the *Legislative Report* for the 89th Legislature took place during the Business portion of the meeting.

4. PRESENTATION

There was no presentation at the meeting.

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

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Joint Groundwater Monitoring and Contamination Report – 2023

Cindy Hooper (TCEQ) reported that the final draft of the *Joint Groundwater Monitoring and Contamination Report – 2023* had been sent out for TCEQ internal and TGPC final review on October 7, 2024, and that feedback had been requested by close of business on October 9, 2024. After the 2023 *Joint Report* and its Excel file of groundwater contamination cases were published on the TCEQ website, hard copies of the report would be available, as requested, and notification of the report's publication would be mailed out to county judges, county health authorities, and GCDs. The associated TCEQ Groundwater Contamination Viewer (<https://www.tceq.texas.gov/gis/groundwater-contamination-viewer>) would also be updated with the 2023 *Joint Report's* data, but this would take several months to complete. Julia Stanford (TAGD) requested notification of the Viewer's update, and Kathy McCormack (TCEQ) agreed to do so.

Groundwater Quality Protection Through Monitoring White Paper

Kathy McCormack (TCEQ) presented the *Groundwater Quality Protection Through Monitoring* white paper. For the previous year and half, Kathy McCormack (TCEQ), Rebecca Storms (TWDB), Cindy Hooper (TCEQ), and Heather Dodson (TWDB) had worked first on developing a survey related to groundwater quality monitoring in the state, and then on the white paper which was based on the survey's results. The white paper listed 38 Continuing Research Needs and 21 Recommendations. Julia Stanford (TAGD) proposed, Justin Thompson (UTBEG) seconded, and all remaining TGPC members approved the *Groundwater Quality Protection Through Monitoring* white paper. The white paper would be posted on the TGPC website.

TGPC Groundwater Issues Subcommittee Annual Report

Chris Heiligenstein (RRC) presented the TGPC GWI Subcommittee Fiscal Year 2024 *Annual Report* highlighting FY 2024 results and FY 2025 plans. David Gunn (TDLR) proposed, T.J. Helton (TSSWCB) seconded, and all remaining TGPC members approved the TGPC GWI Subcommittee Fiscal Year 2024 *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 2024 *Annual Report* highlighting FY 2024 results and FY 2025 plans. Julia Stanford (TAGD) proposed, Allen Berthold (AgriLife Research) seconded, and all remaining TGPC members approved the TGPC POE Subcommittee Fiscal Year 2024 *Annual Report*. The report would be posted on the TGPC website.

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 89th Legislature

Kelly Mills (TCEQ) thanked TGPC members for contributing to the final draft of the *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 89th Legislature* and for obtaining concurrence and approval from their executive management.

The suggested edits that had been provided to the members one week prior to the meeting were reviewed, and two additional non-substantive edits were suggested during the meeting for Appendix 1. The substantive suggested edit was the removal of Section III. B. related to the recommendations from the *Prioritizing New Drinking Water Infrastructure Funding in Texas* white paper. Kelly Mills (TCEQ) proposed, Natalie Ballew (TWDB) seconded and RRC, DSHS, TDA, TDLR, AgriLife Research, and TSSWCB approved the removal of Section III. B., and UTBEG and TAGD objected to the removal of Section III. B.

After additional discussion, Natalie Ballew (TWDB) proposed, David Gunn (TDLR) seconded, and TCEQ, RRC, DSHS, AgriLife Research, TAGD, and TSSWCB approved the final draft *Legislative Report* with the changes discussed at the meeting, including the removal of Section III. B., while also allowing TCEQ staff to make any non-substantive changes required for publication on the TCEQ website. UTBEG approved the final draft of the *Legislative Report* but objected to the removal of Section III. B. with the rationale that the white paper and its findings had been discussed in previous TGPC Subcommittee meetings. TDA approved the final draft of the *Legislative Report* but abstained from approving any white paper recommendations with the rationale that they lacked the expertise to make informed judgments on those recommendations proposed by the subject matter experts who authored the white papers. The report would be distributed to TGPC members and the Texas Legislature in December 2024 before the session began on January 14, 2024.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for January 8, 2025, 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)

Katie Brice (TCEQ) reported that, since the last TGPC meeting, the TCEQ Impact Evaluation Team (IET) had met three times and reviewed six groundwater contamination cases with 79 notices subsequently being sent to potentially affected private water well owners and users.

TGPC Website Activity Report

Peggy Hunka (TCEQ) presented a report on the TGPC website's activity from July 1 through September 30, 2024. More than half of the 3,124 users engaged the TGPC website for longer than 10 seconds, 739 files were downloaded, and 1,029 outbound links were clicked.

Groundwater Management Areas

Julia Stanford (TAGD) reported that joint groundwater planning was under way and the various Groundwater Management Areas (GMAs) were having working meetings.

Updates on Regional Water Planning, Groundwater Availability Modeling, Brackish Groundwater Studies, and Innovative Water

Natalie Ballew (TWDB) reported that they were continuing their work on model updates and brackish groundwater studies.

David Villarreal (TDA) asked if any funding from the new Texas Water Fund would be used to support Groundwater Availability Modeling (GAM), brackish groundwater studies, or Innovative Water projects. Natalie Ballew (TWDB) indicated that some of the New Water Supply Fund for Texas funding would be used to support infrastructure development for their Innovative Water projects.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that Request for Proposals (RFPs) for their FY 2025 Clean Water Act 319(h) nonpoint source pollution (NPS) grant program closed on September 20, 2024, proposals for TCEQ's grant program had been due by August 8, 2024, and both agencies were working on their joint annual report to U.S. EPA which was due in January 2025.

National Groundwater Information

Scott Underwood (TCEQ) reported on the Ground Water Protection Council (GWPC) Annual Forum which took place in Nashville, Tennessee on September 10 – 12, 2024.

TGPC members recognized and applauded Mary Musick, former TGPC Designated Chairman, for receiving GWPC's Mike Paque Distinguished Service Award. This award is given periodically to state groundwater regulators who have demonstrated an unwavering commitment to groundwater protection, and Mary Musick was acknowledged for her outstanding career and lasting impact at both the state and national levels (<https://www.gwpc.org/gwpc-presents-the-mike-paque-distinguished-service-award-to-mary-musick/>).

Kelly Mills (TCEQ) noted that the USGS would be accepting proposals for its National Ground-Water Monitoring Network funding program from October 10, 2024, through January 16, 2025. This initiative aimed to enhance the collection and accessibility of groundwater data across the United States. The funding supported:

- New and existing data providers in classifying monitoring sites;
- Monitoring well maintenance;
- Drilling new monitoring wells; and,
- Purchasing continuous water-level data collection equipment.

Those that were considering applying could contact TWDB (GroundwaterData@twdb.texas.gov, 512-475-3302) to coordinate data delivery to the USGS more effectively, and TWDB could assist with the application process and possibly also be able to provide a letter of support.

7. ANNOUNCEMENTS

Rules Update

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

- 2024-006-230-OW – Groundwater Certification Requirements;
- 2023-139-321-OW – Land Application of Dairy Waste and Disposal of Dairy Waste in Control Facility;
- 2024-009-285-CE – Proposed Changes to 30 Texas Administrative Code (TAC) Chapter 285, On-site Sewage Facilities (OSSFs);
- 2024-020-331-WS – Senate Bill (SB) 786 and SB 1186: Transfer of Class V Closed-Loop Geothermal Injection Wells and Class V Brine Disposal Injection Wells to RRC; and,
- Edwards Aquifer Protection Program Hearing.

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

Cindy Hooper (TCEQ) added that proposed rulemaking for implementing House Bill (HB) 4236 related to leaking water wells in certain counties was anticipated in December 2024. Justin Thompson (UTBEG) asked if a licensed geoscientist would be required, and if there would be any guidance on how certifications should be conducted. Cindy Hooper (TCEQ) indicated that a Professional Geologist (P.G.) or Professional Engineer (P.E.)

would be required, and that guidance would probably not be provided during the rulemaking process, but it would possibly be provided afterwards. Natalie Ballew (TWDB) added that they planned to provide guidance and a workshop for statewide professionals.

Natalie Ballew (TWDB) reported that their proposed rule amendments for Title 31 Texas Administrative Code (TAC) Chapter 356 regarding Groundwater Management had received one public comment, and that they would be taking the rule package to their Board for approval in December 2024.

Julia Stanford (TAGD) left the meeting at approximately 2:30 PM CDT and was absent for the remainder of the meeting.

New Publications

Kelly Mills (TCEQ) announced the publication of the *Texas Produced Water Consortium Report to the Texas Legislature 2024* (<https://www.depts.ttu.edu/research/tx-water-consortium/TXPWCFINALDRAFT.pdf>).

Upcoming Conferences

Kelly Mills (TCEQ) referred TGPC members to the conferences listed in the “2024 – 2025 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.

Kelly Mills (TCEQ) announced that the TAGD 2025 Groundwater Summit would be held on August 19 – 21, 2025, and the TAGD 2026 Groundwater Summit would be held on September 1 – 3, 2026.

Kelly Mills (TCEQ) noted that the TGPC exhibit booth was set up in the back of the room and asked the members if any of their handout materials or promotional items needed to be updated or added.

8. PUBLIC COMMENT

There was no public comment at the meeting.

David Villarreal (TDA) asked if the Final Draft *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 89th Legislature* could be shared with the Water Conservation Advisory Council (WCAC). Kelly Mills (TCEQ) indicated that he would be notified as soon as it was posted on the TCEQ website.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 2:41 PM CDT.