

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Third Quarterly Meeting, Fiscal Year 2021

Meeting Date: April 14, 2021
 Meeting No.: 133

Place: videoconference
 Room: N/A

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MEETING ATTENDANCE

Committee Members

Kelly Mills

Larry French

Christopher Heiligenstein

Eric Lawrence

David Villarreal

T.J. Helton

David Van Dresar

Rosario Sanchez

Bridget Scanlon

Adam Foster

Affiliation

Texas Commission on Environmental Quality
(TCEQ)

Texas Water Development Board (TWDB)

Railroad Commission of Texas (RRC)

Texas Department of State Health Services (DSHS)

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)

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Lorrie Council

Jose Davila

Lynne Fahlquist

Grant Gibson

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Peggy Hunka

Leah Martinsson

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Affiliation

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United States Geological Survey (USGS)

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TCEQ Radioactive Materials Division

TCEQ Water Availability Division

TCEQ Water Availability Division

TAGD

TCEQ Water Availability Division

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Interested Parties

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MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on April 14, 2021
2. Record for Texas Groundwater Protection Committee meeting on January 13, 2021
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meetings, March 10, 2021
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, March 10, 2021
5. TCEQ Rules Update, 04/09/2021
6. *Priority Groundwater Management Areas and Groundwater Conservation Districts – Report to the 87th Texas Legislature* (TCEQ publication SFR-053/20, January 2021, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/053-20.pdf)
7. 2021 Water-related Conferences in Texas, April 2021

MEETING RECORD OF APRIL 14, 2021

1. PRE-MEETING REMINDERS

Before the meeting started, Kelly Mills (TCEQ) provided the attendees with some tips that would facilitate a productive videoconference.

2. CALL TO ORDER AND INTRODUCTIONS

Due to the COVID-19 pandemic, on March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the TGPC met via videoconference.

Kelly Mills (TCEQ), Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:04 PM CDT and called the roll of TGPC members. The representatives from AgriLife Research and TDLR were not present at the beginning of the meeting.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Chris Heiligenstein (RRC) reported that the TGPC GWI Subcommittee last met on March 10, 2021 via videoconference 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:

- Preparations were made for the Fiscal Year (FY) 2021 Cooperative Monitoring season by arranging for analytical purchases and scheduling the annual training of the TWDB sampling team on March 9, 2021; the annual TCEQ Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) grant readiness review would be scheduled for later in March 2021;
- The Pesticides of Interest Tracking System (POINTS) Pesticide Assessment Database update was completed in December 2020; and,
- The Region 6 U.S. Environmental Protection Agency (EPA)/States/Tribes pesticide Spring meeting was tentatively scheduled for May 2021, and it would normally fall to New Mexico to host it in 2021, but it would likely be held virtually due to ongoing COVID-19 concerns.

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

- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 87th Legislature* (“Legislative Report”, SFR-047)
 - The TGPC Legislative Report was published and distributed to the Texas Legislature and it was available online at https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047-20.pdf.
- *Joint Groundwater Monitoring and Contamination Report – 2020* (“Joint Report”, SFR-056)
 - Work was ongoing in the preparation of the 2020 *Joint Report* and the goal was to have a final report for TCEQ publication in May 2021.
- *Groundwater Assessment for the 2022 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d)* (“Texas Integrated Report”)
 - TCEQ staff would begin work on the Groundwater Assessment portion of this biennial report in September 2021 and it was expected that the report would rely on water quality data from TWDB’s Groundwater Database; and,
 - The current report from 2020 was available online at <https://www.tceq.texas.gov/waterquality/assessment/20twqi/20txir>.
- *Landowner’s Guide to Plugging Abandoned Water Wells* (“Plugging document”, RG-347)
 - TGPC’s Public Outreach and Education (POE) Subcommittee reviewed and updated the Plugging document for readability and substantive changes; the revised document was presented and approved at the TGPC meeting in January 2021 and it was currently in the TCEQ publications process.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water;
- Emerging Contaminants;
- Aquifer Storage and Recovery (ASR);
- Abandoned Water Wells;
- Brackish Groundwater; and,
- Others (i.e., several groundwater-related bills that had recently been filed during the 87th Texas Legislative session).

As required by the GWI Subcommittee’s *Charge* (https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge10Jul2019.pdf), an updated draft of the TGPC GWI Subcommittee Fiscal Year 2022 – 2023 *Activity Plan* was presented and the final draft would be reviewed at the next meeting.

Diane Boellstorff (Texas A&M AgriLife Extension Service; i.e., AgriLife Extension) reviewed an updated draft of the *How is Groundwater Quality Affected by Wellhead Impacts from Flooding during Natural Disasters?* white paper which included two continuing research needs and five recommendations. The final draft of the white paper would be reviewed at the next meeting.

Ken Rainwater (TTU) reviewed the updated outline of the ASR white paper. Bridget Scanlon (UTBEG) offered to participate in future working meetings on the white paper. An initial draft of the white paper was expected at the next meeting.

Adam Foster (TDRL) presented the initial draft of the *Abandoned Water Wells and the Challenges They Pose* white paper. An updated draft of the white paper would be presented at the next meeting.

The next TGPC GWI Subcommittee meeting was scheduled for June 2, 2021.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee last met on March 10, 2021 and eight state agencies and organizations were represented.

The current Outreach Events Status Report (available on the POE Subcommittee webpage, <http://tgpc.state.tx.us/tgpc-subcommittees/tgpc-public-outreach-and-education-subcommittee/>, under the “Additional Resources” heading) was reviewed:

- AgriLife Extension Water Well Screening Events
 - No screening events were held in the past quarter; and,
 - It was hoped that the schedule of events could return to normal and that the events that were cancelled due to COVID-19 restrictions could be rescheduled for the summer of 2021.
- TGPC Exhibit Booth
 - There were no exhibit booth events in the past quarter.

Joel Pigg (AgriLife Extension) reviewed the Texas Well Owner Network (TWON) schedule of completed and confirmed water well one-day training events and workshops which showed there had been over 10,129 samples or attendees at TWON events since April 2011.

The Google Analytics activity report on the TGPC website for December 1, 2020 through February 28, 2021 was reviewed.

TGPC Groundwater Educational Outreach Plan Topic Updates:

- Abandoned wells and septic tanks – no report; and,
- Texas Evapotranspiration (ET) Networks – Guy Fipps (AgriLife Extension) gave a report on the status of the ET Network. He stated that the Frequently Asked Questions (FAQ) on the ET Network needed to be updated to include the Texas Mesonet Network since the ET Network ties into 26 Texas Mesonet stations.

An FAQ on preparing a water well for a flood or other natural disaster was discussed, and several suggestions for updates were made. The draft FAQ would be reviewed again at the next meeting.

An FAQ on real estate transactions was reviewed and discussed as to whether it should be an FAQ or a Fact Sheet. The draft FAQ would be discussed again at the next meeting.

The next TGPC POE Subcommittee meeting was scheduled for June 2, 2021.

Rosario Sanchez (AgriLife Research) joined at approximately 1:15 PM CDT and was present for the remainder of the meeting.

4. PRESENTATION

Lorrie Council (TCEQ) and Dan Hannah (TCEQ) gave a presentation on determining Aquifer Storage and Recovery (ASR) project recoverability from a Texas regulatory perspective. In Texas, ASR recoverability recognizes the underlying “Rule of Capture” basis of groundwater rights and the role that Groundwater Conservation Districts (GCDs) have with their authority to regulate withdrawal of groundwater within their district. TCEQ’s focus is on evaluating the potential of an aquifer to store and transmit water, given the site-specific proposed ASR project. TCEQ, in collaboration with Dr. Charlie Werth and the University of Texas at Austin (Center for Water and the Environment), developed a simple, analytical evaluation tool (i.e., applet) with a user-friendly interface and interactive features to assess the feasibility of water recharge, storage, and recovery. This ASR Applet (<https://txasr.tceq.texas.gov/>) was not intended to be a substitute for the use of a numerical model or monitoring wells. The presentation ended with a live demonstration of the ASR Applet.

Adam Foster (TDLR) joined at approximately 1:33 PM CDT and was present for the remainder of the meeting.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Status of Joint Groundwater Monitoring and Contamination Report – 2020

Cindy Hooper (TCEQ) reported that they had received all of the data that was needed from the various program areas for the *Joint Report* and that they were compiling the report. The next step was to submit it for TCEQ management review and approval within the next few weeks, and then it would be submitted to agency publications for posting online. There did not appear to be any substantive changes from the previous report, but they were looking at ways to format the report in order to enhance accessibility.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for July 14, 2021 at 1:00 PM CDT.

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 that 28 notices had been sent to the affected private water well owners and users.

Groundwater Management Areas

David Van Dresar (TAGD) reported that the Groundwater Management Areas (GMAs) were finalizing their proposed Desired Future Conditions (DFCs) which were due to TWDB by May 1, 2021. The final steps of the DFC planning process would take place in early 2022.

Regional Water Planning

Larry French (TWDB) reported that the draft 2022 *State Water Plan* was available on their website for public review and comment. The comment period would close on May 26, 2021, and a public hearing would be held on May 24, 2021 in order to receive comments in person. The public could also submit written comments. The 2022 *State Water Plan* was expected to be finalized in the summer of 2021.

Groundwater Availability Modeling

Larry French (TWDB) reported on the following items:

- The upgrade to the Northern Carrizo-Wilcox, Queen City, and Sparta Aquifers Groundwater Availability Model (GAM) had been completed and was being distributed to GCDs, river authorities, planning groups, and other stakeholders; and,
- Progress was continuing on several other GAMs, including:
 - Conceptual model for the Cross Timbers Aquifer;
 - Conceptual model for the Marathon Aquifer;
 - Upgrade of the Southern Carrizo-Wilcox, Queen City, and Sparta Aquifers GAM;
 - Upgrade of the Edwards-Trinity (Plateau) and Hill Country Trinity Aquifers GAMs; and,
 - Development of the Blossom Aquifer GAM.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that they had completed the *Nonpoint Source Pollution Management in Texas 2020 Annual Report* (<https://www.tsswcb.texas.gov/sites/default/files/files/programs/nonpoint-source-managment/2020%20NPS%20Annual%20Report.pdf>) and submitted it to the U.S. EPA. They had also been working on the update of the five-year *Texas Nonpoint Source Management Program* comprehensive plan, it was scheduled to be released for public comment at the end of May 2021, and it was due to the U.S. EPA in early 2022.

National Groundwater Information

Kelly Mills (TCEQ) reported that, in March 2021, Texas hosted the Western States Water Council virtual Spring 2021 meeting and TCEQ Chairman Jon Niermann was elected to be the Vice-Chairman. The meeting was well attended, and presentations were made by the TCEQ Chairman, TWDB Member Brooke Paup, as well as TCEQ and TWDB staff. TCEQ had posted a video from the meeting on their website

(<https://www.tceq.texas.gov/news/tceqnews/features/el-rio-bravo-del-norte-the-fierce-river-of-the-north>) where Chairman Niermann highlighted the Rio Grande River \ El Rio Bravo del Norte and some of the challenges to managing this shared resource. Kelly Mills (TCEQ) noted that TCEQ Commissioner Bobby Janecka had taken the lead for their agency’s interaction with Mexico for all of their agency programs.

7. ANNOUNCEMENTS

Rules Update

Cindy Hooper (TCEQ) reported on current TCEQ rulemaking that was of interest to the TGPC:

- 2020-011-291-OW – HB3542 and SB700: Regulation of Utilities;
- 2020-018-039-LS – Amend Public Notice & Participation Requirements;
- 2020-048-311-OW – Sand Mining Best Management Practices in the San Jacinto River Watershed; and,
- 2020-014-307-OW – Triennial Review of 30 TAC Chapter 307, Texas Surface Water Quality Standards (TSWQS).

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

New Publications

Kelly Mills (TCEQ) announced one TCEQ publication:

- *Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 87th Legislature* (TCEQ publication SFR-053/20, January 2021, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/053-20.pdf).

Upcoming Conferences

Kelly Mills (TCEQ) referred TGPC members to the conferences listed in the “2021 Water-related Conferences in Texas” handout – the current version of this handout is 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.

David Van Dresar (TAGD) announced that registration was open on their website for their annual Texas Groundwater Summit on August 31 – September 2, 2021, and that a live streaming option would also be available for the conference.

8. PUBLIC COMMENT

Lynne Fahlquist (USGS) reported that, although their NAWQA program was being sunsetted, some form monitoring using the existing sampling networks would continue.

David Villarreal (TDA) reported that the 11th Annual Central Texas Water Conservation Symposium (sponsored by the Water Conservation Advisory Council) would be held on April 20 – 21, 2021.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 2:08 PM CDT.