

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Fourth Quarterly Meeting, Fiscal Year 2020

Meeting Date: July 15, 2020
 Meeting No.: 130

Place: videoconference
 Room: N/A

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MEETING ATTENDANCE

Committee Members

Kelly Mills

Larry French

James Harcourt

Evelyn Reátegui-Zirena

David Villarreal

T.J. Helton

Leah Martinsson

John Tracy

Bridget Scanlon

David Gunn

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)

Agency Staff

Jennifer Allis

Abiy Berehe

Leslie Bruce

Alan Cherepon

Cindy Hooper

Peggy Hunka

Lillian Johnson

Morgan Johnson

Kathy McCormack

Kim Nygren

Yates Pfeiffer

Kathleen Ramirez

Swati Rawat

Affiliation

Program

TCEQ

Water Availability Division

TCEQ

Water Availability Division

RRC

Water Availability Division

TCEQ

Water Availability Division

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Water Availability Division

TCEQ

Water Supply Division

TCEQ

Office of the Commissioners

TCEQ

Water Availability Division

TCEQ

Water Availability Division

TCEQ

Water Availability Division

TCEQ

Water Availability Division
Toxicology Risk Assessment and Research Division

Interested Parties

Margo Cardwell

Eric Pastor

Jonathon Smith

Cierra Vaquera

Affiliation

Golder Associates

Porter Special Utility District

City of Carrollton

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on July 15, 2020
2. Record for Texas Groundwater Protection Committee meeting on January 15, 2020
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meetings, March 4, 2020 and June 10, 2020
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, March and June 2020
5. Texas Groundwater Protection Committee (TGPC) Legislative Report Subcommittee Status Report, July 15, 2020
6. Final Draft *As a Property Owner, What Should I Know About My Water Well ?* Frequently Asked Question (FAQ)
7. TCEQ Rules Update, 07/15/2020
8. *Landowner's Guide to Plugging Abandoned Water Wells* (TCEQ publication RG-347, revised April 2020, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-347.pdf)
9. 2020 Water-related Conferences in Texas, July 2020

MEETING RECORD OF JULY 15, 2020

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, the TGPC did not hold its third quarterly meeting of Fiscal Year 2020. 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, this was the first time that the TGPC had met via videoconference.

Kelly Mills (TCEQ), Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:06 PM CDT. Kelly Mills (TCEQ) called the roll of TGPC members, and then he announced that Earl Lott (TCEQ) was the new Deputy Director for TCEQ's Office of Water.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Leslie Bruce (RRC) reported that the TGPC GWI Subcommittee met on March 4, 2020 and June 10, 2020, and 10 and 12 state and federal agencies and organizations were represented at those meetings, respectively. Leslie Bruce (RRC) noted that the meeting on June 10, 2020 was held via teleconference.

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 at both meetings with the following most recent highlights.

- The Cooperative Pesticide Monitoring Program sampling had been delayed due to the COVID-19 pandemic;
- The TCEQ Interagency Pesticide Database (IPD) had been updated through 2019;
- The mid-year U.S. Environmental Protection Agency (EPA)/States/Tribes Pesticide meeting was held on May 11-12, 2020 as a videoconference and hosted by TDA; and,
- The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Revision 1.0 had been completed and provided to the U.S. EPA for review and approval.

At the meeting on June 10, 2020, Rebecca Storms (TWDB) indicated that they had drafted safety guidance for all agency field staff and it was in the final stages of approval.

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

- Groundwater Assessment for the *2020 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d)* (“*Texas Integrated Report*”, N/A)
 - The Groundwater Assessment was completed in March 2020 and transmitted to TCEQ’s Water Quality Planning Division;
 - TCEQ adopted the Draft 2020 Texas 303(d) List on March 25, 2020 and the U.S. EPA approved it on May 12, 2020;
 - The full report was available online at <https://www.tceq.texas.gov/waterquality/assessment/20twqi/20txir>; and,
 - The TWDB groundwater database was used extensively for this report.
- *Joint Groundwater Monitoring and Contamination Report – 2019* (“*Joint Report*”, SFR-056)
 - The 2019 *Joint Report* was being finalized.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 87th Legislature* (“*Legislative Report*”, SFR-047)
 - The TGPC Legislative Report Subcommittee was reactivated at the TGPC meeting on January 15, 2020 and two meetings had been held in order to prepare the report; and,
 - The report was anticipated to be published and distributed to the Texas Legislature by December 2020.
- *Landowner’s Guide to Plugging Abandoned Water Wells* (“*Plugging document*”, RG-347)
 - The TGPC POE Subcommittee had updated the links in the document, which was last revised in March 2010, and the updated document would be added to TCEQ’s website soon; and,
 - The POE Subcommittee intended to review the document for possible substantive updates, as well.

The following current groundwater issues were discussed at one or both of the meetings:

- Emerging Contaminants;
- Aquifer Storage and Recovery (ASR);
- Abandoned Water Wells;
- Endangered Species; and,
- Others (i.e., a statewide repository of seismic data, TWDB’s new monitoring program for springs, and the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Water Resource Subcommittee would be identifying locations throughout the state for source water protection funding for both groundwater and surface water).

As required by the GWI Subcommittee’s *Activity Plan*

(https://tgpc.texas.gov/gwissues/activity_plans/TGPC_GWI_FY2020_2021_ActivityPlan_10Jul2019.pdf), the *Texas Groundwater Protection Committee Groundwater Issues Subcommittee Charge* (“*Charge*”) underwent its annual review on June 10, 2020, and no additional changes were proposed.

The two white papers that were under development were discussed at both meetings:

- Ken Rainwater (Texas Tech University) presented the updated outline of the ASR white paper on March 4, 2020, and he indicated on June 10, 2020 that he hoped to have a draft of the ASR white paper for the next GWI Subcommittee meeting. On March 4, 2020, Natalie Ballew (TWDB) noted that they would be publishing an ASR report for the next legislative session.
- After receiving GWI Subcommittee member feedback on March 4, 2020, Diane Boellstorff (Texas A&M AgriLife Extension Service, AgriLife Extension) reviewed an initial outline of the *How is Groundwater Quality Affected by Wellhead Impacts from Flooding during Natural Disasters?* white paper on June 10, 2020. Members provided additional feedback in the discussion that followed, and an updated outline or initial draft of the white paper would be presented at the next meeting.

The next TGPC GWI Subcommittee meeting was scheduled for September 9, 2020.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee met on March 4, 2020 and June 10, 2020. Eight state agencies and organizations were represented at the March 4, 2020 meeting, and 10 attended the teleconference held on June 10, 2020.

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

- AgriLife Extension Water Well Screening Events
 - There had been no events held since the last meeting, and although four were originally scheduled through July 2020, there was only one tentative event scheduled at the time of the meeting.
- TGPC Exhibit Booth
 - There had been two events with the TGPC exhibit booth since the last meeting, including the National Groundwater Awareness Week poster displayed at the State Capitol and at the offices of TGPC member agencies during the week of March 10, 2020.

Diane Boellstorff (AgriLife Extension) reviewed the Texas Well Owners Network (TWON) schedule of water well one-day training events and workshops which showed there had been over 10,038 samples or attendees at TWON events since April 2011.

The Google Analytics activity report for the TGPC website was reviewed at each meeting. There was a discussion on social media presence (or the lack of it) and how to create a larger online presence.

At the March 4, 2020 meeting, Claire Satterwhite (TDLR) provided an update on the Memorandum of Understanding between TDLR and Groundwater Conservation Districts (GCDs) regarding abandoned water wells, and David Villarreal (TDA) provided an

update on the Water Conservation Advisory Council's progress regarding a recommendation for an Evapotranspiration Network.

Diane Boellstorff (AgriLife Extension) discussed the printing of the *Drinking Water Problems: Arsenic* fact sheet when it was completed. Hard copies of the publication are distributed during TWON events. Diane Boellstorff (AgriLife Extension) then led a discussion on the update of the fact sheet which was finalized at the June 10, 2020 meeting.

Leslie Bruce (RRC) presented the final draft of the *As a Property Owner, What Should I Know about My Water Well ?* Frequently Asked Question (FAQ). POE Subcommittee members approved the final draft FAQ and it would be presented to the TGPC at its next meeting.

Peggy Hunka (TCEQ) announced that the *Landowner's Guide to Plugging Abandoned Water Wells* (TCEQ publication RG-347, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-347.pdf) with updated website links had been posted on the TCEQ and TGPC websites. Peggy Hunka (TCEQ) provided the document to the POE Subcommittee members so that they could consider additional potential updates.

The next POE Subcommittee meeting was scheduled for September 9, 2020.

James Harcourt (RRC) joined the meeting at approximately 1:19 PM CDT.

Legislative Report

Abiy Berehe (TCEQ) reported that the TGPC Legislative Report Subcommittee was re-activated at the last TGPC meeting on January 15, 2020 in order to prepare the *Activities and Recommendations of the Texas Groundwater Protection Committee: A Report to the 87th Texas Legislature ("Legislative Report")*. The Legislative Report Subcommittee had met in person on March 4, 2020 and via teleconference on June 10, 2020.

Abiy Berehe (TCEQ) provided a summary of those two meetings:

- The Legislative Report Subcommittee reviewed the process and timeline for the completion of the *Legislative Report*;
- In both meetings, the Legislative Report Subcommittee reviewed the statute that created the TGPC and worked on various recommendations that pertained to the TGPC's charges and protection of groundwater quality in the state;
- The draft *Legislative Report* would be presented for discussion during the Business portion of the TGPC meeting on July 15, 2020. If approved, it would be quickly routed to the TGPC members for their respective management review and concurrence;
- TCEQ staff would seek approval to make non-substantive changes during the publication process; and,
- The final draft *Legislative Report* would be presented at the TGPC meeting in October 2020 for approval before TCEQ staff submitted it to TCEQ Publications.

The Legislative Report Subcommittee planned to distribute the final report to the Texas Legislature in December 2020 before the next legislative session began in January 2021.

4. PRESENTATION

There was no presentation at the meeting.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 87th Legislature

Kelly Mills (TCEQ) reviewed the draft *Legislative Report* with the TGPC members. Leah Martinsson (TAGD) and David Villarreal (TDA) had suggestions for improvement. David Gunn (TDLR) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the draft *Legislative Report*, allowing TCEQ staff to 1) make the minor changes discussed during the meeting and any non-substantive changes required during the publication process, and 2) distribute the report to each TGPC member to take back to their management for concurrence.

As a Property Owner, What Should I Know About My Water Well ? FAQ

Peggy Hunka (TCEQ) presented the final draft of the *As a Property Owner, What Should I Know about My Water Well ? FAQ* to the TGPC for approval. Larry French (TWDB) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the final draft FAQ. The FAQ would be posted on the TGPC website.

Committee Agenda

Kelly Mills (TCEQ) asked if the TGPC members had any thoughts about the TGPC's meeting agenda items and if they had any changes to suggest. Several TGPC members said that the agenda was acceptable at this time.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for October 21, 2020 at 1:00 PM CDT.

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

Groundwater Contamination Notice Coordination (Texas Water Code §26.408)

Peggy Hunka (TCEQ) reported that their Impact Evaluation Team (IET) had met 10 times, reviewed 22 cases, and sent 324 notices to private well owners and users since the last TGPC meeting. The Reese Air Force Base case that was originally reviewed at the IET meeting on March 6, 2018 was the source for 228 of those notification letters (138 to owners of impacted wells, and 90 to owners whose wells were potentially impacted), and these should be the last notices for that case.

Groundwater Management Areas

Leah Martinsson (TAGD) reported that many of the Groundwater Management Areas (GMAs) had canceled their early and late spring meetings due to the COVID-19 pandemic, but most of them had been holding virtual meetings recently. The GMAs were reviewing their Desired Future Conditions (DFCs), and only a few anticipated significant changes (e.g., based on new models or revised territory boundaries), so the DFCs should be completed on time.

Regional Water Planning

Larry French (TWDB) reported that:

- TWDB provided final agency comments on the initially prepared plans to all 16 Regional Water Planning Groups (RWPGs), and the RWPGs were holding virtual or in-person public meetings and working meetings in order to submit their final Regional Water Plans to TWDB by October 14, 2020; and,
- The Interregional Planning Council had been meeting virtually, had separated into several Subcommittees to continue their work, and their report was due to TWDB by October 16, 2020.

Groundwater Availability Modeling

Larry French (TWDB) reported that:

- The conceptual model report for the Blossom Aquifer Groundwater Availability Model (GAM) was under review;
- A stakeholder meeting to present the draft report for the conceptual model of the Northern Segment of the Edwards (Balcones Fault Zone) and Trinity Aquifers GAM was scheduled for August 4, 2020; the draft report was available online for a 30-day public review and comment period;
- The conceptual model report for the Gulf Coast Aquifer System (Groundwater Management Areas (GMAs) 15 and 16) was in agency review;

- The update to the framework for the Edwards-Trinity (Plateau), Pecos Valley Alluvium, Edwards (Balcones Fault Zone), and underlying Trinity Aquifers GAM was nearly complete;
- Work was proceeding on the updated model for southern portion of the Carrizo-Wilcox, Queen City, and Sparta Aquifers; the interim draft conceptual model was due by the end of 2020;
- The interim framework deliverable for the conceptual model for Cross Timbers Aquifer was in review;
- The draft final report for the updated model of northern portion of Carrizo-Wilcox, Queen City, and Sparta Aquifers was due July 17, 2020; it would be posted for a 30-day public review and comment period;
- They continued to work with the United States Geological Survey (USGS) and the two subsidence districts in the Houston area on the update of the Northern Gulf Coast GAM (now called the Gulf model) with a stakeholder meeting held recently; and,
- They were working with potential contractors on three research projects – the conceptual model for the Marathon Aquifer, updating the groundwater pumping datasets and protocols for the Edwards-Trinity (Plateau) and Trinity (Hill Country) model, and stream base flow and recharge quantification for the aquifers in the Hill Country and Edwards Plateau region.

Larry French (TWDB) added that the Statewide Suitability Study of Aquifer Storage and Recovery Sites was in progress; a final report would be submitted to the 87th Texas Legislature by the end of 2020.

James Harcourt (RRC) left the meeting at approximately 1:58 PM CDT.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that TCEQ's Request for Grant Applications (RFGAs) for Nonpoint Source Pollution (NPS) projects funded under the Clean Water Act (CWA) Section 319(h) Grant Program was open until July 17, 2020, and TSSWCB would open their similar Request for Proposals in August 2020 and they would close in September 2020.

Cindy Hooper (TCEQ) reported that TCEQ and TSSWCB were in the process of updating the Texas Nonpoint Source Management Program as required by Section 319 of the CWA. Texas had previously updated the Management Program in 2017, and this revision should be available in 2022. TCEQ staff in the Groundwater Planning and Assessment Team had provided comments to TCEQ NPS staff who were facilitating TCEQ's portion of the report.

National Groundwater Initiatives

Kelly Mills (TCEQ) reported that the Ground Water Protection Council (GWPC) sponsored a produced water webinar on July 13, 2020. Bridget Scanlon (UTBEG) reported that she had attended the webinar and that GWPC would try to add produced

water information into FracFocus in order to indicate the source of the water (i.e., surface water, groundwater, or produced water) that was used for hydraulic fracturing and whether the source water had less than or greater than 1,000 mg/L of Total Dissolved Solids (TDS).

7. ANNOUNCEMENTS

Rules Update

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

- 2016-022-331-WS – Permit Streamlining Pre-Injection Units;
- 2019-108-281-OW – Revisions to Expedite Deficiency Notices and Responses;
- 2020-016-007-LS – House Bill (HB) 2230 & HB 2771: Memorandum of Understanding (MOU) with RRC;
- 2018-004-344-CE – Landscape Irrigation Backflow Assemblies;
- 2020-003-OTH-NR – Draft 2020 Texas Integrated Report;
- 2019-117-331-WS – Senate Bill (SB) 483 and SB 520: Permits and the Storage and Recovery of Water in a Portion of the Edwards Aquifer;
- 2019-116-297-OW – HB 720 and HB 1964: Procedure for Action on Certain Water Right Amendment Applications and Surface Water Appropriations for Aquifer Recharge (AR) and ASR;
- 2019-102-295-OW – Diversion and Discharge Zones for Marine Seawater Desalination Plants;
- 2019-121-033-OLS – Amendments and New Rules to Implement Quadrennial Review of Public Notice and Procedural Rules; and,
- 2017-035-312-OW – Administrative Updates to the Sludge Rule.

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 four TCEQ publications:

- *Landowners Guide to Plugging Abandoned Water Wells*, TCEQ publication RG-347 (revised April 2020), https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-347.pdf;
- *After a Disaster: Is Your Drinking Water Safe ?*, TCEQ publication GI-431 (revised April 2020), https://www.tceq.texas.gov/assets/public/comm_exec/pubs/gi/gi-431.pdf;
- The Spanish version of *Disinfecting Your Private Water Well*, TCEQ publication GI-432esp (new April 2020), https://www.tceq.texas.gov/assets/public/comm_exec/pubs/gi/gi-432esp.pdf; and,
- The Spanish version of *How to Sample for Bacteriological Contaminates in Your Private Well Water and Understand the Results*, TCEQ publication GI-433esp (new

April 2020), https://www.tceq.texas.gov/assets/public/comm_exec/pubs/gi/gi-433esp.pdf.

Kelly Mills (TCEQ) added that the *2019 Joint Groundwater Monitoring and Contamination Report* was being finalized by TCEQ Agency Publications and was expected to be published within the next few weeks.

Upcoming Conferences

Kelly Mills (TCEQ) referred TGPC members to the conferences listed in the “2020 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. Kelly Mills (TCEQ) noted that the annual TCEQ Public Drinking Water Conference on August 4 – 5, 2020 would be virtual.

Leah Martinsson (TAGD) announced that their annual Texas Groundwater Summit on September 1 – 3, 2020 would also be virtual.

8. PUBLIC COMMENT

There was no public comment at the meeting, but Kelly Mills (TCEQ) thanked the TCEQ staff that had worked to make the meeting possible, as well as the TGPC Subcommittee Co-Chairs and members who support the TGPC. Leslie Bruce (RRC), Larry French (TWDB), and Bridget Scanlon (UTBEG) also thanked the TCEQ staff responsible for setting up the videoconference.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 2:13 PM CDT.