

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

Meeting Date: October 23, 2019
Meeting No.: 128

Place: TCEQ Campus, Bldg F
Room: 2210

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MEETING ATTENDANCE

Committee Members

Kelly Mills

Larry French

Leslie Bruce

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

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

Sainath Babu

Natalie Ballew

Abiy Berehe

Alan Cherepon

Lorrie Council

Theresa Demboski

Lynne Fahlquist

Grant J. Gibson

Cindy Hooper

Peggy Hunka

Kathy McCormack

Chris Moore

Kim Nygren

Michael Parr

Richard Peltier

Peter Pope

Swati Rawat

Claire Satterwhite

Darrel Solanik

Penny Sterling

L. Scott Underwood

Affiliation

TCEQ

TWDB

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TCEQ

TCEQ

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United States Geological Survey (USGS)

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

RRC

TCEQ

TDLR

TCEQ

TCEQ

TCEQ

Program

Toxicology Risk Assessment and Research Division

Water Availability Division

Water Availability Division

Radioactive Materials Division

Monitoring Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Remediation Division

Water Availability Division

Environmental Law Division

Remediation Division

Toxicology Risk Assessment and Research Division

Monitoring Division

Monitoring Division

Water Availability Division

<u>Interested Parties</u>	<u>Affiliation</u>
Cary L. Betz	
Janie Hopkins	
Ken Kramer	Sierra Club
Paul S. Lewis	
Robert Mace	The Meadows Center for Water and the Environment
James Morriss	Thompson & Knight, LLP
Mary Musick	Ground Water Protection Council (GWPC)
Steve Musick	Musick Groundwater Consulting
Eric Pastor	Golder Associates
Melanie Scruggs	
Greg Tipple	
Philip Webster	Hays Trinity Groundwater Conservation District (HTGCD)
Tammy West	City of Austin, Austin Water

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 23, 2019
2. Record for Texas Groundwater Protection Committee meeting on July 10, 2019
3. History of the Texas Groundwater Protection Committee, October 23, 2019
4. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, September 4, 2019
5. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, September 2019
6. Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Annual Report, October 23, 2019
7. Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Annual Report, October 18, 2019
8. Drought 2019 – U.S. Drought Monitor, Texas, October 15, 2019; Public Water Supply Systems Affected, October 17, 2019; TCEQ List of Texas PWSs Limiting Water Use to Avoid Shortages, October 17, 2019; U.S. Seasonal Drought Outlook, October 1, 2019 – January 31, 2020
9. TCEQ Rules Update, 10/23/2019
10. 2019 – 2020 Water-related Conferences in Texas, October 2019
11. TGPC business cards

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

1. TGPC Public Information Act Policy
2. *Joint Groundwater Monitoring and Contamination Report – 2018*

MEETING RECORD OF OCTOBER 23, 2019

1. CALL TO ORDER AND INTRODUCTIONS

Kelly Mills (TCEQ), Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:11 PM CDT. TGPC members then introduced themselves as well as their former colleagues in the audience.

2. SUBCOMMITTEE REPORTS

The Subcommittee Reports were given after the presentation and break when Kelly Mills (TCEQ) called the meeting back to order.

Groundwater Issues

Kathy McCormack (TCEQ) reported that the TGPC GWI Subcommittee last met on September 4, 2019 and 11 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:

- TCEQ Pesticide Monitoring (northern Panhandle):
 - 19 samples, immunoassay analysis (IA) for atrazine and 2,4-D;
 - Three low atrazine detects (high of 0.50 ppb), one low 2,4-D detect (0.72 ppb); and,
 - Lab results: Atrazine detect in one well (0.18 ppb); Bromacil (2.7 ppb) and Simazine (0.14 ppb) detects in one well.
- Cooperative Pesticide Monitoring Program with TWDB (Trinity, Edwards, and Edwards-Trinity Aquifers and several minor aquifers):
 - 131 samples, all IA for atrazine, 79 analyzed for 2,4-D; and,
 - Three atrazine detects (high of 0.06 ppb), six low 2,4-D detects (high 0.75 ppb).
- The update and quality assurance and control activities on the Interagency Pesticide Database (IPD) had been completed for all 2019 groundwater monitoring samples from TCEQ and the Cooperative Pesticide Monitoring Program.
- TCEQ provided displays and personnel for the Southern Regional Water Conference in College Station on July 24 – 25, 2019, the annual Public Drinking Water Conference in Austin on August 8 – 9, 2019, and the Milam/Burleson Counties Groundwater Summit in Caldwell on August 14, 2019.

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

- *Joint Groundwater Monitoring and Contamination Report – 2018 (“Joint Report”, SFR-056)*:
 - Staff had published and distributed the 2018 *Joint Report*; and,

- The report was posted on the TCEQ's and TGPC's websites and a notice of its publication was sent to County Judges, County Health Officials, and Groundwater Conservation Districts.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water;
- Abandoned Water Wells;
- Wellhead Impacts After Natural Disasters; and,
- Desalination.

The draft TGPC GWI Subcommittee Fiscal Year (FY) 2019 *Annual Report* was reviewed and approved by the TGPC GWI Subcommittee with the changes discussed at the meeting, and it would be presented to the TGPC for approval at their next meeting.

An update of the TGPC GWI Subcommittee White Paper Outline was reviewed and approved by the TGPC GWI Subcommittee and it had been posted on the TGPC website. The wording in the outline regarding the goals of the TGPC GWI Subcommittee now matched the recently updated TGPC GWI Subcommittee *Charge*.

The next TGPC GWI Subcommittee meeting was scheduled for December 4, 2019.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee last met on September 4, 2019 and seven state agencies and organizations were represented.

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

- Texas A&M AgriLife Extension Service (AgriLife Extension) Water Well Screening Events
 - There were five upcoming water well screening events.
- TGPC Exhibit Booth
 - Since the previous TGPC POE Subcommittee meeting, there had been four events with a total of 180 views.

Diane Boellstorff (AgriLife Extension) reviewed the Texas Well Owners Network (TWON) schedule of completed, confirmed, obligated, and suggested water well one-day training events and workshops which showed there had been over 9,616 samples or attendees at TWON events since April 2011.

The Google Analytics activity report on the TGPC website for June 4 – August 29, 2019 was reviewed.

Diane Boellstorff (AgriLife Extension) reviewed the work performed on updating the AgriLife Extension fact sheet, *Drinking Water Problems: Arsenic*.

Leslie Bruce (RRC) provided an update on the Frequently Asked Question (FAQ) titled *What Should I Know About My Water Well and Why?*

The next TGPC POE Subcommittee meeting was scheduled for December 4, 2019.

3. PRESENTATION

The presentation was given before the Subcommittee Reports.

Kelly Mills (TCEQ) provided a history of the Texas Groundwater Protection Committee's 30 years of service to the citizens of Texas. With a membership that includes ten statewide agencies and organizations, the TGPC bridges the gap between groundwater programs across the state and works to protect groundwater as a vital resource. Over its 30-year history, the TGPC had produced and delivered 15 reports to the legislature with recommendations; produced and delivered 30 *Joint Groundwater Monitoring and Contamination Reports*, tracking 21,252 cases of groundwater contamination; produced numerous brochures, factsheets, and white papers on groundwater-related subjects; participated in the preparation of three Pesticide Management Plans; and, produced three groundwater protection strategies for the state. Everyone was then invited to take a short break and enjoy the light refreshments.

The meeting break was approximately 1:24 – 1:53 PM CDT. A quorum of designated TGPC representatives and alternates were present at the meeting and they were reminded not to discuss TGPC business during the break.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

TGPC Groundwater Issues Subcommittee Annual Report

Kathy McCormack (TCEQ) presented the *TGPC Groundwater Issues Subcommittee Annual Report* (“*Annual Report*”) to the TGPC for approval. David Gunn (TDLR) proposed, Leah Martinsson (TAGD) seconded, and all remaining TGPC members approved the *Annual Report*. The *Annual Report* would be posted on the TGPC website.

TGPC Public Outreach and Education Subcommittee Annual Report

Peggy Hunka (TCEQ) presented the *TGPC Public Outreach and Education Subcommittee Annual Report* (“*Annual Report*”) to the TGPC for approval. David Villarreal (TDA) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the *Annual Report*. The *Annual Report* would be posted on the TGPC website.

Current Groundwater Issues

There was no discussion of this topic at the meeting.

Texas Groundwater Protection Strategy Implementation

There was no discussion of this topic at the meeting.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for January 15, 2020 at 1:00 PM CST.

5. 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 two times in the last quarter. Four groundwater contamination cases were reviewed and 67 notification letters were mailed to private water well owners.

Groundwater Management Areas

Leah Martinsson (TAGD) reported that most of the Groundwater Management Areas (GMAs) were working on their Desired Future Conditions (DFCs) for the next round of joint planning, and TWDB had the GMA meetings posted on their website. The DFCs were due by May 20, 2021, with final adoption scheduled for January 2022.

David Villarreal (TDA) added that the Water Conservation Advisory Council (WCAC) was working on their legislative recommendations, and they were interested in the legislative recommendations being developed by the TGPC.

Regional Water Planning

Larry French (TWDB) reported that:

- The Regional Water Planning Groups were developing their Initially Prepared Plans which were due to TWDB by March 3, 2020; and,
- Staff were working on a draft State Water Plan (which is a roll-up of the regional plans).

Groundwater Availability Modeling

Larry French (TWDB) reported that:

- They were completing the Groundwater Availability Model (GAM) for the Blossom Aquifer in the northeast portion of the state and that this was a first-generation model;
- By mid-2020, the upgrade of the Northern Carrizo-Wilcox Aquifer GAM (for most of east Texas) would be completed; this was a second-generation GAM that would include an improved characterization of groundwater-surface water interactions and updated groundwater pumping data;

- The upgrade of the Northern Edwards (Balcones Fault Zone) Aquifer GAM was almost complete and should also be finished by mid-2020; this aquifer is a significant regional source of water for cities and rural customers in Travis County and northward into Bell County;
- They were continuing work on the central and southern Gulf Coast Aquifer System GAM; this was a combination of two existing GAMs that would represent a large regional model, and it would not be complete for several more years;
- They were cooperating with the Harris-Galveston Subsidence District on a major upgrade of the Northern Gulf Coast Aquifer System GAM; this would be integrated into their Coastal Lowlands regional modeling program, and TWDB would be providing technical support to the District in 2020 as they worked with USGS;
- They had started two new projects: the upgrade of the Southern Carrizo-Wilcox Aquifer GAM (following up on recent work to map salinity zones in the aquifer), and the development of a conceptual model for the Cross Timbers Aquifer (a new, large, minor aquifer in north-central Texas); and,
- They had hired three out of the four positions approved by the legislature; these new staff would be working on upgrading models to current computer codes and enhancing some of the models to include groundwater-surface water interactions, with the Hill Country Trinity Aquifer and Edwards-Trinity (Plateau) Aquifer GAMs being top priorities.

Larry French (TWDB) added the following update for their Brackish Aquifer Characterization program:

- They were finalizing the report for the Wilcox, Carrizo, Queen City, Sparta, and Yegua Aquifers, and hoped to publish them within a few months;
- They were working on water quality aspects of the Hill Country Trinity Aquifer; and,
- Final reports and data would be posted for the Blossom, Nacatoch, and Northern Trinity Aquifers soon.

Larry French (TWDB) also noted that the legislature had provided additional staff for their Brackish Aquifer Characterization and Aquifer Storage and Recovery (ASR) programs, as well as funding for a statewide ASR suitability study. TWDB had issued a Request for Qualifications (RFQ) to perform that ASR study with a due date of November 12, 2019.

Evelyn Reátegui-Zirena (DSHS) left at approximately 2:17 PM CDT, returned at approximately 2:19 PM CDT, and was present for the remainder of the meeting.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that their Request for Proposals (RFP) for watershed assessment, planning, implementation, demonstration, and education projects seeking funding under the FY 2020 Clean Water Act §319(h) Nonpoint Source Grant Program had closed at the end of September 2019. Up to ten percent of this grant could be used

for groundwater projects. They were reviewing 25 proposals requesting approximately \$12 million.

National Groundwater Initiatives

Abiy Berehe (TCEQ) reported that the Ground Water Protection Council (GWPC) 2019 Annual Forum was held in Oklahoma City, Oklahoma on September 15-17, 2019. Major topics discussed during the conference included:

- The current initiatives of the U.S. Environmental Protection Agency (EPA):
 - Improving the Underground Inject Control (UIC) permit application process;
 - Streamlining and modernizing the UIC data application process;
 - Amending the 45Q tax credit for carbon dioxide sequestration;
 - A Drinking Water Mapping Application to protect source waters; and,
 - A draft National Water Reuse Action Plan.
- The GWPC’s produced water report that was recently published in response to concerns about:
 - The amount of water produced from current oil and gas production activities;
 - Fresh water sources that were under stress due to increasing drought frequency, intensity, and duration, as well as increasing population levels; and,
 - The occurrence of induced seismicity in certain regions of the country.The report concluded that produced water reuse had local potential but required careful thought.
- The U.S. EPA’s recently published draft produced water report which was a survey of stakeholders. This report recognized that there was insufficient data about produced water and the performance of treatment technology, and that there were potential issues with the cost of treatment and the water quality of receiving surface water bodies. The U.S. EPA was interested in new approaches to manage this resource for beneficial use, and the final report was expected by the end of 2019.

Drought Status

Kelly Mills (TCEQ) referred TGPC members to the most recent U.S. Drought Monitor and TCEQ drought-affected Public Water Systems (PWSs) maps, as well as the TCEQ List of PWSs Limiting Water Use to Avoid Shortages (aka, the “180-day list”). As of October 15, 2019, 62 % of the state was classified as D0 through D3, up from 5 % at the last TGPC meeting, with a U.S. Seasonal Drought Outlook forecast of persisting drought conditions in central Texas through January 31, 2020. As of October 17, 2019, of the 4,647 active community water systems in Texas, 1,061 were affected by drought (either voluntary or mandatory), and 755 of those used groundwater (either partially or exclusively). As of October 17, 2019, five PWSs in the state could be out of water in 180 days or less (up from four at the last TGPC meeting).

Kelly Mills (TCEQ) added that the state climatologist gave a presentation at a recent Texas Water Conservation Association meeting, and the projection was for average precipitation over the next six months.

6. ANNOUNCEMENTS

Rules Update

Kelly Mills (TCEQ) reported on current TCEQ rulemaking that was of interest to the TGPC:

- 2018-004-344-CE – Landscape Irrigation Backflow Assemblies;
- 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 and Aquifer Storage and Recovery;
- 2019-117-331-WS – SB 483 and SB 520: Permits and the Storage and Recovery of Water in a Portion of the Edwards Aquifer;
- 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;
- 2017-035-312-OW – Administrative Updates to the Sludge Rule;
- 2016-042-309-OW – Amendment of Chapters 222 and 309 Relating to Beneficial Reuse Credits; and,
- Rules undergoing Quadrennial Review under Texas Government Code §2001.039:
 - 2019-037-210-OW – Rule Review of Chapter 210;
 - 2019-060-294-OW – Rule Review of Chapter 294;
 - 2019-096-007-LS – Rule Review of Chapter 7;
 - 2019-059-230-OW – Rule Review of Chapter 230;
 - 2019-093-213-CE – Rule Review of Chapter 213;
 - 2019-061-307-OW – Rule Review of Chapter 307;
 - 2019-043-309-OW – Rule Review of Chapter 309;
 - 2019-090-214-CE – Rule Review of Chapter 214;
 - 2019-035-312-OW – Rule Review of Chapter 312;
 - 2019-033-321-OW – Rule Review of Chapter 321;
 - 2019-069-293-OW – Rule Review of Chapter 293;
 - 2019-003-331-WS – Rule Review of Chapter 331; and,
 - 2019-088-333-WS – Rule Review of Chapter 333.

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 the publication of *Joint Groundwater Monitoring and Contamination Report – 2018*, TCEQ publication SFR-056/18, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/056-18.pdf.

Larry French (TWDB) announced the publication of *The Edwards Aquifer: The Past, Present, and Future of a Vital Water Resource*, Geological Society of America Memoir

215, <https://pubs.geoscienceworld.org/books/book/2156/The-Edwards-Aquifer-The-Past-Present-and-Future-of>.

Leslie Bruce (RRC) announced the recent publication of pamphlets describing their various site remediation programs that were available at <https://www.rrc.state.tx.us/oil-gas/environmental-cleanup-programs/site-remediation/>.

Upcoming Conferences

Kelly Mills (TCEQ) referred TGPC members to the conferences listed in the “2019 – 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.

Larry French (TWDB) noted the 19th Annual Bell County Water Symposium that was scheduled for November 6, 2019 in Killeen. Leah Martinsson (TAGD) indicated that she would be moderating several panels there.

7. PUBLIC COMMENT

Mary Musick (GWPC) announced that USGS had a national groundwater monitoring network, and that there was an RFP for \$2 million in cooperative agreements available at <https://www.grants.gov/> (Opportunity Number G20AS00009, FY2020 National Groundwater Monitoring Network, CFDA 15.980). There would be an online seminar on November 7, 2019 for new data providers, and another one on December 11, 2019 to assist applicants with their proposals. The goal of the network was to monitor long-term trends.

8. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 2:36 PM CDT.