

**TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING**

Third Quarterly Meeting, Fiscal Year 2024

Meeting Date: April 24, 2024
Meeting No.: 145

Place: TCEQ Campus, Bldg F
Room: 5108

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MEETING ATTENDANCE

Committee Members

Kelly Mills	Texas Commission on Environmental Quality (TCEQ)
Rebecca Storms	Texas Water Development Board (TWDB)
James Harcourt	Railroad Commission of Texas (RRC)
Eric Lawrence	Texas Department of State Health Services (DSHS)
David Villarreal	Texas Department of Agriculture (TDA)
David Van Dresar	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>
Josh Amador	TCEQ	Intergovernmental Relations Division
Abiy Berehe	TCEQ	Water Availability Division
Katie Brice	TCEQ	Water Availability Division
Alan Cherepon	TCEQ	Water Availability Division
Stephanie Escobar	TCEQ	Water Availability Division
Thomas Fenstemaker	TCEQ	Radioactive Materials Division
Dan Hannah	TCEQ	Radioactive Materials Division
Christopher Heiligenstein	RRC	
Cindy Hooper	TCEQ	Water Availability Division
Peggy Hunka	TCEQ	Water Availability Division
Marty Kelly	Texas Parks and Wildlife Department (TPWD)	
Royce Massey	RRC	
Kathy McCormack	TCEQ	Water Availability Division
Robert Nail	TCEQ	Radioactive Materials Division
Stephan Paetzold	RRC	
Alyssa Pantuso	TCEQ	Program Support and Environmental Assistance Division
Sarah Schreier	TCEQ	Radioactive Materials Division
Kory Talcott	TCEQ	Water Availability Division
Scott Underwood	TCEQ	Water Availability Division

Interested Parties

<u>Interested Parties</u>	<u>Affiliation</u>
Lorrie Council	Ground Water Protection Council
Katherine Howard	Texas Association of Counties
Olabisi Kenku	BXP Energy
Ken Kramer	
Martha Pskowski	Inside Climate News
Clint Smith	Half Associates

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on April 24, 2024
2. Record for Texas Groundwater Protection Committee meeting on January 10, 2024
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, March 20, 2024
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, March 20, 2024
5. Texas Groundwater Protection Committee (TGPC) Legislative Report Subcommittee Status Report, April 24, 2024
6. TGPC Website Activity Report, January 1 – March 31, 2024
7. TCEQ Rules Update, 3/23/2024
8. 2024 Water-related Conferences in Texas, April 2024

MEETING RECORD OF APRIL 24, 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 1:33 PM CDT and called the roll of TGPC members. The designated representative or alternate from the Texas State Soil and Water Conservation Board (TSSWCB) was not present at the meeting.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Kathy McCormack (TCEQ) reported that the Subcommittee last met via videoconference on March 20, 2024, and 13 state 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:

- The revised Fiscal Year (FY) 2024 TCEQ Quality Management Plan (QMP) was approved by U.S. Environmental Protection Agency (EPA) Region 6 on December 7, 2023;
- In December 2023, the Pesticides of INterest Tracking System (POINTS) Pesticide Assessment Database was updated for Texas for FY 2023 and uploaded to the U.S. EPA Central Data Exchange-FIFRA Grant Database (CDX-FGD); and,
- A U.S. EPA Federal Insecticide, Fungicide, and Rodenticide (FIFRA) End-Of-Year grant meeting for FY 2023 was held at TCEQ in Austin on January 9, 2024, with Amy Camacho (new U.S. EPA Region 6 Director), Robert Snowbarger (new U.S. EPA Region 6 Coordinator), Eric Nystrom (U.S. EPA Region 6 Grant Liaison), and Alan Cherepon (TCEQ).

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 on the 2023 *Joint Report* was in progress and the report was expected to be published by June 1, 2024.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 89th Legislature (“Legislative Report”, SFR-47)*
 - The TGPC Legislative Report Subcommittee was reactivated during the Second Quarter FY 2024 TGPC meeting. They were meeting on March 20, 2024, to begin work on the *Legislative Report* for the 89th Legislature.
- 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 Groundwater Assessment was being prepared and would be published before June 1, 2024; and,
 - The published report would be provided to TCEQ’s Water Quality Planning Division for inclusion in the *2024 Texas Integrated Report* submittal to the U.S. EPA.
- *Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 89th Texas Legislature (“PGMA/GCD Legislative Report”, SFR-53)*
 - Work on the next edition of the *PGMA/GCD Legislative Report* would be initiated in the summer of 2024.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water;
- Emerging Chemical and Biological Contaminants;
- Environmental Justice and Groundwater Access and Quality;
- Groundwater Quality Monitoring;
- Evapotranspiration Networks; and,
- Others (i.e., a new report from The Meadows Center for Water and the Environment about springs in Texas, and how the recent wildfires in the Texas panhandle had the potential to impact groundwater quality).

Progress was being made on two white papers, *Children’s Health and Groundwater Quality at Child Care Operations Using Private Water Wells* and *Groundwater Quality Protection Through Monitoring*, and updated and initial drafts, respectively, were planned for the next meeting.

The next TGPC GWI Subcommittee meeting was scheduled for June 5, 2024.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the Subcommittee last met via videoconference on March 20, 2024, and seven state agencies and organizations were represented.

Joel Pigg (Texas A&M AgriLife Extension Service, “AgriLife Extension”) reviewed the Texas Well Owner Network (TWON) training schedule. During the previous quarter, TWON staff held two one-day events and three one-hour events, and staff collected 291

samples. There had been over 3,314 samples or attendees at TWON events since May 2021.

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):

- AgriLife Extension Water Well Screening Events
 - Three events were planned for March and April 2024.
- There were no TGPC exhibit booth events in the past quarter.

Upcoming conferences and the drought monitor report were reviewed.

There was an update on displaying the TGPC’s National Groundwater Awareness Week poster during the week of March 10 – 16, 2024.

The *Groundwater Educational Outreach Plan* was not discussed.

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

- Twenty-Four updated FAQs were approved for posting on the TGPC website; and,
- There as a discussion on changing the name of this material from FAQ to Fact Sheet.

The next TGPC POE Subcommittee meeting was scheduled for June 5, 2024.

Legislative Report

Abiy Berehe (TCEQ) reported that the Subcommittee was reactivated at the last TGPC meeting in order to prepare the *Activities and Recommendations of the Texas Groundwater Protection Committee: A Report to the 89th Texas Legislature (“Legislative Report”)*. The Subcommittee met on March 20, 2024, to work on the *Legislative Report*:

- The Subcommittee reviewed the process and timeline for the completion of the *Legislative Report*;
- The Subcommittee reviewed the statute that created the TGPC and worked on various recommendations that pertained to the protection of groundwater quality in the state;
- The draft recommendations file had been distributed to the Subcommittee members, and they planned to continue reviewing the existing recommendations at the next Subcommittee meeting when the TGPC white papers that were approved in FY2023 and FY2024 would also be discussed;
- The Subcommittee would finalize the draft *Legislative Report*, update the TGPC’s activities, and route it to TGPC members before the next TGPC meeting in July 2024;
- The final draft *Legislative Report* would be presented for TGPC member approval at the next TGPC meeting; TCEQ staff would seek member agencies’ management review and concurrence before August 31, 2024;
- If the Subcommittee needed to work on any new recommendation(s), TCEQ staff would schedule a meeting in September 2024;

- The final version of the *Legislative Report* would be presented at the TGPC meeting in October 2024 for approval before TCEQ staff sent the report to Agency Publications; TCEQ staff would also seek approval to make any non-substantive changes required during the publication process; and,
- The Subcommittee planned to distribute the final report to the Legislature in December 2024 before the session began in January 2025.

The next TGPC Legislative Report Subcommittee meeting was scheduled for June 5, 2024.

David Villarreal (TDA) requested a few hard copies of the final *Legislative Report* for the Water Conservation Advisory Council (WCAC), and Abiy Berehe (TCEQ) agreed to provide some.

4. PRESENTATION

Royce Massey (RRC) shared an overview of their Drilling Insight and Casing Estimator (DICE, <https://www.beg.utexas.edu/sce>) tool. Its main purpose is to provide oil and gas operators with an estimate of protected water depths in order to gauge the cost of drilling materials, but it also informs users of special drilling requirements and hazards/alerts, acts as a hub for geologic and groundwater information, and serves as a research site for multiple disciplines. Part of an oil or gas well design plan includes the use of surface casing and cement to protect fresh water (generally a salinity of less than 1,000 mg/l Total Dissolved Solids, or TDS) and useable quality water (generally a salinity of less than 3,000 mg/l TDS). Casing, or surface casing, also helps protect the oil or gas well from caving in and blowing out. The online application has several layers, each with its own metadata, pop-up details, and downloadable files, plus there are additional tools in the banner for finding more information about both the required casing depth at a specific location and specific oil or gas wells.

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) provided a status report on the development of the *Joint Groundwater Monitoring and Contamination Report – 2023*. Staff were working on the document with a publication goal of June 1, 2024, and they would contact a TGPC member if clarification was needed on a particular item.

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

Abiy Berehe (TCEQ) indicated that there would be a more in-depth discussion of the final draft *Legislative Report* at the next TGPC meeting.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for July 31, 2024, at 1:30 PM CDT as a hybrid meeting.

Kelly Mills (TCEQ) also inquired about member interest in having an in-person meeting at the TCEQ campus in October 2024. Several members indicated that they could commit to this, and there would be further discussion at the next meeting.

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

Groundwater Contamination Notice Coordination (Texas Water Code §26.408)

Peggy Hunka (TCEQ) reported that, since the last TGPC meeting, their Impact Evaluation Team (IET) had met four times and reviewed six groundwater contamination cases, and that 44 notices had been sent to the 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 January 1 through March 31, 2024. More than half of the 3,151 users engaged the TGPC website for longer than 10 seconds, 850 files were downloaded (mostly meeting agendas and minutes), and 1,195 outbound links were clicked.

Groundwater Management Areas

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

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

Rebecca Storms (TWDB) provided the following updates:

- Regional Water Planning
 - The Regional Water Planning Groups (RWPGs) had submitted their technical memorandums, a mid-point data deliverable, and they were available at

- <https://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/technicalmemos.asp>;
 - TWDB had released Water Supply Planning County Summaries to assist with RWPG outreach efforts; these documents summarize key water supply planning information for each county in Texas and were available at <https://www.twdb.texas.gov/waterplanning/rwp/outreach/index.asp>; and,
 - TWDB had released conservation-related resources for development of the 2026 Regional Water Plans, including a resource guide, conservation data dashboard for water planning, water loss audit data, and other resources, and they were available at <https://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/conservationresources.asp>.
- Groundwater Availability Modeling
 - Work on the Groundwater Availability Models (GAMs) for the Edwards-Trinity (Plateau), southern portion of the Trinity, and Igneous/West Texas Bolsons aquifers continued, and they were expected to be available by the end of 2024;
 - Staff were working on a recalibration of the GAM for the central and southern portions of the Gulf Coast Aquifer System, and it was also expected to be complete by the end of 2024; and,
 - Additional GAM information was available at <https://www.twdb.texas.gov/groundwater/models/gam/index.asp>.
- Brackish Groundwater Studies
 - The next brackish groundwater production zone designations would be in the southern portion of the Trinity Aquifer, and staff were working on some modeling solutions for those designations.
- Innovative Water
 - The Innovative Water Technologies team welcomed a new staff member, Willie Chastain (TWDB), who would be working on Aquifer Storage and Recovery (ASR); and,
 - Azzah AlKurdi (TWDB) would be presenting on their ASR program at the American Groundwater Trust’s Texas Groundwater Conference in Austin, Texas on June 11 – 12, 2024.

Justin Thompson (UTBEG) asked if any additional work was planned on GAMs this year. Rebecca Storms (TWDB) indicated that details about all of their GAMs were available on their webpage, and she suggested that Daryn Hardwick (TWDB) be contacted for more information.

Nonpoint Source Pollution

Kelly Mills (TCEQ) reported that:

- TCEQ’s Request for Grant Applications (RFGAs) for FY 2025 would open on June 1, 2024, and that TCEQ’s Nonpoint Source Grant Program webpage (<https://www.tceq.texas.gov/waterquality/nonpoint-source/grants/grant-pgm.html>) would have more details soon; and,

- The TCEQ and TSSWCB 2023 annual Nonpoint Source (NPS) pollution report was published in January 2024 (*Nonpoint Source Pollution Management in Texas: 2023 Annual Report*, TCEQ publication SFR-066/23, January 2024, <https://www.tceq.texas.gov/downloads/water-quality/nonpoint/plans-reports/nps-2023-annual-report-sfr-066-23.pdf>).

National Groundwater Information

Kelly Mills (TCEQ) announced that the U.S. EPA had issued a final rule to designate two widely used Per- and polyfluoroalkyl Substances (PFAS) chemicals, Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS), as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund. The final rule was not yet published in the *Federal Register*, and the rule would be effective 60 days after publication.

Justin Thompson (UTBEG) reported that there had been some recent discussion at the federal level about the drinking water standard for manganese.

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 TAC 285, On-site Sewage Facilities (OSSFs);
- 2023-099-230-OW – Rule Review of Title 30 Texas Administrative Code (TAC) Chapter 230 (30 TAC 230) regarding groundwater availability certification for platting; and,
- 2023-042-222-OW – Rule Review of 30 TAC 222 regarding subsurface area drip dispersal systems.

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

Rebecca Storms (TWDB) announced that they were working on several rule revisions, including 31 TAC 356 regarding Groundwater Management, and that they planned to bring proposed rule changes for this chapter to their Board in June 2024 and then open the proposed amendments for public comment.

New Publications

Kelly Mills (TCEQ) noted the *Nonpoint Source Pollution Management in Texas: 2023 Annual Report* (TCEQ publication SFR-066/23) that was mentioned earlier in the meeting.

Upcoming Conferences

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

Kelly Mills (TCEQ) announced that TCEQ’s annual Environmental Trade Fair and Environmental Excellence Awards Banquet would take place on May 14 – 15, 2024, and that there would be a TGPC exhibit counter in the main TCEQ booth with groundwater-related display and handout materials, as well as TGPC promotional items.

8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 2:39 PM CDT.