

**TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING**

Fourth Quarterly Meeting, Fiscal Year 2024

Meeting Date: July 31, 2024
Meeting No.: 146

Place: TCEQ Campus, Bldg F
Room: 5108

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MEETING ATTENDANCE

Committee Members

Kelly Mills	Texas Commission on Environmental Quality (TCEQ)
Natalie Ballew	Texas Water Development Board (TWDB)
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)
John Malito	Bureau of Economic Geology of The University of Texas at Austin (UTBEG)
David Gunn	Texas Department of Licensing and Regulation (TDLR)

Affiliation

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
Larry Estrada	TDLR	
Thomas Fenstemaker	TCEQ	Radioactive Materials Division
Dania Grundmann	TCEQ	Water Quality Division
Cindy Hooper	TCEQ	Water Availability Division
Peggy Hunka	TCEQ	Water Availability Division
Marty Kelly	Texas Parks and Wildlife Department (TPWD)	
Kathy McCormack	TCEQ	Water Availability Division
Robert Nail	TCEQ	Radioactive Materials Division
Carly Rotzler	TPWD	
Sarah Schreier	TCEQ	Radioactive Materials Division
Kory Talcott	TCEQ	Water Availability Division
Scott Underwood	TCEQ	Water Availability Division
Scout Vanderwal	DSHS	

Affiliation

Program

Interested Parties

Lauren Boggs	Harris County
Kaela Champlin	City of Austin Watershed Protection Department
Scott Courson	Brinker Water Supply Corporation (WSC)
Ty Edwards	Middle Pecos Groundwater Conservation District (GCD)
Mark Layne	Ground Water Protection Council
Diana Nichols	Kelly Hart & Hallman, LLP
Martha Pskowski	Inside Climate News
Joyce Yannuzzi	Senator Donna Campbell

Affiliation

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on July 31, 2024
2. Record for Texas Groundwater Protection Committee meeting on April 24, 2024
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, June 5, 2024
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, June 5, 2024
5. Texas Groundwater Protection Committee (TGPC) Legislative Report Subcommittee Status Report, July 31, 2024
6. TGPC Website Activity Report, April 1 – June 30, 2024
7. TCEQ Rules Update, 7/31/2024
8. 2024 Water-related Conferences in Texas, July 2024

MEETING RECORD OF JULY 31, 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. The designated representatives or alternates from the Railroad Commission of Texas (RRC), Texas Alliance of Groundwater Districts (TAGD), and Texas A&M AgriLife Research (AgriLife Research) were not present at the meeting.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Kathy McCormack (TCEQ) reported that the Subcommittee last met via videoconference on June 5, 2024, and nine 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:

- TWDB had just begun its monitoring activities for Fiscal Year (FY) 2024 which are typically conducted from April through August of each calendar year;
- A counter-top display and staff providing information on the TGPC, including pesticide information and data, was set up at the annual TCEQ Environmental Trade Fair in Austin on May 14 – 15, 2024; and,
- A U.S. Environmental Protection Agency (EPA) Federal Insecticide, Fungicide, and Rodenticide (FIFRA) Spring grant meeting for FY 2024 was held in Little Rock, AR on May 8 – 9, 2024. Alan Cherepon (TCEQ) attended the meeting virtually and reported on his work for the FIFRA Grant. Material primarily addressed the departments of agriculture at the various states and their responsibilities, aspects, and issues. Amy Camacho, the new U.S. EPA Region 6 Pesticide Section Supervisor, reported that the federal government was still dealing with the late approval of grant budgets, and that grant applications would be due by the end of May 2024 in order for

states to obtain grant funding in a timely manner. She also hoped to obtain the grant details for FY 2025 soon. A summary report and agenda were available upon request.

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 process and the report was expected to be published in June 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. The Subcommittee met on March 20, 2024, and would meet on June 5, 2024, to work on the *Legislative Report* for the 89th Legislature; and,
 - 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* would be published in June 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 *PGMA/GCD Legislative Report* would be initiated in the summer of 2024.

The following current groundwater issues were discussed:

- Emerging Chemical and Biological Contaminants;
- Aquifer Storage and Recovery (ASR);
- Groundwater Quality Monitoring;
- Brackish Groundwater; and,
- Others (i.e., a U.S. Fish and Wildlife Service (FWS) press release regarding seven central Texas freshwater mussels that were now classified under the Endangered Species Act).

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

(https://tgpc.texas.gov/gwissues/activity_plans/TGPC_GWI_FY2024_2025_ActivityPlan_12Jul2023.pdf), the TGPC GWI Subcommittee *Charge* (https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge12Jul2023.pdf) was presented for its annual review and discussion. Chris Heiligenstein (RRC) had agreed to continue as Co-Chair for the next Fiscal Year and no additional changes were suggested, so the *Charge* would remain in effect.

An updated draft of the *Children’s Health and Groundwater Quality at Child Care Operations Using Private Water Wells* white paper and an initial draft of the *Groundwater Quality Protection Through Monitoring* white paper were reviewed and member feedback was requested.

The next TGPC GWI Subcommittee meeting was scheduled for September 18, 2024.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the Subcommittee last met via videoconference on June 5, 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 ten one-day events and one one-hour event, and staff collected 395 samples. There had been over 3,744 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
 - Joel Pigg (AgriLife Extension) reported there were two events scheduled for June – August, 2024.
- There was one TGPC exhibit booth event at the TCEQ Environmental Trade Fair and Conference in Austin on May 14 – 15, 2024, with an estimated 522 visitors.

Upcoming conferences and the drought monitor report were reviewed. The *Groundwater Educational Outreach Plan* was not discussed.

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

- Fifteen updated FAQs were approved for posting on the TGPC website; and,
- There was a discussion on changing the name of this material from *FAQ* to *Topics of Interest*.

The next TGPC POE Subcommittee meeting was scheduled for September 18, 2024.

Legislative Report

The Legislative Report Subcommittee summary was provided 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) provided a status report on the development of the *Joint Groundwater Monitoring and Contamination Report – 2023*. Staff were finalizing the document and would be submitting it to their agency’s Publications team within the next few weeks. During the three-day agency-wide review period, the final draft would also be shared with TGPC members for comments.

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

Abiy Berehe (TCEQ) reported that the Subcommittee met for the second time this year on June 5, 2024, to continue working on the *Activities and Recommendations of the Texas Groundwater Protection Committee: A Report to the 89th Texas Legislature* (“*Legislative Report*”):

- The Subcommittee continued working on the draft recommendations, recommendations from the GWI Subcommittee’s white papers were discussed, and recommendations from two approved white papers were included in the final draft *Legislative Report*;
- Regarding the TGPC membership recommendation, TPWD indicated that they were still interested in the recommendation to be included in TGPC membership;
- Regarding advocating for the Water Conservation Advisory Council (WCAC) on matters specifically related to groundwater quality and conservation, two newly-approved WCAC recommendations were added and the ones for which TGPC advocated in the last session were deleted;
- TCEQ staff had updated the 2023 and 2024 activities of the TGPC and incorporated the legislative recommendations into the final draft *Legislative Report*, and the final draft report was sent out to TGPC members on July 23, 2024;
- The Subcommittee would then send out the revised final draft *Legislative Report* (including any edits from discussion during the TGPC meeting on July 31, 2024) for TGPC member review and management approval or concurrence;
- The Subcommittee anticipated receiving confirmation of TGPC management approval before August 31, 2024;
- If there was a need for the Subcommittee to meet again to work on a specific issue, they would meet on the same day as the other TGPC subcommittees on September 18, 2024; and,
- The final version of the *Legislative Report* would be presented for approval at the TGPC meeting in October 2024; at that time, TCEQ staff would also seek approval to make any non-substantive changes required during the publication process.

Natalie Ballew (TWDB) asked if their management approval of the revised final draft *Legislative Report* was required by August 31, 2024. Abiy Berehe (TCEQ) confirmed this deadline.

David Villarreal (TDA) asked if they could approve only the revised final draft *Legislative Report's* major recommendations and abstain from approving the included white paper recommendations. Kelly Mills (TCEQ) confirmed that TGPC members could approve parts of the revised final draft *Legislative Report* and abstain from other parts of the report.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for October 9, 2024, at 1:30 PM CDT as a hybrid meeting, but with TGPC members attending in-person.

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, the TCEQ Impact Evaluation Team (IET) had met three times and reviewed eight groundwater contamination cases with 65 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 April 1 through June 30, 2024. More than half of the 3,466 users engaged the TGPC website for longer than 10 seconds, 806 files were downloaded (mostly meeting-related files), and 1,212 outbound links were clicked.

Groundwater Management Areas

Natalie Ballew (TWDB) reported that all stakeholders had initiated their joint groundwater planning work and were developing their Desired Future Conditions (DFCs).

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

Natalie Ballew (TWDB) provided the following updates:

- Regional Water Planning
 - On July 30, 2024, they had hosted an orientation for approximately 50 – 60 Regional Water Planning Group (RWPG) Chairs and Groundwater Management Area (GMA) representatives who sit on the RWPGs. This was an educational

- o opportunity regarding the overlap between the two different planning processes and how they feed into one another.
- Groundwater Availability Modeling
 - o Work continued on their in-house Groundwater Availability Models (GAMs) for the Edwards-Trinity (Plateau), southern portion of the Trinity, central and southern portions of the Gulf Coast Aquifer System, and Igneous/West Texas Bolsons aquifers. These models were expected to be available by the end of 2024.
- Brackish Groundwater Studies
 - o They had updated several FAQs on their website (<https://www.twdb.texas.gov/groundwater/bracs/faqs.asp>) and moved all their geophysical well log viewers into one webpage (<https://www.twdb.texas.gov/groundwater/bracs/links.asp>).
 - o Their recently-awarded contract studies were for the Brackish Exploratory Project and Survey, Yegua-Jackson brackish aquifer study, and Ellenburger-San Saba and Hickory aquifers brackish aquifer study.
- Innovative Water
 - o There no updates on this topic at the meeting.

Nonpoint Source Pollution

Kelly Mills (TCEQ) reported that they had posted their Request for Grant Applications (RFGA) for nonpoint source (NPS) projects under the Clean Water Act Section 319(h) Grant Program on June 26, 2024, and that proposals were due by August 8, 2024 (<https://www.tceq.texas.gov/waterquality/nonpoint-source/grants/grant-pgm.html>).

National Groundwater Information

Natalie Ballew (TWDB) reported that she had participated in a Groundwater Working Group of the President’s Council of Advisors on Science and Technology (PCAST, <https://www.whitehouse.gov/pcast/>) on July 29, 2024. Topics discussed included the ways that federal agencies could assist with groundwater management, funding and support for the National Groundwater Monitoring Network (NGMN), and groundwater education in academic institutions. A report would be forthcoming.

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);

- 2024-023-350-WS – Staff-Recommended Updates to Protective Concentration Level Approaches for Dioxins/Furans and Dioxin-like Polychlorinated Biphenyls;
- 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;
- 2023-042-222-OW – Rule Review of 30 TAC 222 regarding subsurface area drip dispersal systems; and,
- 2023-053-311-OW – Rule Review of Chapter 311 regarding watershed protection.

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

Natalie Ballew (TWDB) announced that their Board had approved the posting of proposed rule amendments for 31 TAC 356 regarding Groundwater Management in the *Texas Register*. When that link was available, it would be publicized and comments would be requested.

Natalie Ballew (TWDB) also asked about the target date for approving the 30 TAC 230 rule amendments regarding groundwater availability certification. Abiy Berehe (TCEQ) indicated that it would probably be on agenda for approval at their Commissioner’s meeting on November 20, 2024.

David Gunn (TDLR) reported that they had recently wrapped up a comprehensive rule package regarding water well drillers and pump installers and it was being submitted to the Governor’s Office.

New Publications

Kelly Mills (TCEQ) announced the publication of their *2024 State of Texas Water Quality Inventory Groundwater Assessment* (TCEQ publication AS-465/24, June 2024, <https://www.tceq.texas.gov/downloads/water-quality/assessment/integrated-report-2024/2024-groundwater-as-465-24.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 there would be a TGPC exhibit booth at both the annual TCEQ Public Drinking Water Conference on August 6 – 7, 2024, and the annual TAGD Groundwater Summit on August 20 – 22, 2024, 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 2:18 PM CDT.