

LEGISLATIVE REPORT SUBCOMMITTEE
OF THE
TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Fiscal Year 2010

Meeting Date: March 10, 2010
Meeting No.: 1 in Fiscal Year 2010

Place: TCEQ Campus, Bldg F
Room: 4213

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MEETING ATTENDANCE

Subcommittee Members

Affiliation

Cary Betz (Chair)	TX Commission on Environmental Quality (TCEQ)
Peggy Hunka	TCEQ
Al Cherepon	TCEQ
Janie Hopkins	Texas Water Development Board
W.L. Stribling	TX Dept. Licensing & Regulation
Leslie Smith	Texas Department of Agriculture
Kevin Wagner	Texas Water Research Institute
Donna Long	Texas State Soil Water Conservation Board
Kirk Holland	Texas Alliance of Groundwater Districts

MEETING HANDOUTS

1. March 10, 2010 Legislative Report Subcommittee Meeting Agenda
2. *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 82nd Legislature, TCEQ SFR-047*

MEETING RECORD OF MARCH 10, 2010

1. CALL TO ORDER AND INTRODUCTIONS

Cary Betz (TCEQ), Chair of the Texas Groundwater Protection Committee (TGPC) Legislative Report Subcommittee, called the meeting to order.

2. REVIEW PROCESS AND TIMELINE FOR COMPLETION OF DRAFT LEGISLATIVE RECOMMENDATIONS AND OTHER SECTIONS OF *ACTIVITIES AND RECOMMENDATIONS OF THE TEXAS GROUNDWATER PROTECTION COMMITTEE: REPORT TO THE 82nd LEGISLATURE* (“LEGISLATIVE REPORT”)

Cary Betz (TCEQ) reviewed the TGPC *82nd Legislative Report* schedule. He indicated that, with the *Texas Groundwater Protection Strategy* being updated this year, much of this work would apply to the *82nd Legislative Report*, as well.

Cary Betz (TCEQ) decided to ask the TGPC for feedback on the draft *82nd Legislative Report* Table of Contents by July 2010 meeting.

3. DISCUSSION AND EDITING OF DRAFT LEGISLATIVE RECOMMENDATIONS

Kevin Wagner asked if there was a formal presentation to the Legislature. Cary Betz responded that there was not, but that if one was needed to let him know in advance.

The status of the 15 Recommendations in the previous *Legislative Report* was reviewed in order to determine which ones had been addressed by the 81st Legislature, and, if they had not been funded, whether they deserved continued support:

1. **Strengthen Groundwater Conservation and Water Quality Protection Efforts**

- *Fund Brush-Control Projects to Increase Groundwater Yield—Continue to fund the Texas State Soil and Water Conservation Board (TSSWCB) State Brush Control Program and expand it as funds become available in areas where it is found to be effective and will increase long-term availability of groundwater by increasing recharge of aquifers.*
 - Continue to ask for support for this Recommendation but update the language. Donna Long to work on this one.

- *Encourage On-Farm Agricultural Best Management Practice Incentives through Continued Support of a Water Conservation Plan Program—Continue support of a program to implement certified water-conservation plans on irrigated agricultural lands through the TSSWCB, with cost-share to assist in implementation of on-farm best management practices (BMPs).*
 - Continue to support this Recommendation. Donna Long to look at updating the language.

- *Protect Groundwater Quality through Education Programs— Provide funding for new groundwater education, demonstration, and outreach efforts administered by the Texas Water Resources Institute (TWRI). The efforts would be coordinated with the TGPC and other entities. The cost of the proposal is \$250,000.*
 - TWRI will review the content for this Recommendation but will continue to ask for support. Kevin Wagner will look at the wording and may try to add something on where to drill for water per A&M Regent request.

- *Develop Education and Training Programs for Groundwater District Management— provide \$150,000 annually to TWRI to work through Texas AgriLife Extension Service to revise, expand, and implement education and training programs for groundwater management district personnel throughout Texas.*
 - Continue to support this Recommendation and possibly expand to include the Board of Directors as well as staff.

- *Establish an Abandoned Water Well–Plugging and Education Fund—Provide positive incentives for landowner-initiated closure of abandoned and/or deteriorated water wells through the establishment of an abandoned well–plugging fund.*
 - Continue to support this Recommendation. TDLR to look into updating the language and possible ways to get it funded.

- *Continue to Support the Texas High Plains Evapotranspiration Network— Provide \$100,000 per year to Texas AgriLife Research for maintenance and scientific upgrading of the Texas High Plains Evapotranspiration (ET) Network.*
 - TWRI would like to continue support for this Recommendation. Kevin will find out information on funding and if the request will be the same.

- *Protect Groundwater Resources When Permitting the Injection of Carbon Dioxide for the Purposes of Geologic Sequestration — Encourage close coordination and communication between state regulatory agencies, research institutions and groundwater planning authorities when permitting the injection of carbon dioxide for purposes of geologic sequestration, to ensure that groundwater resources are protected for future use.*
 - This Recommendation has been fulfilled – move to the Actions on Recommendations to the 81st Legislature section.

- *Ensure the Brackish/Saline Aquifers Having Potential for Use as Drinking Water are Protected from Contamination — Encourage state regulatory agencies to examine existing policies and rules to ensure that brackish and saline groundwater sources, identified as having potential use as drinking water, are adequately protected from contamination.*
 - Cary Betz will look at this recommendation more closely and discuss it with UIC and PDW for the development of stronger language for this recommendation.

2. Advance Groundwater Management and Protection through Enhanced Data Collection and Availability

- *Expand Statewide Real-Time Groundwater-Level Monitoring System—Provide additional funding to expand the groundwater-monitoring network from coverage in 65 counties to coverage in all 254 counties.*
 - This Recommendation has been fulfilled – move to the Actions on Recommendations to the 81st Legislature section.
- *Enhance and continue to support Data and Resources in Support of “Desired Future Conditions”— Provide additional funding to the Texas Water Development Board (TWDB) to implement House Bill 1763, 79th Legislature.*
 - Continue to support this Recommendation but reword to include funding of the joint planning processes.

3. Support Groundwater Research

- *Evaluate Impact of Dryland Agriculture on Groundwater Resources in the Texas High Plains Aquifer— Provide funding for field studies to broadly assess the impacts of dryland agriculture on groundwater recharge.*
 - Continue to support this Recommendation and discuss at the next Groundwater Research Subcommittee meeting.
- *Study the Impact of Irrigation on Groundwater Resources in the High Plains Aquifer— Provide funding for studies in the High Plains region to determine whether irrigation return flow has reached the aquifer or if it is still within the unsaturated zone.*

- Continue to support this Recommendation and discuss at the next Groundwater Research Subcommittee meeting.
- *Evaluate Characteristics of Concentrate and Residuals and Support Streamlined Permitting—Provide funding of \$100,000 to compile existing data on the chemical composition of desalination concentrate in FY (fiscal year) 2010, which could support the general permitting process and \$150,000 to complement and match federal funds currently being used by universities to develop advanced desalination technologies. Priority areas for study would be based on identified need in the State Water Plan*
 - Cary Betz will look into this to see if it will continue to be supported.
- **Acquire and Analyze Brackish Groundwater Data—Provide funding to the TWDB for 2.5 full time employees and \$500,000 in appropriations to acquire and analyze brackish groundwater data and assess groundwater modeling techniques to predict brackish aquifer performance.**
 - Janie Hopkins and Kirk Holland will discuss this to see if the Committee should continue to support the Recommendation.

Members of the group were asked if there were any other issues that we might need to consider.

Groundwater Arsenic issues especially for the rural well water user. This issue could be part of the education issue. The TGPC is a champion of the rural water user. Although Arsenic and Nitrate are natural constituents there seems to me more interest in notifying rural water well owners of possible contamination even when it is naturally occurring.

Aquifer Storage Recovery (ASR) is still a big topic.

Barnett Shale concerns.

Conservation

Cary Betz will contact the RRC and DSHS to see if there is anything they want to put forward.

Peggy Hunka will be the point of contact for any issues or ideas to be shared with others.

4. DISCUSSION OF THE COMPLETION OF THE DRAFT LEGISLATIVE RECOMMENDATIONS AND THE PRESENTATION OF THEM TO THE TGPC

Cary Betz (TCEQ) decided to ask the TGPC for input on revised and new *82nd Legislative Report* Recommendations by July 2010.

5. SET FUTURE MEETING DATE

The next Legislative Report Subcommittee meeting is scheduled for Wednesday May 19, 2010, at 1:30 PM, in TCEQ's Building F, Conference Room 3202A.

6. ANNOUNCEMENTS

There were no announcements.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting.