

Texas Groundwater Protection Committee (TGPC)

LEGISLATIVE REPORT SUBCOMMITTEE

Fiscal Year 2014

Monday, June 2, 2014

**Texas Commission on Environmental Quality Campus
Building F, Room 2210, 12100 Park 35 Circle, Austin, TX 78753
10:00 a.m.**

A G E N D A

1. Call to Order and Introductions
2. Review Process and Timeline for Completion of Draft *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 84th Legislature* (“*Legislative Report*”)
3. Discussion and Editing of Draft *Legislative Report*
4. Discussion of the Completion of the Draft *Legislative Report* and Presentation to the TGPC
5. Set Future Meeting Date
6. Announcements
7. Public Comment
8. Adjourn

MEETING ATTENDANCE

Subcommittee Members

Affiliation

Cary Betz (Chair)
Peggy Hunka
Al Cherepon
Janie Hopkins
Chris Moore
David Villarreal
Linda McCall
TJ Helton

TX Commission on Environmental Quality (TCEQ)
TCEQ
TCEQ
Texas Water Development Board
Railroad Commission of Texas
Texas Department of Agriculture
Bureau of Economic Geology
Texas State Soil Conservation Board

Texas AgriLife and TDLR called and said they will not be here. TAGD DSHS are not in attendance.

MEETING HANDOUTS

1. June 2, 2014 Legislative Report Subcommittee Meeting Agenda
2. *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 83rd Legislature, TCEQ SFR-047*

MEETING RECORD OF June 2, 2014

CALL TO ORDER AND INTRODUCTIONS

Cary Betz (TCEQ), Chair of the Texas Groundwater Protection Committee (TGPC) Legislative Report Subcommittee, called the meeting to order. At 10:10

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")*

- There will be a draft at the July meeting and a final at the October meeting. This will give us time to run through the publication process.
- The next TGPC meeting will be on July 16, 2014. The next Legislative Report meeting will be at 9:00 AM on July 16, 2014 also.
- Both the Legislative Report and the Strategy Report will be ready concurrently.

DISCUSSION AND EDITING OF DRAFT LEGISLATIVE RECOMMENDATIONS

Cary asked if there were any new recommendations

The Recommendations in the previous *Legislative Report* are:

§26.401, Legislative Findings

The groundwater protection goal and policy of the state has stood without change since enacted in 1989. The TGPC affirms these findings remain as valid now as they did in 1989, and notes an emphasis on groundwater quality protection. The legislative findings are silent on groundwater quantity and groundwater conservation issues, however a requirement to include guidelines for groundwater conservation in the state's groundwater protection strategy appears in §26.405. This requirement is discussed in the following review of that section. The TGPC believes that a statement from the legislature clarifying the Committee's intended role in groundwater conservation and quantity management, if any, would be appropriate.

§26.403, Creation and Membership of TGPC

Because of the Texas Parks and Wildlife Department's responsibilities and expertise for the propagation and protection of terrestrial and aquatic life, the TGPC recommends that the Legislature expand committee membership to include this agency.

Keep this recommendation. Cary will contact TPWD and GLO to see if they are interested in becoming members of the committee.

While the DSHS will continue to be asked to provide valuable health related information to the TGPC, the Committee recommends that the Legislature remove the DSHS from the responsibility of formal membership in the Committee.

Keep this recommendation. DSHS will stay on in an advisory capacity.

§26.405, Powers and Duties of TGPC

The TGPC recommends that the legislature include in the statute a timetable for the strategy as it does for the State Water Plan. The TGPC further recommends a five year schedule for the review and possible revision of the groundwater protection strategy.

Remove this recommendation. It is covered in the Strategy Report.

The TGPC recommends that the provision for the strategy to include conservation guidelines be removed from the statute, in deference to the activities of the more recently created WCAC. If the Legislature chooses not to remove this provision, the TGPC respectfully requests clarification of how conservation should be addressed in the Texas Groundwater Protection Strategy, and how the TGPC is to interact and coordinate with the WCAC.

Keep this recommendation but change the wording by asking for clarification at the beginning.

§26.406, Groundwater Contamination Information and Reports; Rules

The TGPC recommends that the Legislature provide support for the creation of an electronic groundwater contamination database, in order to better fulfill the requirements of this section of the statute.

Keep this recommendation and add language on trend and geospatial analysis and ask that the date of publication be moved back.

§26.407, Protection and Enhancement Plans

The TGPC recommends that the statute be amended as follows:

“Sec. 26.407. PROTECTION AND ENHANCEMENT PLANS. (a) The commission, with the advice of the committee, [~~shall~~] may develop plans, except for those plans required by Section 201.026, Agriculture Code, for the protection and enhancement of water quality pursuant to federal statute, regulation, or policy, including management plans for the prevention of water pollution by agricultural chemicals and agents.

Keep this recommendation.

Abandoned Water Well Plugging and Education

The TGPC recommends the legislature provide positive incentives for landowner-initiated closure of abandoned and/or deteriorated water wells through the establishment of an abandoned well-plugging fund.

Keep this recommendation, but seek input from TDLR.

To support the abandoned well plugging program, the TGPC recommends that an outreach program be carried out by Texas A&M AgriLife Extension in coordination with the Texas Water Resources Institute.

Keep this recommendation, but seek input from Texas AgriLife.

Support of Agency Programs

Support, through legislative appropriations, programs which enable the TGPC member agencies to:

- *Conduct applied research on conjunctive use and its risks and rewards, the implications of aquifer storage and recovery on water quality and evaluation of potential issues, and the characterization of surface water and groundwater interaction*
- *Validate and verify the feasibility of desalination of moderately saline (brackish) groundwater in Texas and better characterize salinity levels of groundwater sources throughout the state*
 - **Delete ‘moderately’ and add ‘technical and economic feasibility’.**
- *Provide tools, educational programs, and assistance for landowners, citizens, local governments, and others to facilitate efforts such as the Water Supply Enhancement Program to increase groundwater yield, the Texas Well Owner Network Program, and the Texas High Plains Evapotranspiration Network*
- *Protect groundwater quality through technology transfer, educational programming, quantification monitoring, and regulatory protection.*
 - **David Villarreal suggested that we add something about:**
 - **Increase detection monitoring of new and emerging anthropogenic chemicals and biologicals.**
 - **Impacts of water supplies, sustainability and --- something that gives a nod to endangered species. Endangered species and groundwater interface**
 - **Because the border groundwater situation. Support agency programs that look into border issues**

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

The committee is going through changes that will be discussed at the July 16 main committee meeting. New pictures will be put in the report. Will incorporate changes suggested today. Will try to send out a draft two weeks from today.

SET FUTURE MEETING DATE

Next meeting is scheduled for July 16, 2014 at 9:00 AM. Set potential date for meeting in September to discuss any changes suggested by member agencies.

ANNOUNCEMENTS

There were no announcements.

PUBLIC COMMENT

Jill Savoy said: “Thinking about groundwater protection I read something on fracking watching a report affiliated with fracking and trying to make sure that it stays in the well. I am not aware of any school that teaches how to keep the gas in the well. I don’t know the strategy on well protection and well design. Chris Moore responded on the requirements in place on well-construction and groundwater protection.

ADJOURN

Cary Betz adjourned the meeting at 12:05 PM.