

**Texas Groundwater Protection Committee
Legislative Subcommittee
Fourth Quarter–2004
Meeting Summary
5/27/2004**

Committee Attendees:

Mary Ambrose- Texas Commission on Environmental Quality (TCEQ);
Radu Boghici- Texas Water Development Board (TWDB);
Kevin Wagner - Texas State Soil and Water Conservation Board (TSSWCB)
Lee Parham- Texas Department of Licensing and Regulation (TDLR)
Val Silvey- Texas Water Resource Institute (TWRI)
Jace Houston - Texas Association of Groundwater Districts (TAGD)

Other Attendees:

Frank Fuller (TCEQ), Issac Jackson (TCEQ), Steve Musick (TCEQ)

Meeting Notes:

General Comments

The meeting opened with a review of the statute (TWC §26.405) that charges the TGPC with developing the biennial legislative report. The report has two basic components: (1) recommendations to the legislature; and (2) a report of committee-specific activities.

The legislative subcommittee is responsible for developing the recommendations for presentation to the full committee for decision. The remaining parts of the report (description of state agency activities and activities of the TGPC) will be developed for the TGPC's approval by Steve Musick's team at TCEQ.

The subcommittee reviewed recommendations from *Report to the 78th Legislature*. Recommendations in that report included: an abandoned well plugging fund, outreach and education programs designed for private well owners and on-site wastewater users; and continued funding for Groundwater Availability Models (GAMs) for the state minor aquifers. The subcommittee also reviewed the Texas Groundwater Protection Strategy recommendations to see if any were appropriate for inclusion as recommendations to the legislature in the upcoming report (79th Legislature).

Possible Issues for Inclusion in *Report to 79th Legislature*

HB3030 - The subcommittee discussed HB3030/78th Legislature, which requires the TCEQ to notify adjacent landowners of any groundwater contamination discovered, and if there were any issues arising from its implementation. There was discussion that implementation of the notification requirements could possibly be modified to make notification easier on the agencies involved, while continuing to meet the bill's requirement of public notification.

Issues related to HB3030 that were specifically discussed were: what is the threshold for notifying drillers of contamination?; what about notice of naturally occurring constituents in aquifers such as the Seymour Aquifer that have naturally-occurring high level of nitrates?; is there an economical way of notification besides 1st class mail.

Water Well Drillers Reports - TCEQ reported that the agency is investigating the availability of funds to digitize historical well drilling data.

On-Farm BMPs - TSSWCB presented two handouts on Brush Control and the Water Conservation Plan Program that the committee may want to consider as part of its legislative recommendations.

Abandoned Well Plugging Fund - subcommittee members expressed interest in pursuing a recommendation for an abandoned well plugging fund. Although this recommendation has been presented to the legislature in prior sessions without passage, there appears to be increasing support for the idea. Also, the subcommittee discussed using TCEQ's Supplemental Environmental Program (SEP) funds to pay for plugging abandoned wells. There was a discussion as to whether or not the subcommittee should research and recommend that abandoned wells be part of the required disclosure at real estate closings.

Public Education and Outreach - TCEQ asked TWRI about any interested in pursuing funding for private well owners and on-site wastewater education. TWRI will report back at the next meeting.

Groundwater Conservation District Education - TCEQ noted that some of the GCDs may not be very knowledgeable about groundwater quality. TAGD suggested that the education could possibly be done in conjunction with annual TAGD meetings. TCEQ and TAGD will work to determine if the issue is big enough to include in the legislative report or if it something that can be handled with existing funds and within existing programs.

Follow-up

Subcommittee members agreed to consider and research the issues discussed above and also check with their agencies to see if there were any other issues that merit discussion. Also, TCEQ will be contacting the chairmen of the other TGPC subcommittees to see if their groups have any recommendations that would merit inclusion in the legislative report.

The subcommittee agreed on a timeline that would result in the full TGPC approving the Report

to the 79th Legislature at its October meeting.

The next subcommittee meeting was set for July 8 at 1:30, TCEQ headquarters, Building F, Room 2210.