

TEXAS GROUNDWATER PROTECTION COMMITTEE
LEGISLATIVE REPORT SUBCOMMITTEE
RECORD OF MEETING

Second Meeting, Fiscal Year 2018

Meeting Date: April 18, 2018

Place: TCEQ Campus, Bldg. F

Room: 3202A

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MEETING ATTENDANCE

Subcommittee Members

Abiy Berehe (Chair)	Texas Commission on Environmental Quality (TCEQ)
Emily Hall	Texas Department of State Health Services (TDSHS)
TJ Helton (absent)	Texas State Soil and Water Conservation Board (TSSWCB)
Bryan Anderson	Texas Water Development Board (TWDB)
David Gunn (absent)	Texas Department of Licensing and Regulation (TDLR)
Linda Ruiz McCall	University of Texas Bureau of Economic Geology (UTBEG)
Peter Pope	Railroad Commission of Texas (RRC)
John Tracy	Texas A&M AgriLife Research (AgriLife Research)
David Van Dresar (absent)	Texas Alliance of Groundwater Districts (TAGD)
David Villarreal	Texas Department of Agriculture (TDA)

Agency Staff

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Cary Betz (TGPC Chair)	TCEQ	Water Availability Division
Leon Byrd	TCEQ	Water Availability Division
Al Cherepon	TCEQ	Water Availability Division
Cindy Hooper	TCEQ	Water Availability Division
Kathy McCormack	TCEQ	Water Availability Division
Scott Underwood	TCEQ	Water Availability Division

MEETING HANDOUTS

1. Record of Meeting February 21, 2018
2. Legislative Report Subcommittee Agenda April 18, 2018
3. *Recommendations to the 8586th Texas Legislature*

1. CALL TO ORDER AND INTRODUCTIONS

Abiy Berehe (TCEQ), Chair of the Legislative Report Subcommittee, called the meeting to order at 9:35 a.m. Subcommittee members introduced themselves.

2. DISCUSSION AND EDITING OF THE DRAFT ACTIVITIES AND RECOMMENDATIONS OF THE TEXAS GROUNDWATER PROTECTION COMMITTEE: A REPORT TO THE 86TH LEGISLATURE.

Abiy Berehe (TCEQ) Mr. Berehe read from the February 21, 2018, Record of Meeting and summarized the subcommittee's progress to date. He referred members to the seven-page handout *Recommendations to the 8586th Texas Legislature*. The subcommittee began to edit the bulleted recommendations in the Support of Agency Programs section on page six.

- *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.* No change.
- ~~Validate and verify~~ *Assess the technical and economic feasibility of desalination of saline (brackish) groundwater in Texas and better characterize salinity levels of groundwater sources throughout the state.* John Tracy (AgriLife) states that desalinization has proven economic feasibility.
- *Provide tools, educational programs, and assistance for landowners, citizens, local governments, and others for the Texas Well Owner Network (TWON) program.* No change.
- *Provide funding for a regional High Plains Evapotranspiration (ET) Network as part of a State-wide ET network which would also incorporate other climatic data collection (i.e., a mesonet). Spatial and temporal determination of actual crop and plant water requirements and subsequent irrigation recommendations will conserve water usage in this and other important agricultural areas of the state as well as in cities and urban areas.* Dr. Tracy says this is a dated bullet-needs to be recrafted. Dr. Tracy and Linda Ruiz McCall (UTBEG) discussed exchanging emails on this bullet. Mr. Berehe states that Guy Fipps of A&M should update this bullet if needed.
- *Provide funding for more research on the conditions (e.g., soils, geology, aquifers, climate, and species) required for water supply enhancement to facilitate increased groundwater quality or quantity.* Mr. Berehe states that TJ Helton (TSSWCB) will update this bullet later.
- ~~Protect groundwater quality through technology transfer, educational programming, quantification monitoring, and regulatory protection.~~ Members agree this bullet is too broad, too vague, diluting bullet-reword it or delete it-members agree to delete it. Mr. Berehe says to put this bullet somewhere in the "first paragraph."

- *Provide funding for detection and quantification (environmental occurrence), as well as research on sources, pathways, fate and transport, and the environmental and human health effects of emerging contaminants in groundwater. Emerging contaminants include any biological or chemical substance (e.g. pharmaceuticals, personal care products, and new chemical formulations) that is not currently monitored or regulated, but that could enter the environment and is known or suspected to cause adverse ecological or human health effects* [<http://toxics.usgs.gov/regional/emc/>](http://toxics.usgs.gov/regional/emc/). *These will continue increasing in frequency, and there is a great need for improved understanding of, and response to, these new threats to safe groundwater. Mr. Berehe states that Emily Hall (TSDHS) will update later.*
- *Provide funding for more research on the relationship between groundwater quality, quantity, and location regarding current endangered species and those that are proposed to be added to the federal protected list. Endangered species and water are intricately linked and will pervade water use issues for decades to come. No change.*
- *Address trans-boundary issues, especially with Mexico, and delineate shared aquifers and water supplies before critical limitations on groundwater resources occur. No change.*
- *Evaluate the implications to groundwater regulation and management of redefining “Waters of the United States” as previously proposed by the ~~USEPA and the US Army Corps of Engineers~~ federal government.*

David Villarreal (TDA) hands out recommendations from the Water Conservation Advisory Council (WCAC) report from two years ago. Dr. Villarreal states that the TGPC and WCAC have four items that are similar and can be incorporated into the above bulleted recommendations or with some tweaking, become stand-alone recommendations.

“Enhanced data collection management, and accessibility” Mr. Berehe states that recommendation is like the sixth bullet above but combine the sixth bullet and this recommendation into one recommendation. Bryan Anderson (TWDB) states that the TWDB supports data collection and a standardized, central data base. This recommendation will be mixed with the sixth bullet that was taken out earlier in this meeting to create a new bullet that will say “provide or support...” Dr. Villarreal states that the WCAC will be happy that one of their recommendations will be in the report.

“Funding the statewide water quality public awareness program” Dr. Tracy states that this recommendation should be left purposely vague because it affects utilities. Dr. Villarreal states that TGPC and WCAC recommendations should have similar themes.

“Maintain funding for agricultural water program” Dr. Villarreal states the TDA has an ag bias and most Texas groundwater use is agricultural. Dr. Tracy likes the POE support part of the shorter, bold font recommendation at the bottom of the preamble. Ms. Ruiz-McCall notes that “outreach” and “education” are emphasized by WCAC. The members agreed to tweak as needed then use the ***Suggested Recommendation*** *“Provide funding for public outreach and education on agricultural practices that minimize agricultural water runoff from polluting surface or groundwater sources.”* Peter Pope (RRC) suggests “provide funding and supplement existing programs for public outreach education...”

“Prioritizing water research in higher education” Dr. Tracy suggested changing it to “water education outreach and research.” Dr. Tracy would like to see this because it is a “bully pulpit” for educating the future work force. Members agree outreach and education are good points and may be incorporated into previous bullets

Mr. Berehe provided a Groundwater Issues Subcommittee handout that the Groundwater Issues Subcommittee white papers are about: Polyfluoroalkyl Substances (PFASs), Border Groundwater, ASR, and Failing On-site Sewage Facilities. Bullets 1-4 are white papers under development that will be incorporated into the legislature report if they are done by October 2018. Mr. Berehe states bullets 5-8 and the ***Suggested*** bullet are up for discussion and Mr. Anderson suggested combining those bullets into one. Linda Ruiz-McCall likes the fifth bullet better than the ***Suggested*** bullet because it mentions baseflow and springs. Emily Hall (TDSHS) states that bullets 6-8 could be combined and get rid of “the TGPC should continue to support ongoing efforts....” in bullet 6 because it is a given.

Mr. Berehe suggested keep bullet 5 and include “groundwater contamination”. Cary Betz (TCEQ) states that the word “mussels” shouldn’t be used but endangered species is acceptable.

3. SET FUTURE MEETING DATE

After a scheduling discussion, Abiy Berehe (TCEQ) announced that the next meeting would be determined by the TGPC in July 2018.

4. ANNOUNCEMENTS

Cary Betz (TCEQ) discussed notification process regarding TAC 26.405-408. Mr. Betz reports that the notification process is under review.

5. PUBLIC COMMENT

There were no public comments.

6. ADJOURN

With the subcommittee’s consensus, Abiy Berehe (TCEQ) adjourned the meeting at 11:36 p.m.