

TEXAS GROUNDWATER PROTECTION COMMITTEE

LEGISLATIVE REPORT SUBCOMMITTEE

RECORD OF MEETING

Second Meeting, Fiscal Year 2020

Meeting Date: June 10, 2020

Place: Texas-Conference Call

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MEETING ATTENDANCE

Subcommittee Members

Abiy Berehe (Chair)	Texas Commission on Environmental Quality (TCEQ)
Natalie Ballew	Texas Water Development Board (TWDB)
Leslie Bruce	Railroad Commission of Texas (RRC)
TJ Helton	Texas State Soil and Water Conservation Board (TSSWCB)
Linda Ruiz-McCall (absent)	University of Texas Bureau of Economic Geology (UTBEG)
Adam Foster	Texas Department of Licensing and Regulation (TDLR)
John Tracy (absent)	Texas A&M AgriLife Research (AgriLife Research)
David Van Dresar	Texas Alliance of Groundwater Districts (TAGD)
David Villarreal	Texas Department of Agriculture (TDA)
Evelyn Reategui-Zirena	Texas Department of State Health Services (TDSHS)

Agency Staff

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Al Cherepon	TCEQ	Water Availability Division
Cindy Hooper	TCEQ	Water Availability Division
Peggy Hunka	TCEQ	Water Availability Division
Kathy McCormack	TCEQ	Water Availability Division
Kelly Mills (TGPC Chair)	TCEQ	Water Availability Division
Scott Underwood	TCEQ	Water Availability Division

Interested Parties

<u>Interested Parties</u>	<u>Affiliation</u>
Diane Boellstorff	Texas A&M AgriLife Research (Extension Service)
Lynn Fahlquist	United States Geological Survey (USGS)
Leah Martinsson	TAGD
Rebecca Storms	TWDB

MEETING HANDOUTS (delivered by email or made available on TGPC website)

1. Legislative Report Subcommittee Agenda June 10, 2020
2. Record of Meeting March 4, 2020
3. Recommendations to the 86th Texas Legislature (pages 7-12 of SFR-047/18)

1. CALL TO ORDER AND INTRODUCTIONS

Abiy Berehe (TCEQ), Chair of the Legislative Report Subcommittee, called the meeting to order at 10:31 a.m. Mr. Berehe roll called conference call attendees (see page 2).

2. DISCUSSION AND EDITING OF THE DRAFT ACTIVITIES AND RECOMMENDATIONS OF THE TEXAS GROUNDWATER PROTECTION COMMITTEE: A REPORT TO THE 87TH LEGISLATURE.

Mr. Berehe outlined the plan for preparing the *Report to the 87th Legislature*. We are trying to get the report finished before the July TGPC meeting. After the July meeting please circulate the report to your management for review and approval. There will be two subcommittee meetings; today's meeting and, if any new recommendations are needed, a second meeting in September 2020. The final report will be submitted to the TGPC in the October 2020 meeting.

Mr. Berehe referenced pages 7-12 of SFR-047/18 which is also available at the TGPC website. Today's objective is to update the *Report to the 86th Legislature* and submit the draft *Report to the 87th Legislature* to the main committee in July 2020. If there's a need for another meeting, we'll discuss it after the July main committee meeting. This subcommittee is responsible for updating the Recommendations section. Mr. Berehe then referred members to the Recommendations section: a seven-page handout (pages 7-12) from the *Recommendations to the 86th Texas Legislature*. Mr. Berehe recapped the last meeting.

26.401 Legislative Findings

No changes. Same as *Recommendations to the 86th Texas Legislature*

26.403 Creation and Members of TGPC

No changes.

26.405 Powers and Duties of TGPC

No changes

26.406 Groundwater Contamination Information and Reports; Rules

No changes.

26.407 Protection and Enhancement Plans

No changes.

26.408 Notice of Groundwater Contamination

No changes.

Abandoned Water Well Plugging and Education

We received changes from Diane Boellstorff (AgriLife Research) and will incorporate all the changes into one document for review. We also received changes from Natalie Ballew (TWDB), and we'll discuss those changes later in this meeting. Mr. Berehe started where the last meeting left off with a discussion of the *Support of Agency Programs*.

Support of Agency Programs discussion:

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.

Natalie Ballew (TWDB) mentioned HB 721 and Mr. Berehe said we need to see the TWDB report before we tweak this bullet but for now keep it as is. Kelly Mills (TCEQ) suggested putting in "the TGPC recommends continued support" in the beginning. Ms. Ballew concurred with that wording because some of these bulleted items are in action and will need continued support.

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.

Natalie Ballew (TWDB) suggests this bullet be addressed in the next legislative report. Abiy Berehe (TCEQ) suggests keep the first part and delete the second part but include some language with "continued support" in it.

Provide educational tools, programs, and assistance to Texans through the Texas Well Owner Network (TWON) program.

Diane Boellstorff (AgriLife Research) and Abiy Berehe (TCEQ) agree to keep this recommendation as is.

Provide funding for a regional High Plains Evapotranspiration (ET) Network in support of the Statewide ET network and the statewide meteorological monitoring network (TexMesonet). The spatial and temporal needs of the ET network provide significant value to agriculture, irrigation, forestry, and water resource planners at local to statewide scales.

David Villarreal (TDA) reports Water Conservation Advisory Committee (WCAC) "supports the ET network" (Dr. Villarreal has a bad connection and his voice is mostly unintelligible). Abiy Berehe (TCEQ) reports that professor Guy Fipps (AgriLife Research) says the High Plains Evapotranspiration (ET) Network is no longer operating. Mr. Berehe states that the "High Plains ET Network" part will be removed from this recommendation. Keep the "statewide network" and "TexMesonet" parts. Mr. Berehe said that he will work with Dr. Villarreal on the WCAC suggestions as the report progresses.

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.

No changes.

Provide funding for research on quantification (extent of environmental occurrence), fate and transport, and the environmental and human health effects of emerging contaminants in groundwater.

Lynn Fahlquist (USGS) asked if we needed to define “emerging contaminants” but Abiy Berehe (TCEQ) says we should keep a broad definition because there’s a lot of emerging contaminants out there. No changes.

Provide funding for more research on the relationship between groundwater quality, quantity, and location regarding current endangered species and those proposed to be added to the federal protected list. The intricate link between endangered species and water will pervade water use issues for decades to come.

Abiy Berehe (TCEQ) says delete the controversial “intricate link...decades to come” second part. Keep the original intent of the first part. Delete the second sentence.

Address trans-boundary issues, especially with Mexico, and delineate shared aquifers and water supplies before critical limitations on groundwater resources occur.

Natalie Ballew (TWDB) reports that there are a couple of organizations looking at this issue. Abiy Berehe (TCEQ) says this is still a valid recommendation for the TGPC as well and Ms. Ballew concurs. Kelly Mills (TCEQ) suggests the last part of the sentence be shaved off: remove “...before critical limitations on groundwater resources occur.” Mr. Mills notes that there is a conference about this issue coming up. Kathy McCormack (TCEQ) said there is a conference related to this topic coming up on October 14-15, 2020-you can find it in the TGPC conference list.

Evaluate the implications to groundwater regulation and management of redefining “Waters of the United States” as previously proposed by the federal government.

Abiy Berehe (TCEQ) says this is no longer a valid recommendation. Since the 2015 water of US was repealed. Leah Martinsson (TAGD) had a question for Mr. Berehe about the TCEQ NPDES permits requirements for groundwater (Hawaii related?) on this and he responds that he will contact her after the meeting to discuss. Ms. Martinsson didn’t have a specific recommendation but was wondering what the TCEQ would do.

Provide tools to enhance existing data collection, management, and accessibility efforts for groundwater quality data.

David Villarreal (TDA) states WCAC would appreciate support on the water conversation from the TGPC. Abiy Berehe (TCEQ) suggests that Dr. Villarreal send him some language that can be incorporate into the bullet.

Appropriate funds for a statewide groundwater quality public awareness program to supplement existing programs.

No changes.

Support continued/enhanced groundwater monitoring and research efforts to identify and better understand groundwater/surface water interactions. Goals of this effort include but are not limited to quantification and prediction of impacts from changing groundwater conditions on riverine subsistence and baseflow as well as spring flows.

No changes.

Provide funding for public outreach and education on agricultural practices that minimize agricultural water runoff from polluting surface water or groundwater sources.

David Villarreal (TDA) notes that this is a good second place for a WCAC insert. Abiy Berehe (TCEQ) will work with Dr. Villarreal on the WCAC recommendations.

Provide and support funding for water use education and research by public universities in Texas.

No changes.

Support continued/enhanced groundwater monitoring and research efforts to identify and better understand groundwater/surface water interactions. Goals of this effort include but are not limited to quantification and prediction of impacts from changing groundwater conditions on riverine subsistence and baseflow as well as spring flows.

No changes.

Provide funding for the development of a state-wide system to collect and record the location and detailed permit and design information for all On-site Sewage Facilities (OSSFs) at the time of installation or servicing because of the potential of failing systems to negatively affect groundwater quality.

No changes.

David Villarreal (TDA) reiterates that the TGPC and WCAC have an opportunity to work together and would like the support of the TGPC. Dr. Villarreal will be working with Abiy Berehe before the next meeting to see if and where the three WCAC recommendations can fit in with the TGPC recommendations.

Diane Boellstorff (AgriLife Research) suggested that an additional bullet be installed here that recommends “provide funding for private water well testing for well owners in counties with natural disaster designations due to flooding.” Abiy Berehe (TCEQ) responded that this was a good recommendation that should be included and asked Dr. Boellstorff to send him the wording.

Leah Martinsson (TAGD) suggests that there be a clarification that these bullets are not in order of priority. Mr. Berehe agrees and will make sure this suggestion gets in.

3. SET FUTURE MEETING DATE

After a scheduling discussion, Abiy Berehe (TCEQ) announced that the next meeting, if needed, would be in September 2020.

4. ANNOUNCEMENTS

Kelly Mills (TCEQ) thanks the subcommittee for their efforts. Abiy Berehe (TCEQ) concurs and recaps by saying the draft report will be out this July.

5. PUBLIC COMMENT

There were no public comments.

6. ADJOURN

With the subcommittee’s consensus, Abiy Berehe (TCEQ) adjourned the meeting at 11:20 a.m.