

**TEXAS GROUNDWATER PROTECTION COMMITTEE**

**LEGISLATIVE REPORT SUBCOMMITTEE**

**RECORD OF MEETING**

Second Meeting, Fiscal Year 2022

Meeting Date: June 8, 2022

Place: Videoconference

Room: N/A

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## MEETING ATTENDANCE

### Subcommittee Members

Abiy Berehe (Chair)

Natalie Ballew

Josh Sendejar

**Chris Heiligenstein**

Thomas “TJ” Helton

David Gunn

Rosario Sanchez  
Flores

Leah Martinsson

David Villarreal

Eric Lawrence

### Affiliation

Texas Commission on Environmental Quality (TCEQ)

Texas Water Development Board (TWDB)

Texas Water Development Board (TWDB)

Railroad Commission of Texas (RRC)

Texas State Soil and Water Conservation Board (TSSWCB)

Texas Department of Licensing and Regulation (TDLR)

Texas A&M AgriLife Research (AgriLife Research)

Texas Alliance of Groundwater Districts (TAGD)

Texas Department of Agriculture (TDA)

Texas Department of State Health Services (TDSHS)

### Agency Staff

Mindy Conyers

David Van Dresar

Alan Cherepon

Cindy Hooper

Peggy Hunka

Kathy McCormack

Kelly Mills

Scott Underwood

Grant Gibson

Claudia Guillot-  
Wallace

### Affiliation      Program

Texas Water Development Board (TWDB)

Texas Alliance of Groundwater Districts (TAGD)

TCEQ      Water Availability Division

TCEQ      Water Availability Division

TCEQ      Water Availability Division

TCEQ      Water Availability Division

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## MEETING HANDOUTS

### 1. [Legislative Report Subcommittee Agenda June 8, 2022](#)

#### 1. CALL TO ORDER AND INTRODUCTIONS

The TGPC approves all subcommittee products and designated TGPC members attending this subcommittee meeting participated as an employee or representative of their agency or organization, not as a designated TGPC member. Therefore, this subcommittee meeting was not subject to the Open Meetings Act and it was held 100% virtually. The public was also able to attend this meeting via teleconference or videoconference at no cost.

Abiy Berehe (TCEQ), Chair of the Legislative Report Subcommittee, called the meeting to order at 3:03 p.m. CDT. Subcommittee members introduced themselves.

#### 2. DISCUSSION AND EDITING OF THE DRAFT ACTIVITIES AND RECOMMENDATIONS OF THE TEXAS GROUNDWATER PROTECTION COMMITTEE: A REPORT TO THE 88TH LEGISLATURE.

Abiy Berehe (TCEQ) states that the purpose of this meeting will be to edit the draft recommendations worked on during the last TGPC meeting in March and that the draft has been updated since the last meeting. Mr. Berehe also mentions that Leah Martinsson (TAGD) has provided the subcommittee with a link to the legislative budget board (LBB) 2019 report and some of the language used within it has been included in the subcommittee's draft to strengthen existing recommendations.

##### *1. Review of Statute*

##### *26.401 Legislative Findings*

No changes.

##### *26.403 Creation and Members of TGPC*

Abiy Berehe (TCEQ) mentioned adding the Texas Parks and Wildlife Department to the list of members within the TGPC. This is because of the duties fulfilled by the TPWD regarding propagation and protection of terrestrial and aquatic life. TPWD has expressed interest in joining the TGPC. A formal request was sent out a few weeks ago and the TGPC is awaiting their response.

##### *26.405 Powers and Duties of TGPC*

Abiy Berehe (TCEQ) and Josh Sendejar (TWDB) have been in contact with the Water Conservation Advisory Council (WCAC) about similar recommendations possessed by both organizations. The subject matter of the recommendation has been approved by the WCAC, but final language is yet to be determined. Mr. Sendejar (TWDB) believes the report may be finalized by October.

Leah Martinsson (TAGD) expressed concern over how the evapotranspiration (ET) network is handled in the draft that has been shared with the TGPC. Mr. Villareal (TDA) suggests moving the ET recommendation and making it its own section (rather than just adding another bullet under item A), allowing for more consistency among the sections separated by roman numerals. Mr. Villareal feels that this would also raise the level of the ET recommendation from the TGPC, making it a more significant recommendation. Leah Martinsson (TAGD) agrees and suggests elevating the recommendation to one of the larger sections that includes all the background information for these recommendations. The TGPC will work with Guy Fipps in order to highlight this specific recommendation for both organizations. Leah Martinsson (TAGD) also suggests utilizing language from White Papers rather than just from the WCAC. Kelly Mills (TCEQ) and David Villareal (TDA) agree.

#### *26.406 Groundwater Contamination Information and Reports; Rules*

No changes. Abiy Berehe (TCEQ) mentions the updates made to the TGPC's recommendations and addresses the flexibility of the TGPC to publish the report both electronically and as hard copies.

#### *26.407 Protection and Enhancement Plans*

No changes.

#### *26.408 Notice of Groundwater Contamination*

No changes. Abiy Berehe (TCEQ) mentions retaining the language referenced from the 2019 LBB report to strengthen the TGPC's recommendation.

### *2. Abandoned Water Well Plugging and Education*

Leah Martinsson (TAGD) mentions the concern raised by other organizations surrounding the notice of potential purchasers of property when it comes to water wells. Abiy Berehe (TCEQ) states that the TGPC is recommending statutory disclosure requirements during the real estate process to be strengthened to require that sellers provide buyers with notice of water wells, with an emphasis on including whether the water well is active or abandoned. In addition to these recommendations, David Gunn (TDLR) suggests more transparency surrounding the responsibilities of property owners who have recently submitted a P-13 form, who need to submit a water well report, or who are liable for the health of any well. The subject of including in the legislative recommendations surrounding P-13 forms came up during the Public Outreach and Education (POE) Subcommittee meeting. Leah Martinsson (TAGD) supports this recommendation to get this information to landowners *before* they are responsible for these wells throughout the P-13 process.

Kelly Mills (TCEQ) believes that the figure included under this section within the draft does not fit in within the report and that it may be easier to just reference the figure within the draft. Leah Martinsson (TAGD) suggests preserving some of the written information provided in this section but agrees that the figure of the fiscal report is not necessary to include. The information provided in the figure may be redundant as the TGPC is expecting that a fiscal impact analysis be done by the time any bill is finalized.

### *3. Support of Agency Programs*

Abiy Berehe (TCEQ) mentions continuing with the process of including recommendations from the Groundwater Issues Subcommittee of the TGPC, especially using their White Papers as legislative recommendation. Mr. Berehe states that the subcommittee will continue with this process for their recommendations for the 88<sup>th</sup> Legislative Report. The TDWB suggested that the TGPC edit the Aquifer Storage and Recovery (ASR) recommendations based on the recent report they published on ASR and Abiy Berehe (TCEQ) accepts this task on behalf of the TGPC.

The section about evapotranspiration (ET) networks will be moved out of this section as discussed at the beginning of the meeting. This section will also include WCAC recommendations as a result of the changes mentioned at the beginning of the meeting. David Villareal (TDA) has some of the language for the WCAC recommendations ready and will provide Abiy Berehe (TCEQ) with this content as soon as possible in order to update the draft. Support of Agency Programs will become roman numeral IV in the draft of 88<sup>th</sup> legislative report after this meeting.

### **3. DISCUSSION OF THE COMPLETION OF THE DRAFT LEGISLATIVE REPORT AND PRESENTATION TO THE TGPC.**

June 8, 2022-finalize draft recommendations to the 88<sup>th</sup> Legislature-second subcommittee meeting

July 13, 2022-TGPC meeting. Report status to main committee. Seek tentative approval and send out to member agencies for concurrence and management approval. TCEQ staff to make non-substantive changes. We will incorporate changes made today before this meeting.

September 7, 2022- third meeting for the Legislative Report Subcommittee (if needed).

October 2022- present final draft report at TCEQ meeting.

December 2022- distribute report to elected officials.

### **4. SET FUTURE MEETING DATE**

After a scheduling discussion, Abiy Berehe (TCEQ) announced that the next meeting would be on September 7<sup>th</sup>, 2022 at 3:00 p.m. CDT. If this meeting is not required, the POE Subcommittee will meet at 1:30 p.m. rather than 1:00 p.m. CDT. Mr. Berehe assures members that they will be notified on whether this meeting will take place.

### **5. ANNOUNCEMENTS**

There were no announcements.

### **6. PUBLIC COMMENT**

There were no public comments.

### **7. ADJOURN**

With the subcommittee's consensus, Abiy Berehe (TCEQ) adjourned the meeting at 3:46 p.m. CDT.