

TEXAS GROUNDWATER PROTECTION COMMITTEE
LEGISLATIVE REPORT SUBCOMMITTEE
RECORD OF MEETING

First Meeting, Fiscal Year 2018

Meeting Date: February 21, 2018

Place: TCEQ Campus, Bldg. F

Room: 3202A

TABLE OF CONTENTS

MEETING ATTENDANCE	2
MEETING HANDOUTS	2
RECORD OF MEETING FEBRUARY 21, 2018	3
1. CALL TO ORDER AND INTRODUCTIONS	3
2. DISCUSSION AND EDITING OF THE DRAFT ACTIVITIES AND RECOMMENDATIONS OF THE TEXAS GROUNDWATER PROTECTION COMMITTEE (TGPC) REPORT TO THE 86 th LEGISLATURE	3
3. DISCUSSION OF THE COMPLETION OF THE DRAFT LEGISLATIVE REPORT AND PRESENTATION TO THE TGPC	3
4. SET FUTURE MEETING DATE	5
5. ANNOUNCEMENTS	5
6. PUBLIC COMMENT	5
7. ADJOURN	5

MEETING ATTENDANCE

Subcommittee Members

Abiy Berehe (Chair)	Texas Commission on Environmental Quality (TCEQ)
Emily Hall	Texas Department of State Health Services (TDSHS)
TJ Helton	Texas State Soil and Water Conservation Board (TSSWCB)
Janie Hopkins	Texas Water Development Board (TWDB)
Alberto Jimenez	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	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. Legislative Report Subcommittee Agenda February 21, 2018
2. Copy of *Texas Groundwater Protection Committee Report to the 85th Legislature*
3. Timeline-Preparation of the *Texas Groundwater Protection Committee Report to the 86th Legislature*
4. *Recommendations to the 86th Texas Legislature*

1. CALL TO ORDER AND INTRODUCTIONS

Abiy Berehe (TCEQ), Chair of the Legislative Report Subcommittee, called the meeting to order at 9:36 a.m. Subcommittee members introduced themselves.

2. TIMELINE-PREPARATION OF THE TGPC REPORT TO THE 86TH TEXAS LEGISLATURE

Abiy Berehe (TCEQ) stated that he and Scott Underwood (TCEQ) are the Legislative Report contacts. Mr. Berehe read aloud the Timeline-Preparation handout.

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

Abiy Berehe (TCEQ) referred members to their handout: *Report to the 85th Legislature* (pages 1-15). Mr. Berehe reminded the subcommittee that today's main task is to update the *Recommendations* section of the report. Mr. Berehe stated that the other sections and appendixes will be updated after the other subcommittee's compile their data. There will be no change to groundwater classification system. We will update the Strategy after we get direction from the main committee in July 2018. Mr. Berehe initiated the editing-by-consensus process.

Recommendations to the 86th Texas Legislature

§ 26.401 Legislative Findings

David Villarreal (TDA) asked what the goal was and Abiy Berehe (TCEQ) replied that he believes people today tend to see more than they read so the goal is to simplify and get to the main points across.

§ 26.403 Creation and Membership

Abiy Berehe (TCEQ) stated that he believes the Texas Parks and Wildlife Department addition is still a valid recommendation but he will check.

§ 26.405 Powers and Duties of TGPC

John Tracy (AgriLife Research) stated the wording should not be future tense in the second paragraph. He suggests some more work on the wording. Mr. Berehe stated that in October 2018 we would make the editorial changes as the subcommittees submit their work.

David Villarreal (TDA) handed out his copies of the Water Conservation Advisory Council's (WCAC) *Recommendations for legislation to advance water conservation in Texas*. WCAC's recommendations four through eight are very similar to the TGPC's. He points out that TGPC and WCAC recommendations overlap and that they could combine forces to get the recommendations in front of the legislators. Dr. Villarreal summarizes that the WCAC recommendations should be discussed when finalizing the TGPC recommendations.

Dr. Tracy stated that as far as the water conservation tie in goes, a plethora of research indicates that near surface groundwater resources gradual degradation relates to excess water application on the surface. That is, anything put on the ground not used by crops (runoff) contributes to the degradation of ground or surface water so groundwater quality ties directly to water conservation.

Dr. Villarreal states that member-agency management has approved the WCAC recommendations so it would be easier to tweak them into similar TGPC recommendations. He believes the WCAC lobbyists can help get the TGPC report in front of the legislators. Dr. Villarreal reports that the TGPC report is on the bottom of the stack.

Linda Ruiz-McCall (UTBEG) stated that the WCAC “plug-and-play” recommendations give specifics and timeframes whereas TGPC recommendations do not.

David Van Dresar (TAGD) asked if we need the fifth paragraph in §26.405. If we do not want conservation powers in the committee then how can we incorporate WCAC’s conservation-based recommendations? If we keep it then we have to tie conservation to quality.

Mr. Berehe summarizes that the subcommittee needs more clarification on TGPC water conservation duties before changing §26.405 but for now, let it stand. In the meantime, we will work with Dr. Villarreal on wording the ties between water quantity and quality.

Dr. Villarreal states that he will bring up the conservation clarification issue with the WCAC and tweak the recommendations five through eight. He will work up the recommendations in terms of quality and e-mail it to Mr. Berehe. Dr. Villarreal suggests the TGPC do an outreach presentation to WCAC.

§ 26.406 Groundwater Contamination Information and Reports; Rules

After a discussion about funding recommendations, Abiy Berehe (TCEQ) stated the recommendation is still valid. Peter Pope (RRC) reminded the subcommittee that we are a non-funded entity. Mr. Berehe stated the reason we ask for “support” instead of a dollar amount is to see if the door opens then, we give them some numbers. David Van Dresar (TAGD) suggested a database that marries water quantity to quality and ties into WCAC’s fifth recommendation-fund a data collection system.

§ 26.407 Protection and Enhancement Plans

Abiy Berehe (TCEQ) stated that the recommendation is still valid. David Villarreal (TDA) states that this recommendation is a minor issue to the TDA and suggests for the other

recommendations' sake, take the recommendation out. Dr. Villarreal stated that this issue is going away for the TDA-the use of the words "shall" or "may" will not matter in the next few years.

§ 26.408 Notice of Groundwater Contamination

Abiy Berehe (TCEQ) stated that this is still a valid recommendation but suggests incorporating what TGPC member agencies learned from Hurricane Harvey and what needs to be done.

John Tracy (AgriLife Research) states that the AgriLife public outreach is active so the recommendation is still valid.

TJ Helton (TSSWCB) asked if the TDLR is not going to put it in a LAR then why we are proposing it. It's pointless to be in there. Why would we support something an agency (TDLR) is not going to do? After a discussion, Mr. Helton suggested rewording the *Abandoned Water Well Plugging* part so that the TDLR is not put on the spot.

Linda Ruiz McCall (UTBEG) asked if any Harvey data is available. David Villarreal (TDA) and Mr. Helton stated that Harvey data is rolling in. Dr. Villarreal suggested a presentation of the data to the TGPC.

Mr. Helton reported that about 1,500 wells were sampled and 46% of those wells tested positive for E. coli with a 3% to 12% recovery after a second sampling event. Mr. Helton emphasized that these are preliminary numbers subject to review. Dr. Tracy mentioned that Gretchen Miller of A&M Engineering applied for a NSF rapid grant to look into other types of Harvey-related groundwater contaminants.

4. SET FUTURE MEETING DATE

After a scheduling discussion, Abiy Berehe (TCEQ) announced that the next meeting would be on April 18, 2018 at 0930.

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 11:35 p.m.