

**TWCA Groundwater Committee**  
April 20, 2022 – 9:30am  
LCRA Redbud Center  
3601 Lake Austin Blvd Austin, TX 78703

Agenda:

1. Welcome and introductions
2. Committee purpose and goals
3. Adoption of committee rules and procedures
4. Committee Scope.
  - a. Overview of committee groundwater bills that did and did not pass last session
    - i. Unreasonable DFCs
    - ii. Petition for Rulemaking
    - iii. Notice to Affected Person?
  - b. **Update on Joint Task Force on Waste.** In March, the TWCA Board of Directors authorized and directed the President to create a joint task force, made up of 12-18 people from the Groundwater and Surface Water Committees, to discuss “waste” of groundwater and its implications for storage in and transport of groundwater using state water courses. This issue impacts many other discussions about surface-groundwater interactions or permitting concerns– meaning that we cannot reach consensus on many of these other issues until the larger differences are resolved. The joint task force is charged with developing an informational paper that identifies (1) the varying perspectives and approaches used to address “waste” and conflicts between Chapters 11 and 36, Water Code, and (2) possible solutions to be considered later by a larger joint committee or the Board. The joint task force will periodically provide updates of its activities to the Surface Water and Groundwater Committees and may solicit input or feedback from those committees. *Note that we do not anticipate that the task force will draft any legislation for the 88th Session.*
  - c. **List of Issues Submitted by Committee Members.** Committee members suggested many issues for the committee’s consideration/subcommittee creation. Issues the chairs support for further discussion (in addition to the waste task force) include:
    - i. Support for groundwater availability model enhancements. (Carlos Rubinstein)
    - ii. TREC contract language for groundwater (continuation of 2020-21 issue). (Charles Porter)
    - iii. Mitigation. (Lyn Clancy)
    - iv. Competitive bidding thresholds. (Brian Sledge)
  - d. Issues the chairs leave to the will of the committee for further discussion include:
    - i. Loser pays attorney fees. (C.E. Williams)
    - ii. Funding mechanism for GMA joint planning. (Janet Guthrie and Vanessa Puig-Williams)
    - iii. Property title reform to include GCD information. (Charles Porter)
    - iv. Use of local bills in lieu of Ch. 36. (Zach Holland)
    - v. Revisit brackish groundwater production zone permitting. (Mary Sahs)
    - vi. Notification of discharges. (Gary Westbrook)

- vii. Protect groundwater in place. (Vanessa Puig-Williams)
- viii. TWDB provision of additional groundwater availability information to GCDs. (Vanessa Puig-Williams)
  - ix. Remove "upon request" in TWC 36.1081 (provides for TWDB to make technical staff available in a non-voting advisory capacity to assist in the development of DFCs). (Vanessa Puig-Williams)
  - x. Consider surety bond requirements to sue a GCD. (Greg Ellis)
  - xi. Codify historical permit transfer limitations from the Guitar case. (Greg Ellis)
  - xii. Change the defined term "subdivision of a groundwater reservoir" to "subdivision of an aquifer." (Greg Ellis)
  - xiii. Clarify that a person denied status as a party may appeal that decision (only) once the Board makes a final decision. (Greg Ellis)
  - xiv. Sustainability: provide minimum standards on the balancing test (conservation v. development). (Van Kelley)
  - xv. Provide minimum standards for setting/monitoring DFCs. (Van Kelley)
  - xvi. Consider whether there should be parameters or additional requirements in the adoption of DFCs that are substantially different from those proposed for public comment. (Hope Wells)
  - xvii. Extend the deadline for submitting well plugging reports to TDLR from 30 to 60 days. (Mike Pyburn – TGWA)
- e. Additional issues for discussion, if any
- 5. Future meetings and subcommittees
- 6. Other business