TO: Board Members

THROUGH: Jeff Walker, Executive Administrator
          John T. Dupnik, P.G., Deputy Executive Administrator, Water Science
          and Conservation
          Todd Chenoweth, General Counsel
          Rebecca Trevino, Chief Financial Officer

FROM: Erika Mancha, Manager, Innovative Water Technologies
      Kevin Kluge, Director, Conservation and Innovative Water
      Technologies

DATE: February 27, 2020

SUBJECT: Technical studies to support zone designations in brackish aquifers

ACTION REQUESTED
Consider authorizing the Executive Administrator to award, negotiate, and execute
contracts in a total amount not to exceed $1,681,446 million in General Revenue funds for
technical studies to support zone designations in brackish aquifers.

BACKGROUND
In 2019, the 86th Texas Legislature appropriated $1,681,446 million from General Revenue
to the TWDB for contract grants for technical studies to support designating zones in Texas
aquifers, except the Dockum Aquifer. (House Bill 1, General Appropriations Act, 2019
Legislature, Regular Session, page VI-59, Rider 24).

These appropriations are related to funding initially provided in Rider 26 by the 84th Texas
Legislature in 2015 to implement House Bill 30 (House Bill 1, General Appropriations Act,
2015 Legislature, Regular Session, page IX-87, Sec. 18.30). House Bill 30 directed the TWDB
to identify and designate local and regional brackish groundwater production zones in
areas of the state with moderate to high availability and productivity of brackish
groundwater that met certain criteria.

KEY ISSUES
To implement the directive, the $1,681,446 appropriations for contract grants will be
divided into two funding groups of $500,000 and $1,181,446. The TWDB will publish a
Request for Qualifications (RFQ) in amount of $500,000 for services to develop procedures and tools to delineate areas designated or used for Class II wastewater injection wells to aid in determining the appropriate buffer size. In past zone designations, TWDB has applied a conservative 15-mile buffer to Class II injection wells. The goal of the study is to develop and test procedures and tools that will result in a technically defensible buffer. The TWDB will also form an advisory workgroup consisting of federal and state agencies and state associations that will be engaged throughout the study to build scientific consensus.

With the remaining $1,181,446 in contract funds, the TWDB will publish a second RFQ and may additionally execute one or more interagency contracts with state and/or federal agencies. The RFQ is to engage a selective pool of qualified contractors that can conduct technical tasks for brackish aquifers eligible for zone designation. Technical tasks will include: data collection, data entry, stratigraphy, lithology, water quality sampling and analysis, core analysis, and other tasks. We will then issue specific work orders with task and deliverable requirements to the pool of contractors, who can then bid on the work order. The TWDB will score responses to work orders based on technical and budgetary criteria.

The TWDB may execute one or more interagency contracts with state and/or federal agencies as needed. We have been in discussions with the U.S. Geological Survey and The University of Texas at Austin to learn more about their services. Services could include replicating key well logs, running geophysical well log tools, obtaining water samples from higher salinity sources, and conducting water quality testing.

Since the contract funds are from General Revenue, all reimbursable work will need to be complete by August 31, 2021.

**RECOMMENDATION**
In order to conduct technical studies to support designating zones in brackish aquifers as required by House Bill 30, the Executive Administrator recommends approval of awarding, negotiating, and executing contracts as proposed.