

## Legislation Text

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**Consider recommendation from the Aquifer Management Planning Committee to approve amendments to Interlocal Cooperative Contract No. 17-837-EX with New Braunfels Utilities for the development and use of an aquifer storage and recovery project.**

### RECOMMENDED MOTION:

Move the board approve the First Amended Interlocal Cooperation Contract # 17-837-EX with New Braunfels Utilities for the development and use of an aquifer storage and recovery project.

### SUMMARY:

At the June 13, 2017, regular meeting, the board approved an interlocal cooperation contract (Contract) with New Braunfels Utilities (NBU) for development of an aquifer storage and recovery project in the brackish/saline portion of the Edwards Aquifer. The project contemplates injection (i.e. recharge) of groundwater into the Edwards, albeit into the saline zone, and recovery (withdrawal) of the injected water for beneficial use. Such a contract between NBU and the EAA is required according to Chapter 711, Subchapter J of the EAA Rules.

Since the Contract's approval, both EAA and NBU staff have worked together in furtherance of the project's implementation. Through this collaborative effort, it has become necessary to amend the language contained in the Contract for two main reasons.

The first is due to the passage of SB 520 during the 86<sup>th</sup> Regular Session of the Texas Legislature. This bill expanded the source water that NBU is legally allowed to inject into the Saline Zone of the Edwards Aquifer as part of the project.

The second is related to information gathered while preparing the background water level and water quality report associated with the Contract. As reported to the board at the April 2019 Technical Briefing, information has come to light that has led EAA staff to recommend the removal of language from the Contract that requires certain mitigation triggers for NBU's operation to be associated with the currently identified LCRA well and the insertion of language that allows the contractually established Work Group (comprised of EAA and NBU staff) to identify new locations for monitoring and new parameters that are better suited for such mitigation triggers.

At the August 27 meeting, the Aquifer Management Planning Committee voted to recommend the board approve the First Amended Interlocal Cooperation Contract # 17-837-EX with NBU.

Attached for the board's reference are redlined and clean versions of the Contract that incorporates the proposed amendments.

**M/WBE PARTICIPATION:**

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

**STRATEGIC PLAN REFERENCE:**

This agenda item supports the EAA's policy direction as set forth in the EAA 2016-20 Strategic Plan: Goal C. Identify and Address Recharge Initiatives for the Edwards Aquifer.

**FISCAL IMPACT:**

The EAA will be responsible for costs associated with the collection and analysis of data. These costs will be absorbed within the EAA's regular data collection activities.