

1
2
3
4 **MINUTES OF THE**
5
6 **THE CITY OF SANTA FE & SANTA FE COUNTY**
7
8 **BUCKMAN DIRECT DIVERSION BOARD MEETING**
9

10 **September 5, 2019**
11

12 This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting
13 was called to order by Anna Hamilton, Chair, at approximately 4:00 p.m. in the Santa Fe
14 City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.
15

16 Roll was called and the following members were present:
17

<u>BDD Board Members Present:</u>	<u>Member(s) Excused:</u>
18 Commissioner Anna Hamilton, Chair	18 None
19 Councilor Peter Ives	
20 Commissioner Anna Hansen	
21 Councilor Michael Harris	
22 Citizen Member Denise Fort	
23 Mr. Tom Egelhoff [non-voting]	

24
25
26 **BDD Board Alternate Members Present:**

27 Mr. J.C. Helms [Citizen Alternate]
28 Ginny Selvin [Las Campanas Alternate]
29

30 **Others Present:**

31 Rick Carpenter, Acting BDD Facilities Manager
32 Nancy Long, BDD Board Consulting Attorney
33 Mackie Romero, BDD Finance Manager
34 Randy Sugrue, BDD Operations Superintendent
35 Bernardine Padilla, BDD Public Relations Coordinator
36 Sara Smith, Santa Fe County
37 Kyle Harwood, BDD Counsel
38 Brian Armstrong, BDD
39 Alex Puglisi, City of Santa Fe Public Utilities
40 Mike Saladen, LANL
41 Jennifer Griffin, LANL
42 Doug Hintze, DOE-EM LANL
43 Steve Horak, DOE-EM LANL
44 Charles de Saillan, NM Environmental Law Center
45 Joni Arends, CCNS

1 Tom Stockton, Neptune
2 Paul Black, Neptune
3 Mike Kelley, Santa Fe County
4 David Trujillo, Citizen
5

6 **3. APPROVAL OF AGENDA**

7 [*Exhibit 1: Agenda*]
8

9 There were no changes offered.
10

11 Upon motion by Commissioner Hansen and second by Councilor Harris, the
12 agenda was unanimously approved as published.
13

14 **4. APPROVAL OF CONSENT AGENDA**
15

16 CHAIR HAMILTON: What's the pleasure of the Board?

17 COUNCILOR IVES: I have a question that's fairly short on 11.

18 CHAIR HAMILTON: Do you want that pulled?

19 COUNCILOR IVES: If I could, that would be great.

20 CHAIR HAMILTON: Okay, we'll pull that. What's the pleasure of the
21 Board for the remainder of the consent agenda?

22 COMMISSIONER HANSEN: Madam Chair, I move to approve the
23 consent agenda absent of item 11.

24 COUNCILOR HARRIS: Second.

25 CHAIR HAMILTON: Thank you. I have a motion and a second.
26

27 **The motion passed by unanimous [5-0] voice vote.**
28

29 **CONSENT AGENDA ITEMS:**

30 11. Request for approval to enter into a Joint Funding Agreement with the US
31 Geological Survey in the amount of \$61,752 for operation and maintenance
32 of the stream-gaging station and installation of a sediment gage [removed – See
33 page 21]

34 12. **Request for approval to reauthorize unexpended funds approved by the**
35 **BDDB from the BDD Major Repair and Replacement Fund.**

36 a. **Budget Amendment Resolution \$576,171.47**

37 13. **Request for approval to pay American Alternative Insurance Corporation an**
38 **additional premium of \$1,644 for auto coverage of two new vehicles purchase**
39 **by the BDDB**

40 14. **Request for approval of Amendment No. 5 to increase compensation with**
41 **Excel Staffing Companies, LLC in the amount of \$16,000 inclusive of**
42 **NMGRT to provide a General Clerk III to perform administrative duties**
43
44
45
46

1
2 **5. APPROVAL OF MINUTES: July 11, 2019**

3
4 CHAIR HAMILTON: That takes us to the minutes of the July 11th BDD
5 Board meeting. Any changes or comments? Commissioner.

6 COMMISSIONER HANSEN: On page 6, line 5, I'm not sure, but I think
7 it should be "joined" not "joint" at the end of the sentence. And then on page 18, line 22,
8 Member Fort, it's possibly Regina Wheeler not Virginia.

9 CHAIR HAMILTON: So with those changes, what is the pleasure of the
10 Board?

11 COMMISSIONER HANSEN: I move to approve with the changes.

12 COUNCILOR HARRIS: Second.

13 CHAIR HAMILTON: Thank you. So I have a motion and a second.

14
15 **The motion passed by unanimous [5-0] voice vote.**

16
17 **6. REPORT ON THE AUGUST 8, 2019 FISCAL SERVICES AND AUDIT**
18 **COMMITTEE**

19
20 MACKIE ROMERO (BDD Financial Manager): Madam Chair, members
21 of the Board, a Fiscal Services and Audit Committee meeting was held on Tuesday,
22 September 3rd. In attendance was myself, BDD Financial Manager, Rick Carpenter,
23 Interim Facilities Manager, from the City, Councilor Harris, from the County,
24 Commissioner Hamilton and from our Las Campanas partners we had Tom Egelhoff, and
25 Ginny Selvin. We discussed all financial items that were on the agenda and there were no
26 major concerns or issues. If there are any comments from the members who attended,
27 but that's my report, thank you.

28 CHAIR HAMILTON: Thank you very much. It was a very useful, well
29 run meeting. Are there any questions? Thank you, thank you very much for the report.

30 MS. ROMERO: Thank you.

31
32 **INFORMATIONAL ITEMS**

33 **7. Monthly Update on BDD operations**

34
35 CHAIR HAMILTON: Mr. Sugrue.

36 RANDY SUGRUE (Operations Supervisor): Thank you, Madam Chair,
37 members of the Board, we had another consistent month at BDD. We averaged about 5
38 million gallons per day of diversions. Our distribution to 4A/5A was just over 4 million
39 gallons per day. Las Campanas about 800,000 gallons per day and on site and non-treated
40 water about 100,000 gallons per day. We are providing about 31 percent of the
41 City/County water supply at this time.

42 Again, it was a very stable month. We expect the demand to fall a bit towards the
43 end of September and into October. I stand for any questions.

44 CHAIR HAMILTON: That's excellent. Are there any questions? Yes,
45 Councilor Ives.

46 COUNCILOR IVES: Thank you, Madam Chair. On page 2 of the report

1 it notes that Santa Fe has received 63 percent of full firm yield to date. Yesterday, we
2 had a report at Public Utilities, of course, that of – I believe we heard at Public Utilities
3 last month that it was at 93 percent but now that it will be a full 100 percent of full firm
4 yield that’s delivered and I’m not sure that that’s this point in time or shortly to be the
5 case.

6 RICK CARPENTER (Interim Facilities Manager): Chair, Councilor Ives,
7 we are anticipating 100 percent of full firm delivery this year.

8 COUNCILOR IVES: Where are we at now?

9 MR. CARPENTER: I think we’re at that 93 percent level. We’re pretty
10 late in the year and we’ll probably get one more good delivery but that will get us to the
11 100 percent.

12 COUNCILOR IVES: Good.

13 CHAIR HAMILTON: Thank you. Do you have any thought on -- it’s
14 just interesting that July and August were the first time this year that we’ve gone above
15 the monthly average.

16 MR. SUGRUE: There was a bit of variation due to Canyon Road, again,
17 having such an abundant water supply in their reservoirs. They’ve actually I think
18 broken their record for water production. They went up 1 point above 10 million gallons
19 per day due to some changes in management of the citywide water system to produce
20 higher because they have a target by late fall that they want to meet of reservoir levels. So
21 BDD has varied with them in order to maintain the City demand.

22 CHAIR HAMILTON: We just diverted more BDD I would have thought
23 maybe if Canyon Road was producing so much.

24 MR. SUGRUE: Well, that’s based too – it’s based on an average over
25 nine years and so there have been higher summertime demand for BDD and at other
26 times we have been lower due to we’ve had really consistent clean water in the river this
27 year. We’ve been able to divert more days. Essentially, we’ve lost no days due to
28 stormwater and high turbidity. That has allowed us a higher average and it’s been a real
29 good summer in that respect.

30 CHAIR HAMILTON: Thank you. Thank you very much.

31 32 **9. Report from BDD Facilities Manager**

33
34 MR. CARPENTER: Thank you, Madam Chair. I’ll try and be brief. I
35 just have a few items. We’ll start off with staffing. Some good news, we’ve made a lot
36 of progress on operator positions. We have three water system operator entry positions
37 that have been offered and accepted. One water system operator basic position that has
38 been offered and accepted. One water system operator intermediate position that has
39 been offered and accepted. So that is five.

40 We have one lead operations position and we have a list of eligibles for it so
41 we’ve got a good response there. And we have the intermediate control technician that
42 we also have a list of eligibles for so we have a good response to that as well. So we are
43 hopeful that we can fill those two positions.

44 The facility manager position closes on 15th. I haven’t had a chance to look at
45 whether or not we have a lot of applications yet. But we’ll be hopeful for that and we’ll
46 report back to the Board at the next Board meeting on that.

1 Lastly on staffing, we were able to fill the position as I reported at the last
2 meeting for maintenance supervisor. That position was filled on August 27th. Mr. Brian
3 Armstrong who is in the audience here, if you wouldn't mind standing.

4 CHAIR HAMILTON: Welcome, and thank you very much.

5 MR. CARPENTER: So I'm going to read from a script that was prepared
6 for me because his list of accomplishments is too much for me to remember.

7 So Brian currently manages seven maintenance staff with two more vacancies
8 anticipated to be filled later this year. He previously worked at the BDD for six years as
9 the maintenance mechanic. He assumed the interim maintenance superintendent which is
10 a position he has now when Shannon Jones was running the facility before he retired in
11 2017. So he's back now and we're happy to have him. He originally started as the BDD
12 lead journeyman mechanic in June of 2011. Prior to working for the BDD, Brian worked
13 at the Canyon Road Water Treatment Plant from 2004 to 2011. He graduated with a
14 certificate in facility maintenance from Santa Fe Community College. He has a Level 4
15 Water Operations Certificate and carries a Class A CDL license. In his spare time, Brian
16 enjoys taking pictures and working on farm equipment as a side job so he keeps himself
17 busy. So, welcome aboard, Brian.

18 CHAIR HAMILTON: Excellent. Welcome.

19 MR. CARPENTER: A couple more updates. This is some more good
20 news, the Buckman Direct Diversion just recently won the City Water Taste Competition
21 and we'll be submitting a sample to the upcoming Rocky Mountain AWWA Regional
22 Competition. So that's good news for us as well.

23 And, then lastly, if I could invite Mr. Harwood up to the podium for an update on
24 a prior matter from the July BDD Board meeting.

25 CHAIR HAMILTON: Welcome, thank you.

26 KYLE HARWOOD (BDD Counsel): Chair and Board members, so as
27 you might remember we had a pretty extensive discussion back in July regarding a
28 number of interconnected issues and I got a lot of homework at that meeting. We have
29 been working on that homework. We didn't have an August meeting but I believe one of
30 the recommendations is to have an executive session to discuss a number of related
31 topics. So I just want to confirm that it is the Board's desire to have an executive session
32 with a companion action item in open session as you will do if you talk about something
33 and wish to take action. And then we would do that on the October agenda.

34 I apologize for any inconvenience if you were expecting it on this agenda. It is
35 not. So what is the pleasure of the Board?

36 CHAIR HAMILTON: I will take comments but it's probably working out
37 well that we will be able to focus on that. We otherwise have a long executive session
38 today on another matter, so this is working out well.

39 COMMISSIONER HANSEN: I approve of that. I look forward to doing
40 all the things in October.

41 CHAIR HAMILTON: Member Fort.

42 MEMBER FORT: A public session for just a briefing on the status of the
43 executive division director's position.

44 MR. HARWOOD: I'm sorry.

45 CHAIR HAMILTON: On whose position?

46 MEMBER FORT: The position for the division director for the Buckman

1 facility; the status of that position.
2 CHAIR HAMILTON: The facilities manager?
3 MEMBER FORT: Facilities manager. Everyone knows that I am sleep
4 deprived.
5 CHAIR HAMILTON: No problem, I was just double checking.
6 MEMBER FORT: Thank you.
7 MR. CARPENTER: Madam Chair, Board Member Fort, that position is
8 announced. It is currently open and it closes on the 15th of this month and we will report
9 back to the Board with what we find.
10 CHAIR HAMILTON: Instead of opened till filled, they're doing an
11 opening and closing of it but they will open it again if there aren't – as needed. And they
12 are doing that efficiently. There's a commitment to that rapidly but that's just their
13 process at this point.
14 MEMBER FORT: I'm sorry, Madam Chair, if I interrupted. For purposes
15 of clarification, for the topic of the closed meeting at our following executive session,
16 could we be somewhat more explicit about that?
17 CHAIR HAMILTON: Oh, yes. Mr. Harwood, if you could address that
18 first and then I'll go to the Commissioner.
19 COMMISSIONER HANSEN: Madam Chair, in the meantime I'll just say
20 it was a number of the topics that we talked about in letters that were in the end of our
21 minutes. That was part of it and Mr. Harwood, if you would like to.
22 MR. HARWOOD: I am specifically relating to agenda item 8 from the
23 July which was the presentation on pending litigation involving LANL and other parties,
24 not the Board.
25 MEMBER FORT: Okay.
26 MR. HARWOOD: And I don't believe, just as a point of clarification
27 because these topics have gotten a little woven together, I don't believe that in the
28 October executive session there will be anything about the facilities manager hiring.
29 CHAIR HAMILTON: Correct, that is a distinct item. Thank you very
30 much, Mr. Harwood. Yes, Councilor Harris.
31 COUNCILOR HARRIS: Yes, I just have a question for Mr. Carpenter. I
32 was really pleased to hear the list of positions that are filled and that we have eligible – I
33 am just curious how many of those are internal? How many of those positions are new
34 people to the Board; do you have a sense of that?
35 MR. CARPENTER: Madam Chair, Councilor Harris, I was not on the
36 interview panel but I think Mr. Sugrue could probably shed some light on that.
37 MS. ROMERO: Madam Chair, members of the Board, they are all
38 external candidates.
39 MR. SUGRUE: These are all lower level. All of our operators, at this
40 point, higher and all of these positions are lower levels, level 1 or level 2 operators.
41 They're coming in, a couple are from other parts of the City and at least three are from
42 outside the city.
43 COUNCILOR HARRIS: Okay, good. Thank you.
44 CHAIR HAMILTON: Thank you. Mr. Carpenter, does that complete the
45 items that you have?
46 MR. CARPENTER: Yes, Madam Chair, that completes my report.

1 CHAIR HAMILTON: Excellent, thank you very much.

2
3 **9. LANL Presentation on NPDES permit re-application for Los Alamos**
4 **National Laboratory discharges, NPDES permit No. NM0028355**

5 [*Exhibit 2: LANL presentation slide deck*]
6

7 ALEX PUGLISI (City Environmental Compliance Specialist): Madam
8 Chair, member of the Board, I asked for this item to be on the agenda because we were
9 looking at LANL's permit reapplication and several members of the Board indicated that
10 there might be some interest in this topic.

11 When I say LANL's permit reapplication I'm talking about the NPDES for the
12 operating facilities, the hard piped outfalls. Not the stormwater outfalls covered under
13 the IP permit which you may hear a little bit about later on, but the actual outfalls that
14 come from operational facilities currently under the operating contractor, Triad.

15 Mike who is handing out the copies is Mike Saladen. He is the program manager
16 for water quality programs up there. He's the manager for water quality programs.
17 They've changed their names quite a bit over the years. And Jennifer Griffin is the
18 LANL NPDES Industrial and Sanitary Outfalls Program Lead.

19 I think LANL has made significant strides in the last 20 years. When I was with
20 NMED and later LANL, they had over 132 outfalls and at one time 140 outfalls. They
21 are now down to 11 outfalls because of consolidation of outfalls both industrial and
22 sanitary and with that I'm going to actually turn it over – at one time they were actually
23 the largest permit in the United States, I don't know if they still hold that honor – but, it
24 was actually an effort just to try and get 140 outfalls sampled and reported every month
25 and I think with 11 it's probably a little bit more manageable. But still significant
26 discharges to the canyons and I thought it would be interesting if they could give us a
27 presentation on what's discharged, where it is discharged and how they're regulated. I'll
28 turn it over to Jennifer with that.

29 JENNIFER GRIFFIN (LANL): Madam Chair and members of the Board,
30 if I lack formality I apologize, it's the first time I've done this.

31 So Los Alamos National Laboratory has had an approved NPDES permit since
32 1978. So we were in at the very beginning of this being implemented. So we've had a
33 permit for about 41 years. Before 1990, as mentioned earlier, we had about 141 outfalls
34 and due to outfall consolidation when we created our sanitary wastewater system facility
35 plant and then outfall elimination and various reduction projects, we have reduced that
36 number down to 11 outfalls. Like I said, we have 11 permitted outfalls that are located at
37 seven technical areas and spread out over the 36 square miles that are associated with
38 LANL.

39 Our current permit term began in October 2014 and it is active. It expires here at
40 the end of this month and we have already submitted a permit reapplication. We
41 submitted that application back in March, 180 days before the expiration and we expect
42 that the EPA will extend the permit at the end of this month.

43 The permit application effort included outfall survey, which means we went out
44 and evaluated each outfall, visited the facilities that were discharging to identify all the
45 waste streams or effluent streams and the condition of the outfall. We took fresh
46 photographs and did a full outfall survey. And we also performed outfall sampling for all

1 the Form 2C constituents that are listed in the EPA approved forms.

2 We submitted that application on March of 2019 and then we expect a draft
3 permit at the end of this month and a final permit at some time in 2020, probably the first
4 of second quarter. That's where we're at.

5 Eleven outfalls, ten of those outfalls are industrial and one of those is a sanitary
6 outfall. Most of the outfalls are associated with treated or non-contact cooling water and
7 then we have a few specialty facilities; power plant, sanitary waste facility, radioactive
8 waste treatment facility and the high explosives waste treatment facility that also has
9 permitted outfalls. The locations of these outfalls, they are located in Sandia, Los
10 Alamos and Mortandad Canyon and Water Canyon at CDB. This slide provides you with
11 the receiving streams and whether or not they are continuous or intermittent. Of the 11
12 outfalls, six of them discharge routinely and the other four charge intermittently to
13 maintain equipment and based on operational needs of the facility.

14 Just so that you can understand the location of these outfalls with respect to your
15 facilities the two closest ones would be outfall 048 and 03A113 and they are located
16 approximately 7-1/2 miles from the Rio Grande and those are actually above where you
17 guys have your facilities. The closest outfall to the river is actually about 4-1/2 miles and
18 that would outfall 13S but that outfall does not routinely outfall. That is the outfall that is
19 associated with the sanitary waste facility and as I'll explain in a moment, we are
20 recycling that outfall.

21 Outfall 001 is the only continuous outfall that we have that discharges all the
22 time. We can discharge anywhere from 0.15 million gallons per day to 0.3 million
23 gallons per day. So we are small compared to a large city outfalls and sanitary waste
24 facilities. This outfall consolidates four effluent streams. We consolidated the power
25 plant once through cooling facilities, the sanitary wastewater system effluent and the
26 cooling tower blow down from one of our super competing facilities and sanitary
27 reclamation facility which is our SERF that is our recycling facility. We send the SWWS
28 effluent from the sanitary facility to the SERF and then recycle that effluent back up from
29 cooling towers so we can use that again.

30 CHAIR HAMILTON: Do you mind if you get some intermittent
31 questions?

32 MS. GRIFFIN: I do not.

33 CHAIR HAMILTON: Member Fort.

34 MEMBER FORT: What is the use of the recycled water?

35 MS. GRIFFIN: We use it in the cooling towers as makeup water. So
36 instead of drawing municipal water from the County of Los Alamos, we are using the
37 effluent, the recycled effluent.

38 MEMBER FORT: [with the microphone off, she asked about "term: gross
39 alpha shown in the report.]

40 MS. GRIFFIN: Right, so what you see under monitoring is the
41 requirements that are in our permit. So "term" means that we only need to take one
42 sample to show that there was no adjusted gross alpha in the waste stream. So that is the
43 one sample we took and there wasn't any and that is why we don't have to take any more
44 samples.

45 CHAIR HAMILTON: Councilor Ives.

46 COUNCILOR IVES: Just a couple quick clarifying questions. I am

1 unfamiliar with the terms “cooling tower blow down,” could you explain what that is?

2 MS. GRIFFIN: Sure. A cooling tower works just like your evaporative
3 cooler. You receive water it goes down the paths in your evaporative cooler and then you
4 have some of them overflow, right, and discharge to the ground or the roof of your house.
5 Cooling towers are similar. What we try and do is recycle the water through the cooling
6 tower multiple times to be real efficient. So we have to blow down or pull some of that
7 recycled water within the tower itself off because of conductivity and other issues which
8 don't allow for the tower to operate efficiently.

9 COUNCILOR IVES: Another question was on the page where you have
10 the receiving streams and you mentioned flow type and I wasn't totally clear whether that
11 was in reference to a particular stream or the outflow?

12 MS. GRIFFIN: It is a reference to the outflow. Continuous means that we
13 are always discharging water through that outflow. Intermittent means that we
14 periodically discharge through that outflow. So it's more of a batch discharge.

15 COUNCILOR IVES: The depiction of Los Alamos, if you will, are the
16 watersheds shown on here?

17 MS. GRIFFIN: No sir, those watersheds are not shown on this map.
18 However, the permit application does include a watershed map that shows.

19 COUNCILOR IVES: Is that something that you might be able to send to
20 us?

21 MS. GRIFFIN: Of course.

22 COUNCILOR IVES: That would be great, thank you. That's all I have for
23 now.

24 CHAIR HAMILTON: Thank you.

25 MS. GRIFFIN: So for Outfall 001 our current permit requirements ask us
26 to weekly test the temperature, pH and TRC is total residual chlorine. So with cooling
27 towers you are always worried about residual chlorine because in cooling towers we use
28 chlorine to help the algae and things from growing in the towers.

29 Monthly we test flow, total suspended solids, E.coli and that's because we have
30 waste effluent from the sanitary facilities. And then yearly we do metals, aluminum,
31 coopers, and PCBs at 001.

32 At Outfall 13S, this is our sanitary effluent facility it has the potential to discharge
33 up to nearly half a million gallons or 0.5 million gallons per year and that is part of why
34 we are recycling that water to reduce that amount of water that is being discharged. The
35 effluent is sanitary effluent and that discharge is currently routed to what we call “the
36 reuse tank” which is located at the power plant and then it is recycled through the SERF
37 facility, the sanitary effluent reclamation facility, for use at the cooling towers. We also
38 have the ability to discharge that effluent from the use tank directly to the outfall and we
39 do have to do that when demand in the cooling towers is not as high. In the summertime
40 we are recycling nearly all of the effluent from the sanitary facility. In the wintertime
41 when it's really cold in Los Alamos we are having to blend that water into the outflow
42 discharge.

43 At this facility we do not currently discharge to that outfall. It's located in
44 Cañada del Buey and so that's part of why we're recycling and if we were to discharge
45 we would also have some sampling requirements, weekly, monthly and yearly. But for
46 the application we did go ahead and take an operational sample after the last treatment

1 step to make sure we understood what was in that waste stream if we ever had to.
2 CHAIR HAMILTON: Thank you. Member Fort, you had a question.
3 MEMBER FORT: Chair, thank you for this. I have some questions that
4 relate to all of the permits and I wonder if in the interest of time we might ask some
5 overarching questions?
6 CHAIR HAMILTON: And skip some of the outflow by outfall.
7 MEMBER FORT: Correct, and that would be up to you.
8 CHAIR HAMILTON: Is everybody good with that? We really appreciate
9 the information but we also have it printed.
10 MS. GRIFFIN: Understood.
11 CHAIR HAMILTON: Is there –
12 MEMBER FORT: And I could suggest an overall arching question that I
13 have if that's appropriate.
14 CHAIR HAMILTON: Why don't you go ahead and if the Commissioner
15 has a specific question on a specific outflow we can do that.
16 MEMBER FORT: One question I would ask, as Councilor Ives has asked,
17 in terms of the receiving streams, some of these would be intermittent; would they not?
18 MS. GRIFFIN: Yes.
19 MEMBER FORT: And does Los Alamos intend to pursue any
20 opportunities presented by the rollback of the Waters of the United States jurisdictional
21 issues of EPA to attempt to not have NPDES permits for these?
22 MS. GRIFFIN: No, to my knowledge we do not.
23 MEMBER FORT: Very good to hear. And you're not active before the
24 EPA and attempting to –
25 MS. GRIFFIN: No, ma'am, we are not.
26 MEMBER FORT: Thank you very much. And have you had notices of
27 violation on any of these NPDES permits in the past – within the past term of these
28 permits?
29 MS. GRIFFIN: On this permit term, no.
30 MEMBER FORT: Thank you very much. And are there citizen activists
31 who will be active in these NPDES permit reauthorizations as far as you know?
32 MS. GRIFFIN: We are expecting that, yes.
33 MEMBER FORT: Thank you. Those would be my overall questions,
34 thank you.
35 COMMISSIONER HANSEN: I have a question.
36 MS. GRIFFIN: What question may I answer for you, ma'am.
37 COMMISSIONER HANSEN: I'm interesting in Outfall 051; do you want
38 to go over it and then I'll ask a question.
39 MS. GRIFFIN: Of course. Zero-five-one is the outfall that is associated
40 with the radioactive liquid waste treatment facility. It is an intermittent waste stream. It
41 can discharge anywhere from 0.02 million gallons per day to 0.04, that's basically 20,000
42 gallons per day to 40,000 gallons per day. The effluent discharge can go either to the
43 mechanical evaporator and that facility to a solar evaporation or it will eventually be able
44 to go to solar evaporation or it can be discharged to the outfall. Our last discharge at that
45 outfall was in June 18 of 2019. We intend to periodically discharge to that outfall to
46 assess equipment operability and maintain the ability to use that outfall for equipment

1 maintenance and other issue that may occur with the mechanical evaporator or the solar
2 evaporator. Monitoring at that facility currently is pH, TRC, radium 226, chromium,
3 lead, cooper, zinc, the usual metals. We only collect these samples when we discharge
4 and we actively collect those samples while the discharge is occurring. We also do
5 hardness of perchlorate and all of the samples that you see sitting here on that list for
6 under monitoring, were collected in June and they were compliant to the permit.

7 COMMISSIONER HANSEN: So you have a no discharge permit for this
8 facility?

9 MS. GRIFFIN: No, ma'am, this is a discharging outfall.

10 COMMISSIONER HANSEN: And how often do you monitor?

11 MS. GRIFFIN: It's a batch discharge so we discharge one 20,000 tank at
12 a time. The maximum that we could do would be two because we have effluent tanks, so
13 we would sample it every time per the permit requirements that we discharge.

14 COMMISSIONER HANSEN: And then where does the discharge go?

15 MS. GRIFFIN: It discharges into Mortandad Canyon.

16 COMMISSIONER HANSEN: Mortandad Canyon is already incredibly
17 contaminated with hexavalent chromium, so where does this go besides the plume that is
18 already there?

19 MS. GRIFFIN: It evaporates. The water does not flow down the canyon
20 nor is it expected to flow down the canyon. So it's –

21 COMMISSIONER HANSEN: How can that be? How can that be that it
22 evaporates?

23 MS. GRIFFIN: So it's discharging into the ground then it is evaporating
24 or soaking into the ground.

25 COMMISSIONER HANSEN: So it's discharging all of these chemicals
26 into the ground.

27 MS. GRIFFIN: As I indicated, we have met the permit requirements with
28 that discharge.

29 COMMISSIONER HANSEN: Are you not under RCRA on this?

30 MS. GRIFFIN: No, ma'am.

31 COMMISSIONER HANSEN: And you're not under a hazardous waste
32 permit?

33 MS. GRIFFIN: No, ma'am. We are permitted under and NPDES Outfall
34 Effluent permit.

35 COMMISSIONER HANSEN: Even though this is radioactive waste.

36 MS. GRIFFIN: It is not a radioactive waste effluent. It is just from the
37 radioactive waste facility. The effluent is sampled prior to discharge to ensure that we
38 have met the discharge criteria for any radioactive or potential radioactive.

39 CHAIR HAMILTON: Okay, thank you. Are there other general
40 questions? Councilor Ives.

41 COUNCILOR IVES: Just a point of clarity on Outfall 03A113 and
42 03A022, the first one has a reference to comingles with stormwater, the second one just
43 references stormwater; tell me about what that means.

44 MS. GRIFFIN: Okay. So on Outfall 03A113 we have the potential to
45 comeingle with stormwater. As you can see there is a corrugated metal pipe, that's a
46 stormwater pipe and the actual outfall, there's a black hose that you kind of see down at

1 the bottom corner of that photograph, that's the outfall pipe. There is also a cooling
2 tower that is upstream of that corrugated metal pipe that could potentially discharge to
3 that pipe, but it is not currently discharging to that pipe.

4 CHAIR HAMILTON: Yes, Mr. Helms.

5 [Speaking away from a microphone, Mr. Helms noted that if the outflow is into the
6 ground and dries up, harmful levels of chemicals are contained in the ground and
7 eventually end up in the aquifer. He said as a citizen he found this alarming because it
8 could end up in the drinking water.]

9 MS. GRIFFIN: This permit is not related to stormwater so I'm not sure
10 that I can answer your concern.

11 The water that is coming from the -- to the containment facility has been treated
12 with reverse osmosis and several other treatments. It is the same water treatment systems
13 that are used for drinking water and so there are not -- when we tested the water and you
14 can see that in the permit application, there were not a lot of detections of any residual
15 chemicals in that water. And those that were there were very, very, very, very, very low.

16 CHAIR HAMILTON: One thing you all might be interested in, and I
17 don't know if this would be available but the information on the way the water is treated
18 prior to discharge I think would be useful and the permit limitations. Then people could
19 see when you say all of the testing met permit limitations they would see what quantities
20 are the upper limits to be compliant with the permit for this discharge or maybe for each
21 of them if that's public information that you could make available to the Board. I think
22 that would be interesting and informative to the Board members specifically with respect
23 to these questions.

24 MS. GRIFFIN: So, Madam Chair, all of the permit information is
25 publicly available through the NPDES, IPRA. We also have a copy of the current permit
26 application in the reading room located in Pojoaque.

27 CHAIR HAMILTON: Okay, so if you could perhaps provide a copy or
28 copies of that to the Board or Alex could do that that would be appreciated because that
29 add information to this line of questioning.

30 MS. GRIFFIN: Of course.

31 CHAIR HAMILTON: Thank you. So are there other questions that
32 people have in general; Councilor?

33 COUNCILOR IVES: I was just going to say, just on the timing because
34 some permit is up at the end of September; did I read that right?

35 MS. GRIFFIN: So the current permit term ends at the end of September,
36 September 30th. And we have already submitted our permit application and we expect
37 that the EPA will extend the permit until the new permit can be approved and issued.

38 COUNCILOR IVES: Thank you. I just wasn't sure about how that was
39 being handled.

40 CHAIR HAMILTON: Thank you. We really appreciate you coming
41 down and providing this kind of information. It really is helpful to have this dialogue
42 going and we appreciate your time.

43 MS. GRIFFIN: Thank you, Madam Chair. I appreciate the invitation.

44 CHAIR HAMILTON: Thank you. Mr. Harwood, did you have anything?

45 MR. HARWOOD: No, ma'am.

46 CHAIR HAMILTON: Yes, Mr. Puglisi. Can you come down because

1 this is recorded.

2 MR. PUGLISI: Just to let you know that the draft permit is expected to be
3 issued within the next month and when I get a copy of that I'll be happy to pursue IPRA,
4 I will circulate it to the Board. And that would have the proposed permit and that would
5 probably be the one we would comment on if we do have comments. So I will circulate
6 that to the Board.

7 I also have a copy of the current permit but it is huge. I'm sure if you want a copy
8 of it; but I can actually get that out to you.

9 CHAIR HAMILTON: I don't know. If there were the excerpts that had
10 the discharge limits and treatment information that's probably the most useful but I know
11 that's an effort.

12 MR. PUGLISI: Yes, there are certain pages that relate to each outfall and
13 I could get those out.

14 CHAIR HAMILTON: Great, thank you very much.

15 COMMISSIONER HANSEN: I have one more question, Madam Chair.

16 CHAIR HAMILTON: Yes.

17 COMMISSIONER HANSEN: I wanted to know, does LANL with this
18 permit ever sample the Rio Grande to see what impact the discharges might have on the
19 river and downstream users?

20 MS. GRIFFIN: So the environmental sampling of that nature is
21 summarized and can be found in Intelius or can be found in our annual reports which are
22 also public available.

23 COMMISSIONER HANSEN: So yes you do?

24 MS. GRIFFIN: There is sampling that occurs but I can't give you the
25 details. I'm not privy to that information to know exactly what was sampled.

26 COMMISSIONER HANSEN: Okay, that would be very interesting to
27 know. Could you provide that to the Board?

28 MS. GRIFFIN: We issue the ASER report which is our annual
29 environmental report and that provides the information that I think you are looking for.

30 CHAIR HAMILTON: Member Fort.

31 MEMBER FORT: Just to clarify, it is helpful to have Alex Puglisi here
32 and you'll be looking at the draft permit in terms of whether or not in our opinion LANL
33 is doing whatever it can to reduce pollution from each of these NPDES permits, I assume.
34 If I made myself clear, we would of course be looking for the most stringent levels
35 achievable including no discharge where appropriate – I've been looking for that.

36 MR. PUGLISI: Madam Chair, members of the Board, we would also
37 share that draft with BDD so that they could also review it but what we would be looking
38 at is EPA appropriately setting limits for these outfalls. So we would look at the limits
39 that EPA is applying and try to make a decision as to whether or not we feel that those
40 are appropriate limits based on the information that we have.

41 MEMBER FORT: And, Madam Chair, to say this and this relates to our
42 discussion about water quality standards in the Rio Grande that we would be – for some
43 contaminant for which the Environment Department hasn't included in its water quality
44 standards, there would be matters of judgment as to whether or not EPA's limitation were
45 appropriate; is that not correct?

46 MR. PUGLISI: That is correct. And not only that, I think you hit on an

1 issue, a lot of the constituents of concern that are probably being talked about right now
2 are not actually being regulated by EPA because EPA does not have the authority to
3 regulate those radioactive constituents because of their source.

4 COMMISSIONER HANSEN: Then on that note, Madam Chair, if they
5 do not have the right then would it not be a hazardous waste and then since it is
6 radioactive waste wouldn't it fall under hazardous and RCRA? I don't understand why
7 radioactive waste is not under RCRA.

8 MR. PUGLISI: I'm not sure that it's radioactive waste that would be
9 regulated by RCRA other than some of the hazardous constituents that you were talking
10 about at Outfall 051 and I think what you may be referring back to is under NPDES
11 outfalls that are covered under NPDES under RCRA those outfalls as the sludge
12 produced as a result of treatment at an NPDES permitting outfall are exempt from RCRA
13 and I think that may be what you're referring to. So the sludge at TA50, is it TA50, I
14 forget. TA50, yeah; TA 50 is exempted from RCRA because it's an NPDES permit at
15 outfall.

16 CHAIR HAMILTON: And I'd like to suggest that if there's more
17 information that is needed on this we can consider a separate item on a future agenda or a
18 review session on the permit if that would be of interest.

19 MR. PUGLISI: Correct and I know you're short on time and there's
20 people waiting to get up here. So if you want to discuss some of the exemptions that
21 apply to some of these outfalls and how EPA and what authorities they have, we can do
22 that at a later date.

23 CHAIR HAMILTON: Yeah. Councilor Ives.

24 COUNCILOR IVES: Thank you. If there are summaries of all of these in
25 the annual reporting that is done, could we just simply get sent to us the last two annual
26 reports; that would be an easy way. That way we can do what we need to.

27 MR. PUGLISI: The annual surveillance report; is that what we're talking
28 about?

29 MS. GRIFFIN: Yes, we have the last two years, yes – 2018 is not
30 currently out but it's been written.

31 COUNCILOR IVES: Good.

32 CHAIR HAMILTON: Okay, excellent that is appreciated.

33 MR. CARPENTER: We can make sure those are circulated.

34 CHAIR HAMILTON: Thank you very much. Thank you for coming, we
35 appreciate your time.

36
37 **10. Presentation on Los Alamos National Laboratory Clean Up Efforts**

38 [*Exhibit 3: Legacy Cleanup at LANL Presentation, dated 9/5/19*]

39
40 MR. HARWOOD: Good afternoon, Chair, members of the Board, so this
41 is our regular check in with Doug Hintze with the Lab and I know he has a number of
42 presentations that may have fit in our old calendar and which may not fit in our current
43 calendar. So I'll leave it up to the Board to give us direction as to how much time you
44 want to devote to this topic this evening.

45 Doug has committed to all of us, both elected and staff, that he'll be available but
46 our courtesy back to him is we don't ask him to come to every meeting. He is here

1 tonight and he's committed to come to future meetings. But to the extent we can hear his
2 presentation. He has made a special effort to be back in the state today so I'm going to
3 turn it over to Doug.

4 CHAIR HAMILTON: Absolutely. Thank you very much and thank you
5 for making that effort, Mr. Hintze.

6 DOUG HINTZE (NNSA): Madam Chair, members of the Board, it is
7 good to be back here again and give you an update on the cleanup effort up there. I have
8 a presentation that I believe everyone has that presentation and anybody who doesn't
9 have it there are extra copies in the back

10 I'm not going to go through the first couple of slides because that's just the
11 normal: here's what our mission is, we do things safety, efficiently, transparency. You
12 can see our time frames. You can also see our mission activities and so forth.

13 I want to go to page 5 which is the outline of the laboratory up there so that you
14 can see a little bit of the activities that we're working on through the entire course of the
15 year. A lot of these presentations that we give are just one specific topic like the
16 chromium-6 plume or the RDX and the fact of the matter is, our budget is approximately
17 \$200 million a year so we're working on a lot of things at one time. So this chart that
18 you see here where the little stars are these are the campaigns that in accordance with the
19 consent order. We're working on nine campaigns simultaneously out of the 17 that are in
20 the consent order. You'll see that there's actually 10 stars but a couple of these are
21 similar campaigns, the known cleanup sites. And the other thing I just want to point out
22 other than these are the sites that we're working on, we're working in every single area
23 here in the cleanup. So we're not showing you every single thing even with these stars
24 when we're talking about the activities. We're out there sampling, monitoring on a daily
25 basis in every single area. Just from the major ones that you've heard from us before in
26 the past, you can see over here to the west is the RDX Characterization Campaign, I'll
27 talk a little bit more about that in the future here. You can see if you go straight to the
28 east of that right above the little wedge that is the Pueblo de San Ildefonso land, you can
29 see where the chromium interim measure/characterization campaign is right there. Those
30 are two of them that we've been talking to you a lot about. Right to the north of the
31 chromium-6 campaign is the Technical Area 21. I'll get into that a little bit and the
32 cleanup for that area. And then over to the west of that you'll see the historic properties
33 completion campaign. These were actually sites out in the Town of Los Alamos that we
34 go out and we finish the field work for cleanup of all of those areas that we can get to.
35 Some of the areas will have to be deferred because they're sitting under some of the
36 buildings and facilities and so what happens is when those facilities go down, we go out
37 and sample. And if the sample shows anything then we clean it up. But right now it is
38 not desired by the owners or anyone to go out there and tear down facilities just to check.
39 So we've completed the fieldwork as of now. The last one we just completed was the
40 Old Los Alamos Inn was up there and it was taken down so we did sampling underneath
41 of that and then cleaned up spots that were necessary. All of these areas up here in the
42 historical property were from the original Manhattan were the processing facilities were
43 around Ashley Pond and they had a lot of the outfalls that just went into the Los Alamos
44 Canyon. So that's what we're doing. We're seeing where those outfalls were, doing the
45 samplings and then doing remediation as necessary. So for right now, that field is
46 completed but we're still working on the paperwork.

1 Next page, just a reminder, when you look at the division of labor sometimes
2 folks get focused. We just heard a presentation from the laboratory from the Triad side.
3 We're on the other side. You can see it's just the environmental management which is
4 responsible for the waste disposition and the soil and water and D&D.

5 Next page, just a little update on the chromium interim measure
6 projects/campaign. I've been out here and talked about this several times. We have the
7 interim measure in the southern boundary which is along the border with the San
8 Ildefonso property. That's been working for about year now and the sampling results that
9 we've taken just north – this is a pump and treat system – and so just north of where
10 we're injecting the water, the well there had samples of around 180 parts per billion
11 above the state standard of 50 parts per billion. Last month our samples, once we have
12 had the interim project running, we're down to less than 50 parts per billion at around 44
13 so we're very pleased with the way that it has been operating. That's from the southern
14 boundary. We have an eastern boundary as well and right now we have not initiated that.
15 We are still waiting for the permit to be approved from the State Engineer's Office so we
16 can get the eastern side. That will then encompass our interim measures and that really is
17 the pump and treat system just to hold the migration of the chromium-6 plume. And
18 we're doing testing right now so that in about three or four years we'll go out there and
19 propose a final remedy as to how we're going to address the chromium plume. That's
20 another campaign under the consent order – it's just kind of a continuation but it's at that
21 point really the cut over point is when we get to the point of having a final remedy
22 proposed. That's when it then goes into the next phase.

23 COMMISSIONER HANSEN: Madam Chair.

24 CHAIR HAMILTON: Commissioner.

25 COMMISSIONER HANSEN: Mr. Hintze, what are you treating with
26 right now?

27 MR. HINTZE: When you talk about the pump and treat system, we have
28 ion-exchange. It's columns of resin that what we do is we pull of the contaminated water
29 from the extraction wells. We send it through pipes to an ion-exchange resin which then
30 treats the water. It's just like any ion-exchange it exchanges the chloride for the
31 chromium-6 and then the water that is put back into the ground is when you look at it
32 from a chromium perspective background is about 7 and what this is going back in is
33 somewhere between 2 and 5 parts per billion. So it's very clean water.

34 We take the resin, the ion-exchange resin, and we have a series of the columns so
35 that when one gets about to be full, you switch it to the next one and you always have a
36 backup. We send that back to the vendor and the vendor recycles the resin, refreshes it.

37 COMMISSIONER HANSEN: Thank you.

38 CHAIR HAMILTON: Thank you.

39 MR. HINTZE: Just on page 9, a little bit about the RDX Characterization
40 Campaign. You saw in that map, you saw where the RDX is. RDX is a Royal
41 Demolition Explosives, it's an explosive that has been used since World War II and there
42 is also a plume in the aquifer out there that you saw in the Technical Area. We put in a
43 well several years ago, R68, and at first the expectation was that it had not reached the
44 aquifer. When we put that well in, it showed that it did, so working with the State instead
45 of proposing any sort of final remedy we put in a monitoring well, R69. So that went in
46 last December and since that timeframe what we're doing is using that and you can see

1 here that there's nine other wells to monitor to see exactly what the characteristics of the
2 plume are as far as highs. It's different than what we've experienced as far as the
3 chromium-6 plume but, again, it's one of those that we have to make sure that we have
4 characterized so we can propose a final remedy that is adequate for what the plume is.
5 We don't want to try and propose a remedy before it's time. So that's where we are now
6 in the characterization phase for the RDX.

7 Next page, Technical Area 21 –

8 CHAIR HAMILTON: Excuse me for a second. Member Fort.

9 MEMBER FORT: It's been found in the subsurface groundwater and is
10 that the town's water source or is this shallow groundwater?

11 MR. HINTZE: This, Madam Chair and members, this is actually in the
12 drinking water aquifer. At first it was thought that it was in the perched aquifer above
13 that but, no, it was identified in the actual drinking water aquifer. If you look at it from a
14 – and I don't have that chart and that's probably one of the things that we should
15 normally show in these, we have on other charts, are the actual locations of the water
16 supply wells. That one the RDX plume is not close to any of the water supply wells. The
17 biggest concern, we were talking about the chromium, if you look at the map there you
18 see where the line talks about East Jemez Road where it right there just a little bit to the
19 northeast of where the star is for the chromium, that's about where the water supply well
20 PM3 is for the county. So that's our concern is that's the well that is closest to any of the
21 contamination plumes.

22 MEMBER FORT: Thank you.

23 CHAIR HAMILTON: Thank you. Councilor Ives.

24 COUNCILOR IVES: Thank you, Madam Chair. Just two quick questions.
25 When will the chromium plume be fully characterized?

26 MR. HINTZE: Madam Chair, members of the Board, right now we would
27 say based on all the wells that we have in place, we have it fairly characterized as far as,
28 you know, I won't say completely because you can't look down 1,000 feet and see
29 exactly where it is. The first interim measure is to make sure that we have a hydrologic
30 barrier so it doesn't go any further. To answer your question, the second part of the
31 characterization is to identify a final remedy and that's what we call part of the
32 characterization. We will continue to do the pump and treat and we'll probably do the
33 pump and treat even as a part of the final remedy as we continue to drill wells as
34 necessary to identify location and then also we've talked before in the past, I've come
35 here and talked about a couple of amendments as far as using molasses as a possible
36 remedy or sodium dithionite a chemical injection. So we're seeing that the combination
37 of the monitoring wells to fully get that outer boundaries as well as what the final remedy
38 will probably be, 2023, 2024. The good thing is once we've got the interim measures, it
39 is held in place.

40 COUNCILOR IVES: Yeah. You mentioned four years and I just wanted
41 to understand that relationship. How about for the RDX, when do you anticipate having
42 that characterization complete?

43 MR. HINTZE: The expectation is that we will at the end of this year
44 believe that we will have enough characterization that we can propose a final remedy.

45 COUNCILOR IVES: Very good, thank you.

46 CHAIR HAMILTON: Thank you.

1 MR. HINTZE: You are welcome. Page 10, Technical Area 21, this was
2 kind of the second generation of processing sites. It's out on the mesa top. When you go
3 up the hill and the airport is on your right, if you look across it's a small mesa off of
4 Delta Prime Road. This here, during the Recovery Act, they tore it down – or D & D –
5 the facilities down to slab. You see this picture here shows that this was some of the
6 debris that was left there, it was clean debris. We've already cleared that out with one of
7 the contracts we have in place this year. Our next contractor has already started to work
8 There is one building left there, a radioactive, an old radioactive liquid waste facility
9 which is going through the characterization process now and then we'll take down that
10 facility and then this contract is to pull up the process lines that are throughout the mesa
11 top and then to go and see if we have to cleanup underneath of those process lines. Most
12 of us probably believe that we will have because they weren't just completely tight in the
13 past. So that's the next phase and then the next year in TA 21 we're looking at the – we
14 have the slabs and then we have to pull up the slabs and then pull up any sort of lines that
15 are underneath those slabs and see if we have to remediate. And then the campaign
16 beyond that, we have two material disposal areas up there in DAs A and T that we have
17 to go through and figure out what the final disposition of those is going to be. Those are
18 again, a little bit down the wagon.

19 CHAIR HAMILTON: So Councilor Ives has one more.

20 COUNCILOR IVES: Perhaps a humorous question, when you say it was
21 the “housed plutonium processing facilities and was where groundbreaking tritium
22 research” that's in the sense of discovery as opposed to the activities that you've
23 described?

24 MR. HINTZE: Right, groundbreaking. Yes, that is correct. Although, we
25 are still breaking ground out there.

26 Page 11, just talks about the legacy waste management. One of the things that our
27 contract was because when we were going through the award process for the contract,
28 there was limited operations down at the Waste Isolation Pilot Plant. They're back up
29 now accepting 10 shipments a week. And so, even though our contractor, we weren't
30 expecting to do shipments of the transuranic waste down to WIPP until a couple of years
31 into the contract, we're actually now into a regular schedule. We're getting one shipment
32 a week down to WIPP and we're looking to continue to make our processes efficient so
33 that we can continue maybe as many as three or four shipments a week. Because for all of
34 us, waste off the hill is good. And the second part of that is that we have a lot of the
35 transuranic waste at about 50-50 percentage wise is above ground versus in retrievable
36 form below ground. So we don't want to retrieve the waste and bring it up above ground
37 because our biggest concern is wildfires. And so you don't want to backlog it up in the
38 dome, you want to move it off. So that's what our concentration now, is get the
39 approximately 3,500 drums of transuranic waste that we can ship off to WIPP as it gets
40 certified. Some of it has to be treated other stuff just has to go through the paperwork
41 review so that it can be sent down there.

42 COMMISSIONER HANSEN: Chair.

43 CHAIR HAMILTON: Yes.

44 COMMISSIONER HANSEN: When I was at the WIPP Strategic
45 Planning meeting last Monday, I mentioned that I felt it was really important to get the
46 barrels off the hill. I thought it was 4,000 so you're down to 3,500 that are above ground.

1 And I mentioned with them to please work with you to categorize those drums as soon as
2 possible and get them off the hill because I know that Idaho and Washington also are
3 shipping a tremendous amount of waste to WIPP and I would like to see as much of the
4 waste off of the hill as possible. So I hope they heard me and that they are working with
5 you.

6 MR. HINTZE: Yes.

7 CHAIR HAMILTON: Councilor Ives.

8 COUNCILOR IVES: Doing the quick math if it's one shipment a week,
9 3,500 containers, 70 years?

10 MR. HINTZE: Madam Chair, members of the Board, no, when we're
11 talking one shipment, one shipment can be depending on the configuration, can be as
12 many as 42 drums in a shipment. It's not that simple because you have limits on weight
13 and some of our drums have been concreted to stabilize them and other ones are limited
14 by the fissile material that is inside. So what it is is it's a puzzle. And so just like
15 Commissioner Hansen said, we want to get through that certification process so that we
16 can get the best and most efficient packages to put together to get the closest to 42 drums
17 in a shipment as opposed to right now because most of the drums that we're shipping are
18 concreted drums are about 25 drums in a shipment. So that takes up space down in
19 Waste Isolation Pilot Plant that we'd rather not put empty space down there.

20 COUNCILOR IVES: Thank you.

21 CHAIR HAMILTON: Thank you.

22 MR. HINTZE: So the last thing that I'd just like to do is give a couple
23 minutes to a couple of our colleagues over here. One of the things that we've been
24 working on the last couple of months that we brought in N3B a prime contractor and as
25 we looked at the way, for example, the Rocky Flats Plant was closed, one of the things
26 we realized was we needed to enhance our community participation program. So over the
27 last couple of months we've had four forums. One up in Los Alamos, Española, Taos
28 and then down here in Santa Fe, and that was just to say, Hey, we need to do things
29 differently than the way we have done. We're not looking for input. We're looking for
30 engagement and participation in the decision making process. So the next step is that
31 we're looking to hold a series of values workshops where the community will come in so
32 that we can make sure that we understand what is important to each and every one of the
33 folks. And so my two colleagues, Paul Black and Tom Stockton over here, I think have a
34 single slide, I think. A sole slide on here just to talk about – because what we need to do,
35 we do these workshops we need to make sure that people actually are there. They're just
36 going to give a real brief description of what that is so that we can get folks out there.
37 And the second thing for this community involvement process, as I say we're doing
38 things differently, the other thing is, and if you were at the meetings you heard me talk,
39 it's a marathon not a sprint. Our program is supposed to go until the 2037 timeframe, 36-
40 37 timeframe. So it's not like you come show up for one meeting and it's over. That's
41 what we're trying to make sure that the community continues to be involved in the
42 process here because we are all the community here and it's not just for the cleanup right
43 now, it's the cleanup that last into generations, our kids, our kids' kids and so forth. Now
44 is the time to do it the way that we all agree to and then we'll execute to make sure.
45 Because what we don't want to do and you might have heard me say this, is the point in
46 term D&D – decide and defend. That doesn't work because then when you say we have

1 all the experts and we'll decide what the remedy is and then just try and convince you
2 that's the right one, that normally doesn't work. We need the folks in the room
3 understanding what the challenge is, the risk associated and then once you make the
4 decision then it gets into the public hearing phase it should go fairly smoothly. So that's
5 what we're trying to do. So let me turn it over to Paul and Tom.

6 PAUL BLACK (Neptune): So, Madam Chair and members of the Board,
7 thanks for having us here, we appreciate it, and Doug as well. Years ago we developed a
8 process with EPA that's called Structured Decision Making. We built some software to
9 support it. The approach is more important than the software but the software captures
10 all of the relevant information that goes into how to make a decision. What we tried to
11 do with the stakeholders, and I guess it is written up here, our software is called GiSdt,
12 that's how we pronounce it and it facilitates the application of a structured decision
13 making process which goes through the five steps that are in the circles up there. The
14 first step in the circles is, let's define the problem that we're dealing with. The second
15 step is, let's understand what the objectives are and the objectives come from talking to
16 stakeholders and understanding what their values and concerns are. So we're after the
17 community value system. We go through a process of what we call "elicitation" but it's a
18 facilitated meeting where we're trying to obtain the values and concerns, things that
19 matter to the stakeholders so that we can build that into the decision system. This is not
20 just about a cost-risk tradeoff. There are other values and attributes that matter in
21 systems like this. So if we were to dig up waste and move it elsewhere there's worker
22 safety concerns to deal with. There's cultural resources to deal with. But those types of
23 issues are not our issues, they're the stakeholder issues and we want to understand what
24 they are and put the right value system in place and now work out what are the best
25 options which is now step three. Define options that actually achieve those objectives of
26 the different stakeholder groups. Then once we've identified options, we'll work out
27 what models – whether it is human health risk assessment models or ecological risk
28 assessment models or cost models or whatever it is that is needed to evaluate those
29 options. So now we're evaluating options against the value system and that's how we go
30 about coming up with what is collectively the best decision we can arrive at to move
31 forwards. That's the basic process and since you are all here and we met Mr. Ives in
32 Taos a few weeks ago, and he heard a much longer presentation than this, so I'm going to
33 put him on the spot for all of you, you're all welcomed to talk to him about it.

34 COUNCILOR IVES: And you've had those four listening sessions at this
35 point in time; am I correct?

36 MR. BLACK: Yes.

37 COUNCILOR IVES: And the one in Santa Fe was two weeks ago?

38 MR. HINTZE: Madam Chair, those were just the announcement of us
39 doing business differently than we were doing going down this path. We haven't done
40 any of these workshops to elicit as Paul was talking about. Those will kick off here in the
41 near future.

42 COUNCILOR IVES: Good. Obviously, I think everybody sitting up here
43 would love to know when those are going to be and so would simply ask to get plenty of
44 notice just because schedules get busy.

45 MR. BLACK: Yes, absolutely, and as many stakeholder groups in the
46 area to accommodate as well, so I expect that this will be, as Doug said earlier, it's a

1 marathon not a sprint. The same is true for this so that we can put a system together that
2 really helps us.

3 COMMISSIONER HANSEN: And can this slide be sent to us, please?

4 MR. HARWOOD: On behalf of the Board, I've submitted requests to this
5 group on a series of criteria and locations and I'll get that stuff and I can push it on to the
6 Board.

7 CHAIR HAMILTON: Is it possible to get either this slide or maybe the
8 longer presentation like a hard copy?

9 MR. HINTZE: Madam Chair, we'll give you this slide and we'll also give
10 you the presentation that was about 40-45 minutes. We can give you both of them.

11 CHAIR HAMILTON: That's very much appreciated, thank you so much
12 for coming and providing the information.

13 MR. BLACK: Actually, we have one page that is back and front that will
14 give you and provide more information about it that we can hand out now. [*Exhibit 4*]

15 CHAIR HAMILTON: Thank you, thank you. We very much appreciate
16 it.

17 MR. BLACK: Okay, thank you very much.

18 CHAIR HAMILTON: Okay. And thanks so much for coming and
19 making yourself available in a tight schedule.

20
21 **CONSENT AGENDA ITEMS:**

22 **11. Request for approval to enter into a Joint Funding Agreement with the US**
23 **Geological Survey in the amount of \$61,752 for operation and maintenance**
24 **of the stream-gaging station and installation of a sediment gage**
25

26 CHAIR HAMILTON: Councilor Ives, you can please ask your question.

27 COUNCILOR IVES: Yes, just a few quick questions. And because my
28 memory is imperfect, where exactly is this gage?

29 MS. ROMERO: Madam Chair, Councilor Ives, the gage is at the BDD
30 diversion structure just right above it. And if you need a more specific location I can look
31 to either Rick or Randy.

32 COUNCILOR IVES: That sets the stage. The other question I had is that
33 you know it obviously broken down into the various phases and I think that from my
34 perspective, from the knowledge perspective understanding these three which is the
35 installation and model development of a high sediment monitoring equipment to provide
36 real time estimates of suspended sediment is a very significant one given many pollutants
37 tend to follow sediments or bind to sediments as they come down the river. What's the
38 status of that and what sort of reporting will we be able to get on it?

39 MR. ROMERO: So Madam Chair, members of the Board, once we've
40 agreed to this agreement and the US Geological will start model development of this high
41 sediment, we are anticipant that they will provide a collection of daily and event-based,
42 mean daily suspended concentration, suspended sediment concentration from discrete
43 samples and particle sized analyzed on a monthly integrated sample schedule. So all of
44 that information will be provided to Ms. Bowman our regulatory compliance officer.

45 COUNCILOR IVES: So when do we anticipate seeing the first results?

46 MS. ROMERO: I'm not sure, Madam Chair, Councilor Ives, I'm not sure

1 what the time frame is to when the model development will occur and how long it will
2 take to actually get this equipment installed and operating but hopefully within the year.

3 COUNCILOR IVES: Very good. Thank you. That's all I had.

4 CHAIR HAMILTON: Thank you. Is there any other questions on this
5 particular item? If not, what is the pleasure of the Board.

6 COUNCILOR IVES: Move to approve.

7 COUNCILOR HARRIS: Second.

8 CHAIR HAMILTON: Thank you. I have a motion and several seconds.

9 All in favor.

10
11 **The motion passed by unanimous voice vote.**

12
13 CHAIR HAMILTON: Good, thank you very much and thank you for the
14 additional information, Mackie.

15 MS. ROMERO: Thank you.

16
17 **DISCUSSION AND ACTION ITEMS**

18 **15. Request for approval of Amendment No. 2 to the original Professional**
19 **Services Agreement. Item 18-1048 with ALS Group USA, Corp. to increase**
20 **compensation by \$75,000 inclusive of NMGRT for additional laboratory**
21 **analysis services.**

22 **a. Budget Amendment Resolution to move \$75,500 from solids to**
23 **other Operating Costs to cover the increased compensation**

24
25 MS. ROMERO: Madam Chair, members of the Board we are requesting
26 amendment number two to our professional service agreement for an additional
27 compensation of \$75,500. This is due to the New Mexico Environment Department
28 radiation control barrel. These regulators have determined that the BDD needs to
29 conduct additional samples of our GAC media and solid waste generated at the BDD.

30 In order to evaluate the concentrations at the BDD at these levels it's going to
31 require substantial amount of samples be taken. The cost to perform the level of
32 sampling is estimated to be \$75,500. As stated, ALS already has a contract with BDD to
33 conduct this type of analysis and therefore this amendment would just increase that to
34 provide the additional compensation needed for this.

35 This sampling requirement was not included in our operating budget and therefore
36 this request does include approval of a budget amendment resolution to move the money
37 from our Solids categories to Other Operating Costs to cover the cost of this contract.

38 Are there any specific questions?

39 CHAIR HAMILTON: Yes, Member Fort then Councilor Ives.

40 MEMBER FORT: Madam Chair, I would appreciate a little background
41 on this. Under what program is the NMED asking us to do this and perhaps Mr.
42 Harwood will be called on in the absence of Daniela?

43 MR. ROMERO: Actually, we'll let Mr. Carpenter he was included in this
44 meeting and maybe he can provide that information.

45 MR. CARPENTER: The representatives that visited the BDD that
46 precipitated the necessity for this are with the NMED Radiation Control Bureau.

1 MEMBER FORT: I'm sorry, Madam Chair, I'm still not understanding
2 why we're doing this surface water sampling for the NMED.

3 CHAIR HAMILTON: No, no, they are sampling the GAC.

4 MS. ROMERO: GAC media and solid waste.

5 MEMBER FORT: The solids.

6 CHAIR HAMILTON: And somebody might mention that this was linked
7 to the freelance sampling that was done previously and the communications that then led
8 to their being aware of this situation at all and so this is to do a more appropriate
9 technically defensible sampling of that material so they know whether to be concerned or
10 not. And just to that point, I just wanted to add, because I questioned this at our FSAC
11 meeting, that if I'm not mistaken and hopefully my understanding is correct that Glorieta
12 Geoscience will be actually reviewing whatever the sampling plan that is suggested for
13 this; is that correct?

14 MS. ROMERO: Madam Chair, members of the Board, that's correct.

15 MR. CARPENTER: That's correct.

16 CHAIR HAMILTON: Then they can then rely on the results. Do you
17 have other questions?

18 MEMBER FORT: Thank you, Madam Chair. Did they find something in
19 the GAC in the solids that led them to believe that we should –

20 CHAIR HAMILTON: It wasn't them. It was what was found – maybe
21 Mr. Harwood wants to speak to this.

22 MEMBER FORT: I'm sorry. I may have missed a meeting or I'm missing
23 something.

24 MR. HARWOOD: Thank you, Board. You may remember about a year
25 ago there was some GAC removed from the top of the vessel. There was as the
26 Commissioner mentioned some freelance sampling done of it and that's a pretty generous
27 description of it. So this is to do some sampling to see if there is a problem with the
28 GAC media aggregating contaminants of concern. So this is carbon, literally granulated
29 carbon that is used as a finishing step and it will go a long way to answering some of the
30 questions that were raised last year.

31 CHAIR HAMILTON: Councilor Ives.

32 COUNCILOR IVES: Thank you, Madam Chair. It's good to understand
33 that in context because those were questions that were being asked so this seems to be a
34 natural progress and we had talked about sharpening our pencils on the protocols from
35 the get go to ensure that the sampling was done according to protocols that would yield
36 valid results which was something of a question previously.

37 How many additional samples are we going to take and what's the timing on it?

38 MR. CARPENTER: That's undetermined at this point. That will come
39 out when we develop a sampling plan and NMED and Glorieta has weighed in on that.

40 COUNCILOR IVES: Okay. I think between what was said previously
41 and that, those were my questions. So thank you.

42 CHAIR HAMILTON: Commissioner Hansen.

43 COMMISSIONER HANSEN: Chair, I would like to move to approve.

44 COUNCILOR IVES: Second.

45 CHAIR HAMILTON: Great. So was there further discussion or Mackie
46 was there additional information? And perhaps you can help, we have this and the

1 associated BAR that goes with it, so does your motion – can we do that in one motion or
2 do we need two separate motions?

3 NANCY LONG (BDDDB Counsel): Madam Chair, members of the Board,
4 you can do it in one motion so long as that motion is clear that it covers both.

5 CHAIR HAMILTON: So does the motion include the BAR as well?

6 COMMISSIONER HANSEN: Yes, absolutely.

7 CHAIR HAMILTON: Thank you, and the second?

8 COUNCILOR IVES: The second understood.
9

10 **The motion passed by unanimous voice vote.**
11

12 **16. Presentation and Possible Action on Source Water Protection Plan (SWPP)**
13 **Public Outreach options**
14

15 CHAIR HAMILTON: Mr. Harwood.

16 MR. HARWOOD: Thank you, Madam Chair. So as you might
17 remember, several months ago, in a rather disjointed conversation about the source water
18 protection plan there were some questions about how Albuquerque Bernalillo County
19 Water Utility Authority had run their public engagement process, and so I was asked
20 whether I could engage with the staff down there and just understand how they had
21 conducted their public engagement process around their source water protection plan. So
22 obviously there's a lot of primary documents that are not included here. This was just my
23 summary of review of the primary documents in conversation with their staff.

24 The second page sort of describes some of the more relevant details of the process
25 that they ran, and then a reference here to the public-facing website with of course a great
26 website address: newmexicosourcewaterprotection.com. That's Albuquerque grabbing
27 up those good addresses earlier. And then a set of recommendations which I'll emphasize
28 and with a note in the very last paragraph that for some of these recommendations the
29 Board will likely, I think it's reasonable to expect the Board may need to engage services
30 of someone like a Lynn Komer who you've used in the past because I think there's a
31 general understanding among the staff, as I understand it, that running these kinds of
32 public meetings is not simple around their existing workload and also requires some
33 pretty well defined skills in terms of listening and note-taking and summarizing and so
34 that I'll just share with you was one of the pieces of feedback I did get from the staff, also
35 observing of course that Albuquerque is a much bigger system. They have a lot more
36 staff internal to hand issues and so there you have it.

37 We have, just to remind the Board, in my understanding procedurally, there's a
38 2017 draft that has been provided and worked with the state agencies but this Board has
39 never adopted it as I understand it. So there are a couple paths going forward, one of
40 which is to have some public engagement on the draft and ask these questions about the
41 source water protection area that's appropriate and then to do additional work if that area
42 is bigger than the area that's in the current draft and then to proceed however the Board
43 wishes to go. And I'll leave it there because I know we're pressed for time.

44 CHAIR HAMILTON: Are there questions? Member Fort.

45 MEMBER FORT: I appreciate this description of what Albuquerque has
46 done. I actually think the structured decision making handout we just got might have

1 been an additional possibility to think about how one does public engagement, and I
2 would – if it is difficult for the existing staff to do this then I would think using a
3 contractor to do it. We have a number of people I know within the City – I don’t know
4 the person you mentioned – who would be very capable of doing it. It seems to me it’s
5 good for this Board to be as transparent and open with the public as possible and these
6 processes are ones that would give us a change. These meetings are not well attended and
7 this would give us a chance to have meetings where we publicize them and meet in
8 different parts of the city and talk about what goes on with this aspect of our water
9 supply.

10 I don’t know if it’s appropriate where we are procedurally on this to make a
11 motion or if a motion is necessary, but I would hope we would retain one of the people
12 who is good at doing this public outreach.

13 CHAIR HAMILTON: Okay. Yes, Councilor Ives.

14 COUNCILOR IVES: Thank you. Just a couple of questions on it. At the
15 bottom of the first page there is a statement: It is important to note that the service area,
16 the ABCWUA also encompasses a portion of the SWPA, as such public outreach and
17 education are an important part of its SWPP. Which SWPA is referred to there?

18 MR. HARWOOD: Source water protection area.

19 COUNCILOR IVES: Is that ours? Is that theirs?

20 MR. HARWOOD: No. I think I will apologize now for my fondness for
21 acronyms, which you have appropriately pointed to.

22 COUNCILOR IVES: Don’t mind. I’m just trying to figure out which
23 acronym – what’s being referred to by the acronym in the particular. Because it is
24 certainly possible that Albuquerque going in an exercise here would say, well, Santa Fe’s
25 discharge is something that gives us concern.

26 MR. HARWOOD: That is not what I was trying to get at. What this
27 sentence was trying to convey, and obviously did not succeed in doing so, so I apologize
28 for that, is just that the service area, the Albuquerque Utility Area Water Authority, so
29 that is the area to which it supplies water, is also part of their protection area. So if you
30 think about Albuquerque, the north diversion channel drains all over the East Side. It
31 collects all sorts of contaminants – I actually did my master’s thesis on that diversion so I
32 know a little bit about it – and it dumps into the Rio Grande just upstream of where they
33 divert water. So literally, they are managing as a land use matter what produces the
34 pollution that drops in right upstream of their intake and we know how much interest
35 there are for utilities to be concerned about contaminants of concern hitting the Rio
36 Grande just upstream of their intake. So that’s all I was trying to say there is that their
37 source water protection area is sympatric with their service area. A very interesting issue
38 for them.

39 COUNCILOR IVES: I actually would have presumed that to be the case,
40 so I appreciate the explanation.

41 MR. HARWOOD: Okay, good.

42 COUNCILOR IVES: But it does raise a question of what about the Santa
43 Fe River?

44 MR. HARWOOD: Which discharges of course right at Cochiti, so we
45 don’t have the same dynamic topographically. The contamination that comes off of our
46 urban area runs down the Santa Fe River which intersects the Rio Grande only a half mile

1 behind Cochiti. I don't know how well you know that intersection down there which as
2 we know is well downstream of our BDD intake. So, yes, we don't have quite the
3 problem of the scenario that Albuquerque does.

4 COUNCILOR IVES: At one point in time our discussions were to look at
5 possibly unifying these efforts in some way.

6 MR. HARWOOD: With Albuquerque?

7 COUNCILOR IVES: No, no, no, no. Trying to take the grand view of
8 Santa Fe water in looking at both SWPAs for purposes of a single instrument, but that
9 does not seem to be contemplated here.

10 MR. HARWOOD: What I took from the Board's prior conversation is that
11 200 feet downstream and ten miles upstream was far too small of a relevant footprint for
12 analysis, given the sorts of issues that we have.

13 COUNCILOR IVES: No argument.

14 MR. HARWOOD: Right. And so the biggest issue of course if the
15 Española wastewater treatment plant which is just outside of this limit. So if I recollect –
16 and this is going back several months – the question was to have a public engagement
17 process to say how far upstream and which tributaries and how far up them does the
18 Board think is a relevant area of analysis. Did I get that right, Professor? Okay. But it is
19 not the Santa Fe Urban Watershed. Because of the way our topography works none of our
20 urban watersheds go to the Rio Grande upstream.

21 COUNCILOR IVES: Understood. I'm just saying that that was part of our
22 discussion as well so I just wanted to be clear that we're just talking about the Rio
23 Grande, basically, and looking upstream.

24 MR. HARWOOD: Yes. So there was another part of the conversation that
25 now I think you're referring to which is whether or not the BDD source water protection
26 plan should be integrated with the general theme protection plan which brings in the
27 watershed and potentially the involvement of surface water contamination to the
28 groundwater system for the City wellfield and the Buckman wellfield. That I think is a
29 topic for Rick and Jesse Roach to see whether they want to integrate across the Board's
30 purview with the City and then of course the involvement of the County.

31 COUNCILOR IVES: Another thing that's been mentioned many times,
32 speaking of – although it would be presumably covered I believe by the ten-mile rule
33 currently in place is the treatment plan that San I is proposing to develop.

34 MR. HARWOOD: Well, there's an intake at San I for the Pojoaque
35 Regional Water System and then there are plans, I believe, for wastewater treatment in
36 the Nambe-Tesuque-Pojoaque Valley, but I believe the wastewater treatment plant –
37 other people may know more than I about this but I don't believe those plans are very far
38 along.

39 COUNCILOR IVES: I wasn't sure, but I've heard that mentioned in our
40 discussions on this topic, and of course there's no reference to engaging – there's
41 reference to engaging the municipalities of Española and Los Alamos and LANL, but not
42 Rio Arriba County or any of the pueblos in these discussions and we're certainly
43 downstream from everybody in those categories.

44 MR. HARWOOD: Right. And so if I remember the basic construct of this
45 question it was to run a public involvement effort with the customers and served
46 population to see where that edge should go to, and then that would inform the Board's

1 direction on how to engage with folks in that presumably larger area.

2 COUNCILOR IVES: Yes, and at some point in time, looking at ag uses
3 going north also I think makes sense in terms of loads into the river. And given the algae
4 plumes down in Cochiti.

5 CHAIR HAMILTON: And up in Abiquiu.

6 COUNCILOR IVES: And in Abiquiu. Yes. That could all become very
7 interesting. So I'm very in favor of moving this forward and getting this done.

8 MR. HARWOOD: I think the motion if you were going to make one
9 consistent with what I've heard would be – I don't know.

10 CHAIR HAMILTON: I have actually a few clarifying questions directly
11 related to that, because there are several things recommended here, and one additional
12 thing that was put on the floor.

13 One of them is the public-facing website. I don't think that's necessarily hard-
14 linked to what we want to accomplish with the outreach and development of the plan, and
15 it can be expensive, although having that information available would be a big benefit. I
16 think that's almost a separate consideration. I don't know how the Board members feel
17 but somebody, frankly, would probably need to come forward and say, well, we could do
18 it easily, or it could be a big effort and we could just in one motion lay a lump of work on
19 somebody that we can't really handle right now and might be a little ahead of the game.

20 The other is what our goals are for the public outreach. Frankly, I really agree
21 with Member Fort and your recommendation considering a professional to do that,
22 because I think that's difficult to do, but we really also have to be clear on what we're
23 trying to get from the public outreach. You separately mention the other outreach as
24 Councilor Ives mentioned to the other municipalities and what not. I think that's pretty
25 critical to get adequate information on whether we need to move up to as far as Española,
26 but I would say that that's a partially technical decision. It should be informed and use
27 the public outreach to help inform that, but if nobody from the public ever showed up and
28 said, oh, yeah, I know for sure that the Española wastewater treatment plant must be
29 affecting you, I still think it needs consideration. So there needs to be some technical
30 consideration given to that aspect, to that question.

31 And so I wonder, having – and then how this public outreach process intersects
32 with the timeframe that's required for development of a source water protection plan,
33 because we have not acted on the – because it was two years old and the data that was in
34 it was old, and we thought the area that was defined was inadequate. And we separately
35 thought, all those things are intersecting, that there was public outreach that was needed,
36 but now I've lost track of what our required timeframe is for development and approval
37 of the plan, because we must have some regulatory limit; right?

38 MR. HARWOOD: No, there's no deadline. This is meant to be a tool for
39 utilities to help them plan and understand their own place on the water geography. But as
40 I understand it, there is no deadline. There is no requirement to have such a plan at all.
41 It's really just been offered up as a resource and initial work into the 2017 was I believe a
42 state-funded contract with a private Albuquerque water resources group to come and
43 assist utilities to create their plan. But as I understand it there's no deadline.

44 CHAIR HAMILTON: So if it took six months to develop this outreach, to
45 develop a process for reaching out to the different municipalities and other groups that
46 might have interest as stakeholders that represent ag and other – as Councilor Ives

1 mentioned, we would not be tying ourselves or backing ourselves into any corner.

2 MR. HARWOOD: And I think it's also important to note, it's going to
3 take two or three months to procure.

4 CHAIR HAMILTON: Sure.

5 MR. HARWOOD: And you may want that expert to bring you a report on
6 how they're going to structure the public meetings and who they're going to reach. So we
7 may not even – as a student of this a little bit over the last little while, it could take six
8 months before you start a public process, let alone revisions to the plan itself.

9 CHAIR HAMILTON: So I just want everybody – I'm sure you all have
10 thought about this but there are fiscal implications of doing this. I don't think – we don't
11 want to blow it out of proportion to what we're gaining from it, but the idea, if we're
12 going to do a source water protection plan for it to be appropriate seems to make sense to
13 me. I don't know if anybody feels – wants to make comments about what kind of
14 limitations. Member Fort and then Commissioner.

15 MEMBER FORT: Madam Chair, I do want to clarify, in my mind we're
16 looking at a contractor to help develop the Source Water Protection Plan, not just to look
17 at the questions of what geographic area it includes. So I see this as a single process and
18 it's primarily a technical question, what is affecting our –

19 CHAIR HAMILTON: That's not what I thought. I thought the
20 recommendation was for a facilitator to do the public outreach, not to develop the source
21 water protection plan at all. I mean that's partially drafted. But the facilitator presumably
22 would then summarize the outcomes and that would be input to the revision of the
23 existing draft. Is that – and you're suggesting something different. I'm not trying to blow
24 that off. I just don't think that's what this suggestion was.

25 MEMBER FORT: Madam Chair, I don't think that – just to be clear, we
26 should have our public input on lots of questions in addition to what the geographic – I
27 think the Board has said we want a larger geographic area and I think the Board or staff
28 are capable of giving that direction to whomever on staff is charged with preparing the
29 plan. So that to me isn't the sole purpose of the public outreach. The purpose of the
30 public outreach is to talk about, as we do in almost every Board meeting, what are
31 potential sources of contamination? What's happening with respect to water quality
32 standards and so on? And to provide that input to the staff person. And that's fine.

33 CHAIR HAMILTON: Okay. Commissioner Hansen.

34 COMMISSIONER HANSEN: Just a little update since Councilor Ives
35 asked about a wastewater plant at San I. San I is planning to develop and build a
36 wastewater plant and the discharge, I believe, would go into the Pojoaque River and then
37 into the Rio Grande.

38 CHAIR HAMILTON: And do you know the timeframe? A general
39 timeframe? There's no way to know that?

40 COMMISSIONER HANSEN: I do not know what San Ildefonso is
41 planning. I just know that we have, through our discussions with Aamodt we heard their
42 interest in having a wastewater plant also.

43 CHAIR HAMILTON: Thank you. Councilor Ives.

44 COUNCILOR IVES: I think the first questions really are more technical,
45 quite frankly, than just asking anybody what they think how far up we should look.
46 Because we know there are point sources for discharges into the rivers. Gathering that

1 information and having that information before us, and that actually gives us then I think
2 something more to go out to the public with, once we understand what those potential
3 sources are and what they're putting in the river. I think going out to the public when we
4 gathered that information would be a much more productive exercise than just asking
5 people to weigh in, how far up should we look? So I'd be in favor of doing more of the
6 technical – having folks cognizant of those sources, helping us understand how far we
7 should look as we develop that plan, and then engage the public actually in the plan.

8 CHAIR HAMILTON: So what are you suggesting as a process?

9 COUNCILOR IVES: I think the first thing we would be doing, and if it's
10 necessary and we don't have the expertise in-house, determine a reasonable geographic
11 limit looking upstream, and as well as looking at what potential pollutants there are, we
12 should contract for that, but we may have a good deal of that expertise in-house. I think
13 that's a first step. And if we can from that define the board outlines of the geography and
14 the pollutants, that's a great time to engage the public in that discussion.

15 CHAIR HAMILTON: That all sounds reasonable. Is there some sort of
16 motion to give direction that makes sense to you? Member Fort.

17 COUNCILOR IVES: I was going to say it's really initially a self-
18 assessment. Do we have that capacity internally to engage in those processes, and to the
19 extent we don't, to bring forward a potential contract to engage somebody who could
20 facilitate that process and that could be done at our next meeting.

21 CHAIR HAMILTON: Is that a question there's an answer to? Or is there
22 somebody – staff, Mr. Carpenter or Mr. Harwood, that you want to contribute to?
23 Because I'm not sure I read that as a motion.

24 MR. CARPENTER: Madam Chair, members of the Board, I'll take a stab
25 at that. I'm not sure if we have the technical capabilities in-house. I'd have to take a look
26 at that, but I can say with reasonable certainty, given the staffing levels and the other
27 priorities that we have, we probably do not have the resources to do that in-house.

28 CHAIR HAMILTON: So in my mind there are two options. We have GGI
29 under contract. It's probably not in their current scope. Do they do that sort of thing? Or
30 else it would have to be procured.

31 MR. HARWOOD: And the company that was assisting the state I believe
32 was Daniel B. Stephens and Associates in Albuquerque which are experienced folks, If I
33 can hazard to volunteer Rick, which is always dangerous, that some degree of a plan to
34 gap-fill around staff's existing skill sets would be prepared and presented to the Board at
35 the next month, so that there would be technical skills that need to be filled and then the
36 public facilitation skills need to be filled, so that you can consider whether to direct staff
37 to run an RFP for that.

38 CHAIR HAMILTON: So you have, essentially, enough direction from us
39 without a further motion to do that and bring that information forward? Excellent. Thank
40 you. Everybody good with this? Thank you.

41 MR. HARWOOD: Thank you.

42 43 **MATTERS FROM THE PUBLIC**

44
45 CHAIR HAMILTON: Is there anyone from the public? Please, come
46 forward and identify yourself.

1 JONI ARENDS (CCNS): Madam Chairman-Chairwoman and members
2 of the committee. My name is Joni Arends and I'm with Concerned Citizens for Nuclear
3 Safety. CCNS formed in 1988 and we've been watching this NPDES permit process at
4 LANL for probably 25 years, and every time the Lab provides us with a copy, a paper
5 color copy, of their application. Generally, it is two four-inch binders with large maps to
6 be able to see the pathways down where the discharge goes. And this year they'll only
7 provide us with one CD. Now the problem is that our practice is to compare the maps
8 from one version to another. It's going to cost about \$450 for us to print, to have the
9 whole thing printed out and I just wanted to make a public comment that we think that
10 that's unacceptable that the Lab won't provide their application to us in a paper color
11 copy. Thank you.

12 CHAIR HAMILTON: Thank you. Is there anybody else here from the
13 public who wants to address the Board? Seeing, none I'll close public comment.

14 15 **MATTER FROM THE BOARD**

16
17 CHAIR HAMILTON: Is there anyone besides me that has something?
18 Under matters from the Board, I wanted to make a statement for the record and our
19 minutes that the only matter discussed during the executive session for the last Board
20 meeting on July 11, 2019, was the matter as stated in the motion to go into executive
21 session and no action was taken.

22 COMMISSIONER HANSEN: This was on our desk on the dais –

23 CHAIR HAMILTON: It wasn't on mine; what is that?

24 COMMISSIONER HANSEN: Oh, do you want me to announce this?
25 There's a Common Water and Sacred Water Tribal Perspective on water in New Mexico
26 November 6th through 8th at Buffalo Thunder.

27 CHAIR HAMILTON: Thank you.

28 29 **EXECUTIVE SESSION**

30 **In accordance with the New Mexico Open Meetings Act NMSA 1978 Section**
31 **10-15-1(H)(7), discussion regarding threatened or pending litigation in which**
32 **the BDDB is a participant, including without limitation: *Buckman Direct***
33 ***Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No.**
34 **D-101-CV-2018-01610**

35
36 CHAIR HAMILTON: We have an executive session? Ms. Long, can you
37 tell us –

38 MS. LONG: Yes, Madam Chair, you should ask for a motion to adjourn
39 and go into executive session, all at once and in accordance with the New Mexico Open
40 Meetings Act, NMSA 1978 10-15-1(H)(7) for discussion regarding pending litigation in
41 which the BDD is a participant, include without limitation Buckman Direct Diversion
42 Board versus CDMB Smith, et al.

43 CHAIR HAMILTON: Oh, and I would just ask everybody to note that the
44 next meeting in Thursday, October 3rd at 4 p.m. I would entertain a motion.

45 COUNCILOR IVES: I so moved.

46 COMMISSIONER HANSEN: To adjourn and into executive session.

1 CHAIR HAMILTON: So I think I have two motions on the same matter.
2 I'm going to count one of those as a second. Can I have a roll call?

3
4 **The motion to go into executive session passed by unanimous [5-0] roll call**
5 **vote as follows:**

6
7 Commissioner Hamilton Aye
8 Councilor Ives Aye
9 Commissioner Hansen Aye
10 Board Member Fort Aye
11 Councilor Harris Aye

12
13 **ADJOURNMENT**

14
15 Having completed the agenda, Chair Hamilton declared this meeting adjourned at
16 approximately 5:50 p.m.

17
18
19 Approved by:

20
21
22
23 _____
24 Anna Hamilton, Board Chair

25
26
27 Respectfully submitted:

28
29 Karen Farrell, Wordswork

30
31
32 **ATTEST TO:**

33
34
35 _____
36 GERALDINE SALAZAR
37 SANTA FE COUNTY CLERK

1
2
3
4
5

DRAFT

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

subject to approval