

MINUTES OF THE
THE CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD MEETING

March 5, 2020

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

Roll was called and the following members were present:

BDD Board Members Present:

Commissioner Anna Hamilton, Chair
Councilor JoAnne Vigil Coppler
Commissioner Anna Hansen
Peter Ives, Citizen Alternate

Member(s) Excused:

JC Helms, Citizen Member
Councilor Carol Romero-Wirth

Tom Egelhoff, Las Campanas [non-voting]

BDD Board Alternate Members Present:

Ken Kirk [Las Campanas alternate]

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Board Consulting Attorney
Mackie Romero, BDD Finance Manager
Bernardine Padilla, BDD Public Relations Coordinator
Randy Sugrue, BDD Operations Superintendent
Bryan Armstrong, BDD Maintenance Supervisor
Kyle Harwood, BDD Counsel
Alex Puglisi, City of Santa Fe
Bill Schneider, City of Santa Fe
Regina Wheeler, City of Santa Fe
Caryn Grosse, City of Santa Fe
Greg Shaffer, Santa Fe County
Ira Roybal, Santa Fe County
Jamie-Rae Diaz, City Administrative Assistant
Jay Lazarus, Glorieta GeoScience
Joni Arends, Concerned Citizens for Nuclear Safety
Dan Gross, SFW
Monique Maes, BDD Contracts Administrator

3. APPROVAL OF AGENDA [*Exhibit 1: Agenda*]

CHAIR VIGIL COPPLER: I would like to mention that Commissioner Hansen is going to leave prior to 5 o'clock and I believe we still will maintain a quorum because we established it now.

NANCY LONG (BCC Board Counsel): No, I think you will lose your quorum then at least as to any action items. You can continue the meeting as to discussion items but you can't take any action.

CHAIR VIGIL COPPLER: Okay. Then we will do everything that we can with haste.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR VIGIL COPPLER: Yes.

COMMISSIONER HAMILTON: I guess two things, one is if it is possible if someone might try, it might be a stretch, but if somebody contacts Peter Ives and see if he could come over. That would preserve the quorum, and if not, maybe we can rearrange the agenda to do action items first.

MS. LONG: Yes, and in fact, Madam Chair, Mr. Carpenter just suggested that maybe move the action items which are all on consent –

CHAIR VIGIL COPPLER: Well, right now, we are on approval of agenda, so let's discuss that.

COMMISSIONER HANSEN: Oh, I don't think we need to move anything if the only thing to approve is the consent agenda and that will happen right away with the minutes and the rest is information items, so I think we're good.

CHAIR VIGIL COPPLER: I do too.

Commissioner Hamilton moved to approve as published. Commissioner Hansen seconded and the motion passed by unanimous voice vote. [Mr. Ives was not present for this action.] [See page 3 for amendment to agenda]

4. APPROVAL OF CONSENT AGENDA

12. **Request to approve the 2008 Memorandum of Agreement as a member of the Middle Rio Grande Endangered Species Collaborative Program and Approval of the Request to authorize Rick Carpenter, BDD Facilities Manager as the Executive Committee Representative**
13. **Approval of the BDD Board comment letter regarding LANL Stormwater NPDES permit**

Commissioner Hansen moved to approve. Commissioner Hamilton seconded and the motion passed by unanimous voice vote. [Mr. Ives was not present for this action.]

5. APPROVAL OF MINUTES: February 6, 2020

Commissioner Hansen moved to approve. Commissioner Hamilton seconded and the motion passed by unanimous voice vote. [Mr. Ives was not present for this action.]

INFORMATIONAL ITEMS

6. Monthly Update on BDD Operations

CHAIR VIGIL COPPLER: Randy.

RANDY SUGRUE (Operations Superintendent): Thank you, Madam Chair, members of the Board, water quality and turbidity in the Rio Grande continues to be very, very good through the winter. Our raw water diversions for the month of February averaged 4.6 million gallons per day. Drinking water deliveries through our Booster Stations 4A and 5A averaged about 4.4 million gallons per day. Las Campanas did not divert water in February. Our onsite treated and non-treated water was about .25 million gallons per day on average.

We're providing approximately 76 percent of the water supply to the City and County for the month. There is a short summary drought summary attached and the diversions are depicted in the graph below. Our diversions have been somewhat above average for January and February. I stand for questions.

CHAIR VIGIL COPPLER: Any questions?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR VIGIL COPPLER: Commissioner.

COMMISSIONER HAMILTON: Could I just request that if graphs like this are going to be printed in black and white that they be formatted for black and white because it is very hard to tell those shades of gray different.

MR. SUGRUE: I agree. I confused myself when I referred to it this morning. So I will definitely take care of that.

COMMISSIONER HAMILTON: Excellent. Thanks so much.

CHAIR VIGIL COPPLER: Any other questions? All righty, thank you.

[Mr. Ives arrived at this point.]

COMMISSIONER HANSEN: Madam Chair, I neglected to ask during the approval of the Agenda, if we could move number 11 after number 9. I would really like to participate in the MOU and I have comments to make about that.

CHAIR VIGIL COPPLER: Ms. Long, since we have already approved the agenda, can we go back and reconsider it?

MS. LONG: Yes, you can. You can do it by a motion to amend the approval to move that item.

COMMISSIONER HANSEN: Madam Chair, I wish to move to amend the approval and move number 11 to after number 9 or possibly after number 8. Is that all right with the Board?

CHAIR VIGIL COPPLER: What's your preference?

COMMISSIONER HANSEN: After number 8.

CHAIR VIGIL COPPLER: Okay, to move number 11 to after number 8. Do we have a second?

COMMISSIONER HAMILTON: Second.

CHAIR VIGIL COPPLER: Okay, any discussion? All those in favor, please say aye.

The motion to amend the agenda passed by unanimous voice vote.

CHAIR VIGIL COPPLER: Welcome, Mr. Ives.

MEMBER IVES: I apologize for being a few moments late. I am learning once again about parking.

CHAIR VIGIL COPPLER: It's nice to have you back. It's almost like you never left.

7. Report from the BDD Facilities Manager

RICK CARPENTER (BDD Facilities Manager): Madam Chair and members of the Board, good evening. I just have a couple of items to update the Board on. First we have a new employee that I would like to introduce to the Board. She is Monique Maes and she is our new contracts administrator and she started last week. So she is still breaking in but she wanted to come to a Board meeting and see what it was like. So I thought I would introduce her to you.

CHAIR VIGIL COPPLER: Welcome.

MR. CARPENTER: The second item is that we were able to meet with Lynn Komer who is the contractor for the public outreach plan for the Source Water Protection Plan. We just did that a couple of days ago. It was a successful meeting. We talked about scope of work, strategy and laid out a draft schedule and when we get that a little further developed I hope for the next Board meeting that we will make a presentation formally to the Board on where we're at on that. And I'll stand for questions.

CHAIR VIGIL COPPLER: Questions? Mr. Ives.

MEMBER IVES: It's actually a question on item number 6 but I suspect you might know the answer, if I might be permitted, one of the numbers in the report did not make sense to me.

CHAIR VIGIL COPPLER: Mr. Carpenter, do you want to stand for any questions or have –

MR. CARPENTER: Sure, either myself or Randy would be happy to answer.

MEMBER IVES: It indicated that the combined storage at Nichols and McClure Reservoirs is 374 acre-feet and that was 29.29 percent of capacity. I thought we had 4,200 acre-feet to capacity of which 374 acre-feet would be 8.9 percent as opposed to 29.29 percent and I wondered if McClure simply is not reported in that total of 374.

MR. CARPENTER: There may be a math error there. Yes, the combined storage is just about 4,000 acre-feet. The water right is 5,040 so I will check the math on that and get back to you.

MR. SUGRUE: I know they have been carefully monitoring the percent capacity of the combined reservoirs and 29 percent, I believe is correct, but one of the other numbers may be –

MR. CARPENTER: We'll check into the 374.

MEMBER IVES: Presumably that would mean there's another 844 acre-feet in storage up there.

MR. SUGRUE: Yes, if they were at 8 percent I think there would be some agitated concern, yes.

MEMBER IVES: Thank you.

CHAIR VIGIL COPPLER: All right. Commissioner Hansen?

COMMISSIONER HANSEN: Thank you for working with Lynn Komer. I'm looking forward to hearing more about it. Thank you.

CHAIR VIGIL COPPLER: Anything else?

MR. CARPENTER: Nothing more, thank you.

8. Update on Solar Project Contract Amendment No. 1 of City Facilities

CHAIR VIGIL COPPLER: Ms. Wheeler, welcome.

REGINA WHEELER (City, Public Works Director): Thank you, Madam Chair, members of the Committee. I think the memo was pretty thorough and self-explanatory but I can sort of give a summary of where we are at with the solar project.

As you might remember we had embarked on an investment-grade energy audit with an energy services contracting company to evaluate a large number of facilities and utility meters across the city for the opportunity to interconnect solar directly to them as well as do lighting retrofits, water conservation, retrofits and some building envelop improvements. And we have just completed the investment grade audit which has resulted in a list of recommended improvements of those types. We used criteria of financial feasibility as well as physical feasibility for these installations and retrofits. And so it has been reviewed really thoroughly. We actually sat with each of the, at least division directors if not facility operators for each of the solar array interconnections to really make sure that we were placing them in a place that didn't interfere with operations and that our assessment of utilization of energy at that site was representative because we were using either single year of past usage or two years of past usage so we need to understand if they had any plans to make great changes to those energy uses.

And so the result of all of that work is sort of summarized in the tables that are attached to the memo and shows the number of solar arrays as well as lighting retrofits and other improvements. So this process that we're using, this energy services contracting processes is really well defined by the State of New Mexico actually. They put this together as a way to help local governments really embark on these energy savings improvements. Because if you follow their process then what you have is a package that you can actually bond against or borrow from the private sector. So it guarantees the savings that will be used to pay back the loan for the improvements so it is really a powerful tool. What normally happens now is that you could just walk right into guaranteed energy savings contract as it mentions in the memo and that would say, Okay, let's move forward. We're going to get the funding. We'll get the funds and you can build these projects.

But when we looked at this we realized that there actually is a bit of risk in some of these projects that we're going to take a little time and do a due diligence phase to reduce the risk so that we're really clear when we go and get the bond or the private financing that we use for this project that we're actually going to build all of these projects. In fact, one of the greatest risks is the array that would be interconnected to the BDD plant itself. Because it already has solar connected to it that has quite lucrative renewable energy certificate payments to the tune of \$300,000 a year. And so one of the pieces that we'll be completing in the due diligence phase is to ensure that the interconnection of another array would not cause us to lose those RECs as they're called.

So that will be part of it. Also, many of the arrays for the water utility as well as the arrays for the BDD are on BLM or Forest Service land and so during the due diligence phase we'll begin to embark on the process of application for leases or right-of-way easements to utilize that land. So we'll start to cross that bridge and get as far as we can – as far as we need to to be sure that we have a likelihood of a successful outcome.

The other thing that we're doing right now is that we're evaluating various funding sources. We could use a green bond as was used for the anaerobic digester for wastewater. We could use private financing. It seems we've had some meetings with finance and some private entities that fund these kind of projects and they have excellent terms. We could use an NMFA loan. NMFA is very used to funding these types of projects. They have seen these packages. So there are a number of options and we're developing those. And, also the Drinking Water Revolving Loan Fund actually paid for the 1.5 mega water array – well, that was the funding used for the 1.5 mega water array at Booster Station 2A and when we did that array, they actually forgave half of that loan. So out of the, I think it was a \$5 million funding, and they gave us \$2.5 million of it as a grant. So we're looking to see if that kind of thing might be available as well. Caryn Grosse is the project manager for this project and she's in the facilities division in Public Works. She's actually really scratching the surface on that to find out if there might be some grant opportunities as well. So during the due diligence phase we'll be getting right down to understanding which financing we want to use so that when the due diligence comes up and says, okay, these arrays all look solid, it looks like we can get the land agreements that we need and this is the funding, we'll bring that whole package forward and move forward with the next phase which would be entering the guaranteed energy savings contract and applying for the funding and then constructing.

One other thing that I just wanted to mention was the \$925,000 from the legislative appropriation that we received not this year but last year because it was the City's number one request on our ICIP is very useful in this. It is actually paying for this due diligence phase which is actually largely for the benefit of the water and BDD arrays because the small arrays on the City facilities are, you know, they're on our facilities, they're on our roofs, they're on our property, they don't really have a bunch of risk and they're small so they're unlikely to run into any challenges but we're using that legislative funding to fund this due diligence phase for the Water Utility and BDD arrays. That's all.

CHAIR VIGIL COPPLER: Questions? Commissioner Hamilton?

COMMISSIONER HAMILTON: Thank you. So have you been – has the City been talking with the County about some of this due diligence for how this gets implemented at BDD?

MS. WHEELER: I'm sorry. I don't think I understand the question.

COMMISSIONER HAMILTON: Have you been talking to the County about how this will be implemented?

MS. WHEELER: I would say probably not. We've been working with the BDD staff and the BDD Board directly.

COMMISSIONER HAMILTON: Okay, I can see that as probably a problem because there are going to be issues with respect to credits and whatnot that have not been discussed. So I assume the best thing to do is to discuss that at a staff to staff level as well as through the Board. So I will run that by the County staff and maybe they

can contact you. I know there have been some discussions so I am not sure. If you have nothing to bring forward to the Board about how this is going to balance out between the City and the County in terms of investment and energy credits.

MS. WHEELER: I can actually answer that question. So the plan is to get the funding and then, say all of the project is funded by one bond say, the Drinking Water Revolving Loan Fund doesn't seem to have any big benefit and we decide to either do one big New Mexico Finance Authority loan or one big bond, the plan was is that each of the enterprise funds and the City, general City, would pay their proportional payment on the debt service, on a semi-annual basis or whatever it is. And so it would be based on the principal that is used to build the facilities on BDD and they would pay that portion of the debt service. So say the BDD's arrays and lighting retrofits are 25 percent of the bond and then BDD would be responsible for paying 25 percent of the debt service. Separate and parallel to that we will be measuring the savings but they don't interact. The payments are completely regular just based on what the annual debt service is and then the savings calculation is separate and the contract actually does guarantee the savings so if we were not to achieve savings we would be able to pursue the contractor for that.

COMMISSIONER HAMILTON: Thank you.

CHAIR VIGIL COPPLER: Any other questions?

COMMISSIONER HANSEN: I just think it's important to remind staff that the BDD is owned half by the City and half by the County.

CHAIR VIGIL COPPLER: Point well taken.

MS. WHEELER: Caryn was just reminding me that we have been inviting Claudia Borchert but I'm not sure that that's the staff you're referring to. I've actually never worked with County staff on BDD items so I am not sure who that would be.

COMMISSIONER HAMILTON: Right. So it's really, Claudia is wonderful for the sustainability decisions but not the only person that needs to be talked to with respect to paying debt service and working out those details and that would be between Finance and the County Attorney and the County Manager. So I will make sure that perhaps they get in touch with the appropriate people at the City to further this conversation. These kinds of projects are really important and something that we strongly support. So it is just an issue of working out the appropriate details.

MS. WHEELER: Okay, great. I am sure that I can work with Rick and Mackie to get in contact with the right people.

COMMISSIONER HAMILTON: That sounds good. Thank you and thank you, Mackie.

CHAIR VIGIL COPPLER: Thank you so much for your report. We appreciate it.

MS. WHEELER: Thank you so much, Madam Chair.

11. Presentation on previous and current BDD Board LANL MOUs

KYLE HARWOOD (BDD Counsel): Good evening Madam Chair and Board. I am pleased to come before you this evening to discuss our big 2020 work effort which is to prepare and negotiate, seek approval of and then implement a new Memorandum of Understanding with LANL regarding our concerns over legacy

contaminants particularly in stormwater reaching the Rio Grande upstream of the project.

So in your packet for this month that I described in previous meeting, you have the MOU archive, that is a set of three MOUs that go back to 2010 just before the project came on line. And then that has been superseded in 2015 and 2017. The very first document behind the cover memo which is very short, is the Board's initial November 1, 2007 letter addressed to the National Nuclear Safety Administration which laid out the Board's six priorities and this is what became the basis for the request to LANL that culminated in the MOUs. And along the way there were House Memorials from the Roundhouse. There were a lot of contact with staff and a lot of hard work by current staff, people who are still working for the Board such as Nancy, myself and Rick and a lot of other folks that are no longer with the project.

This topic goes back to – this particular initiative to engage with the federal government about legacy contaminants goes back really to the inception of the project. But in terms of Board documents it does sort of begin with this letter. I do hope this history is interesting to you because it provides the foundation for what I intend to bring to the Board at the April Board meeting which is a term sheet that is just bullet points of things that staff and consultants are recommending to the Board to be the principles of a new MOU that we present to NNSA. So that's the work plan for April.

There's also conceptually, if it meets this Board's approval, on the work plan to do a tour in May with LANL staff. They have expressed interest in hosting the Board members to go up and see, visually see, some of these locations. As we know, visually seeing them can be very important to understanding how things are interconnected. It also gives folks a chance to ask questions and really dive into the details associated with the lab's runoff.

I have a couple of other quick updates but, Madam Chair, I think I'll stop there and see whether there's any questions about what's in the packet or what I've discussed as being the upcoming steps.

CHAIR VIGIL COPPLER: Any questions about what's in the packet?

COMMISSIONER HANSEN: Madam Chair.

CHAIR VIGIL COPPLER: Commissioner.

COMMISSIONER HANSEN: Thank you, Kyle, very much for providing us with the history. I was just in Washington, DC and I met with Todd Shrader, second in charge at DOE for Environmental Management and I brought up the fact that we are going to be dealing with this MOU and that we need more sampling and we need more help from them. And since Doug Hintze is retiring I have the name of the new person who will be here but he is from Savannah River and he is an intern so I don't know how long he will be there also. So we'll have an intern director until we get a new director of the Environmental Management DOE.

I think that in 2007 and before and after we had a very strong MOU and I feel like in the years past the MOU has not been as stringent and as protective as of our water and the contaminants that are running off the hill as they have been in the past. And so I want to make sure that we get as much as we can to protect our drinking water.

MR. HARWOOD: Thank you. So we'll bring that term sheet forward in April, if that's the wishes of the Board, and you can tell us how close we are to what the Board wants us to pursue with the NNSA.

The couple of other updates I had, one was Doug Hintze has confirmed departure.

He is actually already gone back in California. And I'll just mention two other quick things just so I get through my list before there are other questions and that is you have probably seen the newspaper coverage, Senator Heinrich has been quizzing the relevant Senate committees about the reduction in the cleanup budget from approximately \$200 million to approximately \$100 million. So obviously we sincerely hope that the cleanup budget is maintained if not better deployed and not cut as the current proposal contemplates.

The other quick update –

COMMISSIONER HANSEN: Madam Chair.

CHAIR VIGIL COPPLER: Yes, Commissioner.

COMMISSIONER HANSEN: So one of the things that they said at DOE and this was not NNSA, but they mentioned that they still had plenty of money at the moment to work on cleanup because of some reason there was money that was not being used. But I think that more money is always helpful and the more we can cleanup. But they said it would not affect their budgets this year but I do think that Congress will change the budget at least that is what I am pushing for.

MR. HARWOOD: Very good. And then just the last update for the Board; we had discussed at the last Board meeting and this is somewhat tangentially related to the LANL MOU topic but let me put it in context. Obviously, the topics addressed by the LANL MOU relate to the regulation of stormwater and the regulation of water quality generally. And I want to let the Board know that when we discussed the WOTUS rule at the last meeting, Water of United States, since our last Board meeting there has been a notice of intent to sue filed by a group of environmental groups. The local one is called the Rio Grande Waterkeeper and they're named plaintiff in that notice of intent to sue. It is under the Endangered Species Act rubric. We have not yet seen the Federal Register filing that would trigger the APA, Administrative Procedures Act, suits and I understand from Charlie de Saillan, who has been in front of this Board before, that when the Federal Register of the rule is published, New Mexico Environmental Law Center does intend to be very involved with the attempts to implement the new WOTUS rules.

So that's the quick update on those two topics and I have nothing else.

COMMISSIONER HANSEN: Madam Chair, I have one more thing.

CHAIR VIGIL COPPLER: Commissioner Hansen.

COMMISSIONER HANSEN: Yesterday I attended a LANL technical working group with Alex and some other people and I think that this is another avenue and another venue where we can talk about the MOU and the needs that we have the N3B since they are the ones holding this technical working group. It's an interesting forum. It is an invite only but it is open to the public but the public is not – it's an interesting group because they want a commitment from people that they are going to attend these 12 to 18 month sessions so that they can actually make some serious work through the type of cleanup that is going to be necessary for Buckman and also Daniela and Dan were there also from the Buckman. So we were well represented. They specifically reached out to Buckman staff to make sure that we were represented at these meetings. So I thought it was great that Daniela, Danny, Alex and myself were all there. And I'm hoping that they will be fruitful.

CHAIR VIGIL COPPLER: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Mr. Harwood do you have any information about who might be replacing Mr. Hintze? He's gone already.

MR. HARWOOD: I've made several inquiries to the lawyer that Doug brings to our meetings and he has not yet updated me but I believe that –

COMMISSIONER HANSEN: I have his name but I don't my notes with his name and I will be happy to share that with everybody. So they have assigned somebody but he's an intern director.

MR. HARWOOD: We'll try and establish contact with that person and try and get them to the next meeting or coordinate all the moving pieces that were in motion when Doug resigned.

CHAIR VIGIL COPPLER: Okay, and other questions? Yes, Mr. Ives.

MEMBER IVES: Thank you, Madam Chair. So I don't know if I had seen the 2007 letter before but I actually was impressed with the scope of the issues that identified in the objectives that it set forth. I would be curious perhaps when you present at the next meeting that if you wouldn't mind, providing an assessment of those six or seven objectives that are detailed and whether or not they have been addressed at all because I am not sure that #3, Measure the radioactive and toxic contamination of buried sediments, I am not aware of any work that has been done on that particular point.

MR. HARWOOD: They did some related to the construction of the facility.

MEMBER IVES: But I'd love an assessment between then and now for those objectives which have been significantly moved forward and certainly we have resolved on an early warning system a long time ago but of late we have begun to talk about the inadequacies of that. And so, would love to see your recommendations on other things we should be asking for even though there may have been progress on a number of these objectives.

MR. HARWOOD: I'd be happy to go ahead and do that, Counselor Ives, and I'm using the other form of counselor of course, because you are a lawyer. So I will go ahead and include that and I should acknowledge your compliment and acknowledge also that I had a hand in editing this letter but we can actually thank Norm Gaume for this letter back in the dimmest of history. He was a consulting engineer on the project. But, yes, I'll add that into the April memo.

MEMBER IVES: Thank you. Thank you, Madam Chair.

CHAIR VIGIL COPPLER: Any other questions? Okay, thank you very much for the update and I guess we'll see you in April.

MR. HARWOOD: Thank you, Madam Chair.

9. Termination Notice of PNM Electric Facilities and Services Agreement for service Site Booster Station 1A and Raw Water Lift Station

MACKIE ROMERO (BDD Finance Manager): Madam Chair, members of the Board, in 2008 the Buckman Direct Diversion Board entered into an Electric Facilities and Service Agreement with the Public Service Company of New Mexico. They entered into these agreements for four of our service entrance locations. These agreements were established with a 10-year term and included an annual on-peak energy requirement. This requirement is measured annually from July 1st to June 30th. If the

energy usage falls below the requirement, the BDD is then billed an unused facility charge based on the terms set in the agreement. PNM has recently submitted two letters of termination for our PNM agreements at our Booster Station 1A service site and our Raw Water Lift Station service site.

This termination letter is stating that our unused facilities requirement for the last year of the initial term has been met and no remaining obligation exists. Therefore, these agreements will terminate on June 30, 2020. We'll still be part of the Rate 11B PNM rates. There are still two remaining agreements and this is for our Booster Station 2A solar site and our water treatment plant solar site. These sites have solar array which reduce our annual on-peak energy needs. Therefore, the unused facility requirement has not been met and we'll more than likely be billed in June and then after he have paid that invoice we should get termination letters for those sites. Is there any questions?

CHAIR VIGIL COPPLER: Questions from the Board. Mr. Ives.

MEMBER IVES: Madam Chair, I note that it says, PNM will continue to provide electric services under Rate 11B, water and sewage pumping service; do you know what the net effect on payments to PNM will be from that switchover?

MS. ROMERO: So we are currently on 11B, we've been on 11B so there's really no effect there. The two sites that just terminated from this agreement, we were using enough energy that we weren't being built an unused facility charge. But at the other two sites we have been billed unused facility charges, again, because of the solar arrays. So once we get a termination letter for those two sites there will be savings from PNM.

MEMBER IVES: Okay, I just wanted to make sure I understood that.

Thank you.

CHAIR VIGIL COPPLER: Commissioner.

COMMISSIONER HAMILTON: Thank you. So I'm sorry for the confusion. But I'm not sure – the 10-year term it was only ever intended to go 10 years? Does termination mean that there's no longer going to be a need for us to meet some level of payment ever again at those two sites?

MS. ROMERO: Madam Chair, that is correct. This was – and Rick can help me if he needs to – but this was the agreement during the initial construction it was going to help payback for some of the substations that PNM had to put in order to provide electricity to those sites. If you need more details I am sure Rick has more details.

COMMISSIONER HAMILTON: Thank you.

CHAIR VIGIL COPPLER: Any other questions? Thank you very much.

MS. ROMERO: Thank you.

10. City of Santa Fe Water Plan and Reuse Strategy

BILL SCHNEIDER (City Water Resources Coordinator): Hello, Madam Chair and members of the Board. Basically I'm here to just provide a status update since back in December when the City governing body passed a resolution, 2019-56, that effectively directs the Water Division to proceed with a 40- and 80-year water plan as well as further evaluation of the Buckman return to the Rio Grande. So over what seems like so long ago, but over these past 10 weeks we've been very active trying to basically,

I guess I would say, better and concise scope of services that we can achieve those goals over the next five years. So year one on the water planning, if you can see this figure here and I will zoom in for you, we've basically in the planning process. So really what that means is we're trying to define the elements of how this water plan will be implemented, what it will comprise of and who will be participants.

There's going to be quite a bit of community outreach. But one of the key things, and I think we've had a lot of success at leadership both at the Public Utility level, from Shannon and John, but also with the joint County WPAC and the City Conservation Committees led by Councilor Romero Wirth and Commissioner Hamilton, we've had a lot of dialogue with the County on ways that we can integrate efforts on the water planning side. I can briefly give you about nine examples that I've just put together here just from the past discussions if you'd like to hear those. But really we're trying to define role, responsibilities and participation.

COMMISSIONER HANSEN: Madam Chair, I'd like to hear those.

MR. SCHNEIDER: Number one is, I've been attending the WPAC meetings and trying to better understand efforts going on. So the first and foremost is that my understanding that the County wants to pursue and update their 40-year water plan. Given the synergies through the Buckman Direct Diversion and the shared water rights that this project allows between the City and the County, one of the ideas is that the County for the elements around the proper of Santa Fe for the utility would collectively work together. Have separate 40-year water plans but we would feed aspect, for example, the backup water through the Water Resource Agreement, but also ways that we share water rights through the Buckman Direct Diversion and other things that we're going to pursue in the future.

Another aspect, the City is committed to support the County on the water rights side of things is – well, I should say water availability is that we're going to be doing, we have a grant through the Bureau of Reclamation to do a further and more rigorous climate study using the latest cement 5 models. So what we're going to explore are in 10 year increments going out 80 years, what climate effects might we see on our water supply, on the Rio Grande native water as well as on the Colorado River for our San Juan-Chama water, the City and County have obviously both sources. There will be some financial impacts. I have to work through some of the existing MOUs with Rick to sort of have the ability to enroll the County in this process and I think this can be done through a City-County level through our contract, that's how I would deem it.

Another thing that we have sort of discussed is greater system resiliency between the City and County in terms of backup water supply. So one of the ideas that we have is, and this is conceptual at this stage, but at some degree of joint aquifer storage and recovery, maybe in the Buckman area.

Another example that we have is some work that we're doing with Las Campanas on trying to develop ways to bring backup water to the City fields as well as to Las Campanas' golf course and not use potable water. That could be achieved through the reuse system and/or through raw San Juan-Chama that doesn't go through the expense of chemical treatment at the facility.

Other aspects, we had some discussions that I think had a lot of value –

COMMISSIONER HANSEN: Madam Chair, excuse me, but Las Campanas is putting potable water on their golf courses?

MR. SCHNEIDER: No, they're not.

COMMISSIONER HANSEN: I did not think so.

MR. SCHNEIDER: I didn't say that.

COMMISSIONER HANSEN: But you did kind of indicate that.

MR. SCHNEIDER: Oh, okay, thank you, Commissioner, Chair. You are right, I misspoke. Let me clarify please. Thank you for bringing that to my attention.

Last summer in June we had a hiccup at the City Water Treatment Facility and our water quality exceeded the limits on our permit to put water on our turf. In emergency mode the City had to put potable water onto the turf to keep our putting greens alive while we got the wastewater treatment plant back in compliance. It was the City and not Las Campanas.

So what we're trying to do is build greater resiliency on our sporting fields with water that is not potable so we never have to have that challenge again.

COMMISSIONER HANSEN: Okay, but at the moment Las Campanas does not use potable water.

MR. SCHNEIDER: They do not use potable water. They use raw water.

COMMISSIONER HANSEN: They use raw water and I just want to be clear about that because at the moment we supply them through our resources at Buckman.

MR. SCHNEIDER: So Las Campanas the Club has access to the Buckman Direct Diversion. They are using raw San Juan-Chama water for their main source of supply and they have no backup; is that correct, Tom. [Tom Egelhoff nods in the affirmation.]

What we're trying to do is build greater resiliency and integration of non-potable systems so that we don't use drinking water on the golf course. Hopefully, that clarifies that issue.

CHAIR VIGIL COPPLER: Okay, continue.

MR. SCHNEIDER: Thank you. And then lastly and I think that this will be a really popular project if we can get some progress, is to develop a City-County groundwater monitoring program so we can monitor water levels in the aquifer, both the City wells, the Buckman wells and down in La Cienega and Cieneguilla to better understand what is happened on pumping effects particularly in wells that are not metered. So we're looking at adopting a similar program that Bernalillo County has underway right now.

And so that leads me to the return flow pipeline and whether there is any value to the County to be a participant in that project. So we're having discussions at the staff level to see if there's any merits relative to the hydrologic and water system to integrate that in some capacity or not.

So that basically leaves me to my closing remarks. As we transition on the project we're going to head into a permitting and into an engineering and design phase and I can quickly bring up a figure if that would help. Basically, we would hope that we would be allowed to come back to the BDD Board probably on a quarterly basis to provide updates on progress, on community outreach and list any concerns or nexus that would happen with that project and the BDD. So with that I can stand for questions.

COMMISSIONER HANSEN: Madam Chair.

CHAIR VIGIL COPPLER: Commissioner Hansen.

COMMISSIONER HANSEN: On the pipeline, I'm thinking that possibly the City-County monitoring of wells might have something to do with the pipeline. And then I am also extremely concerned about the people in La Cieneguilla and the loss of water that they will be receiving downstream and their concerns which I want to know how that is going to be taken into account.

MR. SCHNEIDER: Well, we are in constant communication currently with, for example, La Cienega Traditional Collaborative Community. We have met several times with Cochiti Pueblo. So I guess we share those concerns Commissioner. Certainly we feel like we can create a balance. There's a significant amount of water in the system currently released. For example, as you may be aware, currently about 6,000 acre-feet, nearly 6,000 acre-feet arise at the Paseo Real Water Facility right now. That's a significant amount of water and we're discussing ways to optimize the portion of San Juan-Chama water which is not native to the basin, it is imported as we're all aware, to bring more system water supply resiliency to both the City and the County since we are the backup supply.

CHAIR VIGIL COPPLER: Any further? Mr. Ives.

MEMBER IVES: Thank you, Madam Chair. First of all, Bill, let me say I'm really glad to hear, you mentioned the word "resiliency" probably 10 times in your presentation because that's certainly been something that all of the time I'd been on council we kept on, I think, trying to make sure that we were looking at that as an element of our water system but I think we struggled with really how to define it in part because we did have significant supplies and so the opportunity to find ourselves in a reduced supply circumstance that might involve draconian measures just didn't seem to be evident. So with the first basin study back in 2015 we started a little more serious discussion about those particular topics and I'm glad to hear that we're doing a new study on climate impacts. I hope that we are using that study, you know, best and worst case scenarios that are likely throughout the system, obviously, and understand how we address those impacts.

You mentioned the pipeline as contributing to the County and I certainly do believe that to be the case. You mentioned possible aquifer storage and recovery by way of backup systems down at the Rio Grande. I think there were some discussion at some point in time about doing it out in the Pojoaque basin so that that new water system itself might potentially have some backup that under defined circumstances might be accessed and a significant benefit to all of the folks participating in the Aamodt Settlement.

I too am always curious about wells, not just in the County but in the City. Part of the problem that I think we all have is that we generally don't have the jurisdiction to impose monitoring and metering. It's the Office of the State Engineer issue and problem and so far there has not been a great drive to try and do that so if there is any way we can leverage what we're doing here as an opportunity to invite the State Engineer in some intelligent way to participate in helping us understand the real dynamics of our water system in this region that too would be wonderful. So I hope you're looking for those opportunities and talking with them about that.

MR. SCHNEIDER: Thank you.

CHAIR VIGIL COPPLER: Commissioner Hamilton.

COMMISSIONER HAMILTON: Bill, do you think it might be useful to say a few seconds about what the Bernalillo County groundwater monitoring incentives

are and whatnot, just to get an idea of why we thought that would be such a potentially fruitful thing to work together on.

MR. SCHNEIDER: Yes, thank you for that question because I do feel that it is a great example of stakeholders sharing resources. From the standpoint of Bernalillo County basically residents that wish to participate and have concerns allow access to their domestic well so that they can be measured on some frequency so that we can collect a spatial range of water level responses overtime to see where the areas of concern are. So because the cost of even a domestic well is quite expensive, this makes it much more cost effective and you can almost get information nearly real time. And I think I come back to the Buckman Direct Diversion being such a success to Mr. Ives' point, we are plotting water level maps in the City and in the County since the Buckman Direct Diversion came on line in 2012 and seeing responses in a favorable way in terms of increasing. So proof of concept, it has been a success.

I think back to the Bernalillo County model, I think Kyle Harwood if he is still here, is doing a mini-version of such a similar thing with the Bureau of Geology in the La Cienega area which I look at as a classic success that we would like to expand if possible.

COMMISSIONER HAMILTON: Thank you. I just think that that's a pretty creative and potentially viable thing to get implemented and done across an area that would be really useful. Yes, that would be great, thank you.

MR. HARWOOD: Real briefly. I took off my BDD label –

COMMISSIONER HAMILTON: You're still official.

MR. HARWOOD: -- because this project is actually related to El Rancho de Golondrinas. I serve on the board there and that board decided many years ago to start funding having New Mexico Tech do a regional groundwater plumbing study that Bill has referred to and it has been great working with those folks. They're not cheap and they're not easy to do but they are critical for understanding how this complex groundwater plumbing works.

COMMISSIONER HAMILTON: To accomplish that more limited one, are you punching wells or using existing wells in some sort of cooperative manner?

MR. HARWOOD: Only using existing wells.

COMMISSIONER HAMILTON: Right, so there's a real benefit to that.

MR. HARWOOD: Yeah.

COMMISSIONER HAMILTON: To do that more broadly around Santa Fe City-County would expand and I think the consensus was, it would expand the available data in a really beneficial way to look at more detailed responses.

MR. HARWOOD: It's actually real interesting when you really work with the top scientists down there at New Mexico Tech, who really understand this stuff very well, the things that have come through from the data are really remarkable. They've discussed an underground waterfall right around Sunrise Springs where water is moving from aquifer level down to another one. It's kind of like – I didn't even know that there was such a thing.

COMMISSIONER HAMILTON: That's very interesting.

MR. SCHNEIDER: A geologic-fall.

CHAIR VIGIL COPPLER: Mr. Ives.

MEMBER IVES: Might that study be available?

MR. SCHNEIDER: It is. It comes out on an annual basis.

MEMBER IVES: Would you mind forwarding it to me? Thank you.

MR. SCHNEIDER: In terms of successes, I thought that study illustrated when the penitentiary well got off of groundwater and the County brought surface water we saw a response, almost immediately in terms of water level. Anyway, you've got to take your victories where you can get them.

CHAIR VIGIL COPPLER: I have a comment, when the Council was discussing this one of the concerns was it was felt that the acequia users weren't really as brought into the conversation and afterwards some of the concerns that they raised were the ability and even the goal of the City to test for pharmaceuticals going down stream as the return goes out and to treat for pharmaceuticals; has that been raised in your stakeholders meetings yet?

MR. SCHNEIDER: Chair, thank you for the question. So we have done one complete round of sampling to understand the removal rates both influent and effluent related to pharmaceuticals. The current treatment processes are fairly effective at removing most of the emerging contaminants. We intend to do another sampling event in the next two months. It's a real concern. If you recall from the resolution other's other elements to this project like direct potable. And once again, to your point, is making sure that these pharmaceuticals are removing in the treatment process. There could be a requirement now or in the near future to do additional forms of treatment to ensure that the water meets those standards. The challenge is obviously that many of these constituents are not regulated under the current rules.

CHAIR VIGIL COPPLER: I think if you are doing a lot of that and considering it like it seems like you are in a good measure, it wouldn't hurt to communicate that as you meet with these stakeholders because I know that's a big concern.

MR. SCHNEIDER: Thank you. We certainly will.

CHAIR VIGIL COPPLER: Mr. Ives.

MEMBER IVES: Madam Chair, just one follow up question on that point. Are you capable of or have you been able to distinguish whether or not the presence of any pharmaceuticals is coming from the Rio Grande as a source versus the Santa Fe Watershed City as a source?

MR. SCHNEIDER: I'm going to defer the question to our compliance expert, Mr. Puglisis, if I may please.

ALEX PUGLISI (Environmental Compliance Specialist): Thank you. New Mexico Environment Department has also done pharmaceutical testing on the Santa Fe River and the Rio Grande. What we're seeing is that most of the pharmaceuticals are not on the Santa Fe River mainly because it's coming out of a pristine watershed from the Sangre de Cristo Mountains. However, once it gets into the system, since we mix our water so much at the 10 million-gallon tank and a number of other tanks, it's hard to maintain that fingerprint. However, we have found pharmaceuticals above and below BDD, not caused by BDD but caused by upstream sources. Some of the sampling and we don't have BDD reps here today, but some of the sampling at BDD has actually shown a reduction in those pharmaceuticals that are taken in from the Rio Grande and then sent out. We actually had to do some testing under that unregulated contaminant monitoring rule that I'm always talking about and UCR3, we had to do some testing for pharmaceuticals. But also for PFOS and PFOA the new emerging contaminants of

concern and we did not detect any within our drinking water system which is a good sign.

So within the system itself we're seeing non-detect. In the Rio Grande we're seeing detect and it basically depends on is it below Española – so there's been sampling locations below Española, below Los Alamos, the various canyons in Los Alamos and directly above the BDD. And so we've definitely seen changes in the constituents that come out of these various areas but overall we do have data to show their present above BDD and not present above the Canyon Road Treatment Plant.

MEMBER IVES: And certainly not having them present above the Canyon Road Treatment Plant is not a surprise. I'm more curious to any contribution on the basis of City return flows if there's a way to exclude the Rio Grande, the Buckman water, and just measure what happens to Santa Fe River water as it comes through the City whether or not that's a significant constituent.

MR. PUGLISI: It's a little bit difficult doing that because some of those constituents in the Rio Grande are reduced through the treatment at BDD. So they then make their way through the system where we're adding new constituents and so we have done sampling down below the outfall on the Santa Fe River. So we do know both internal and external sampling has been done to show the presence of pharmaceuticals in the Santa Fe River.

MEMBER IVES: Yeah, I recognize it would be challenging. Some of it might be assessing what's coming out of the BDD to see what constituents there are that remain in it after Rio Grande water has been treated. The other would be at some point when the Buckman is shut down and presumably the City is operating on Santa Fe River water, what that measurement would be then coming out. It might be timing in opportunity.

MR. PUGLISI: It's definitely a timing issue. In terms of – we do know what it coming out of BDD so we could actually look at that in comparison to what's in the influent of to the wastewater treatment plant. The wastewater treatment plant has actually done that sampling already and BDD has. So we could already compare existing data and we can say, somewhere within the City of Santa Fe this much is being contributed.

MEMBER IVES: I would think that information would be critical to developing any sort of plan or strategy or methodology to try and reduce those constituents in any part of the water supply. So I certainly would urge you to keep on tracking them down.

MR. PUGLISI: And as Bill mentioned, we were just actually in the last couple of days were talking about additional sampling at the wastewater treatment plant because we do want to see what the reduction across treatment is and so we will be taking samples I believe again at the influent and the effluent and looking at the reduction due to treatment. Not necessary across every treatment train but across the entire treatment plant.

The other thing that I have been talking to NMED about is taking composite samples to see if there's a difference on time. Like if we notice a difference in the influent concentrations during daily, weekly, monthly time periods and that would just give us some more information in terms of how we may be releasing higher concentrations into the Santa Fe River.

MEMBER IVES: Thank you. Thank you, Madam Chair.

CHAIR VIGIL COPPLER: Mr. Schneider, do you have more?

MR. SCHNEIDER: I do not.

CHAIR VIGIL COPPLER: Okay. Any other comments? Thank you very much.

COMMISSIONER HAMILTON: That was great, thank you. It's very appreciated.

MATTERS FROM THE PUBLIC

CHAIR VIGIL COPPLER: Do we have anyone who wants to present to this body? Okay, seeing none, we'll move on.

MATTERS FROM THE BOARD

CHAIR VIGIL COPPLER: Do either of you have anything to report?

MEMBER IVES: I'm glad to be here.

CHAIR VIGIL COPPLER: Great.

COMMISSIONER HAMILTON: Minor thing, unless there are some changes to travel allowances based on coronavirus, I have a trip out to EPA at the beginning of March and won't be here for the meeting on the 2nd.

CHAIR VIGIL COPPLER: Okay. I don't have anything.

NEXT REGULAR MEETING: Thursday, April 2, 2020 at 4:00 pm

EXECUTIVE SESSION

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

MS. LONG: Yes, Madam Chair, if you could ask for a motion to adjourn this meeting and to go into executive session in accordance with the New Mexico Open Meetings Act NMSA 1978, 10-15-1(H)(7) for discussion regarding pending litigation in which the BDDB is a participant, as that case is specifically described on the agenda. And then you'll need a roll call vote.

MEMBER IVES: So moved.

COMMISSIONER HAMILTON: Second.

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

Commissioner Hamilton	Aye
Councilor Vigil Coppler	Aye
Mr. Ives	Aye

[The Board adjourned to in executive session at 5:05 p.m.]

ADJOURNMENT

Having completed the agenda and upon motion, Chair Vigil Coppler declared this meeting adjourned at approximately 5:05 p.m.

Approved by:

JoAnne Vigil Coppler, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

YOLANDA Y. VIGIL
SANTA FE CITY CLERK

DRAFT

subject to approval