



Date: December 19, 2023

To: Buckman Direct Diversion Board

From: Kyle S. Harwood, counsel

Subject: Presentation and Possible Action regarding NMED draft 2024-2026 State of New Mexico Clean Water Act (CWA) §303(d)/305(b) Integrated List of Assessed Surface Waters (Integrated List) comments from Buckman Direct Diversion Board

Item and Issue:

The NMED Surface Water Quality Bureau has issued a 45-day public comment period on the 303(D)/305(B) Integrated List of Assessed Surface Waters effective December 11, 2023 and closing on January 24, 2024 (see notice).

Background and Summary:

Please see the March 2023 Board packet memo re Rio Grande Water Quality Update pursuant to BDDDB Resolution 2022-2 which also includes as an attachment the Resolution. The Integrated List priority is item #4 in the packet memo for background on this topic.

Recommendation:

The BDD Project staff and consultants recommend the attached letter be submitted by the deadline January 24, 2024.





341 Caja del Rio Santa Fe, NM 87506

January 22, 2024

Meredith Zeigler
Assessment Coordinator
NMED Surface Water Quality Bureau
1190 St. Francis Dr.
Santa Fe, NM 87505
Via email to: meredith.zeigler@env.nm.gov

**RE: DRAFT 2024-2026 INTEGRATED LIST OF ASSESSED SURFACE WATERS
COMMENTS FROM BUCKMAN DIRECT DIVERSION BOARD**

Dear Ms. Zeigler:

The Buckman Direct Diversion Board (the Board) is the governing body for the Buckman Direct Diversion, a single diversion point on the Rio Grande that the City of Santa Fe, Santa Fe County, and their limited partner, Las Campanas, share to divert their San Juan-Chama and native Rio Grande water rights. Diverted water is treated and introduced into the regional water system. The government entities are represented on the Board.

The Buckman Direct Diversion (BDD) intake is on the Rio Grande approximately 3 miles downstream of Otowi Bridge. The draft 2024-2026 State of New Mexico Clean Water Act (CWA) §303(d)/305(b) Integrated List of Assessed Surface Waters (Integrated List) includes assessment of the segment of the Rio Grande within which the intake structure is located, and stream segments draining the Pajarito Plateau where Los Alamos National Laboratory (LANL) is located. Many of these waters flow to Los Alamos Canyon and enter the Rio Grande at their confluence approximately three miles upstream of the BDD intake structure. The Board is therefore understandably concerned about water quality in the Rio Grande and in Los Alamos Canyon and its tributaries. The Board provides the following comments.

Segment 114 Rio Grande (Cochiti Reservoir to San Ildefonso boundary)

As we noted in our 2022 comments on the draft 2022-2024 Integrated List, Segment 114 waters listed as impaired were not subject to Total Maximum Daily Loads (TMDLs), despite such action being a necessary first step to improving water quality. The Board pointed out that many of the TMDLs intended to address these years-long impairments were estimated to be listed in 2021. In its Response to Comments, the New Mexico Environment Department (NMED) informed the Board that TMDLs are usually issued four years after the last water quality survey (2017-2018). NMED further responded that the next water quality survey that would include the Segment 114 Assessment Unit would occur in 2023-2024, making the relevant TMDLs issued in 2027. NMED's list of TMDLs reviewed on December 15, 2023, at <https://www.env.nm.gov/surface-water-quality/tmdl/> shows that none are in place for Segment 114.

The Draft Integrated Report now shows that Segment 114 is not subject to monitoring until 2025. The draft Impairment List nevertheless states that “[t]his AU is priority for follow-up data collection.” The Board requests information about how NMED establishes these priorities, and how Segment 114 and its use as source water for the BDD fits into NMED’s prioritization.

The draft Impairment List also notes that “[p]rocedures are in place, under the purview of the Buckman Direct Diversion Board, that are intended to not allow public water supply withdrawal from the Buckman Diversion during significant storm events.” It is important to recognize that these procedures augment and do not replace appropriate water quality protections such as timely development of TMDLs for this segment. The Board requests that NMED accelerate TMDL issuance for stream segments like Segment 114 that are source waters for drinking water supplies.

Segment 128 and Certain Unclassified Waters on the Pajarito Plateau

As previously mentioned, the Board is particularly interested in water quality in Los Alamos Canyon and its tributaries. We note that some impairments in this watershed with likely LANL origin were listed nearly 20 years ago (e.g., PCB impairment first listed in 2006), with no TMDLs developed to address the water quality degradation. The Board further notes that no TMDL dates are listed in the draft report. The Board recommends NMED update the “TMDL List” field to estimate when TMDLs will be adopted for these segments.

The Buckman Direct Diversion plays a unique role by deriving drinking water from the Rio Grande downstream of LANL and delivering it safely and effectively to its regional customers. We appreciate that NMED recognizes this fact and has worked over the years to provide special provisions and assessments for stream segments from the Pajarito Plateau and the Rio Grande at the BDD intake in State Standards.

We appreciate the opportunity to provide these comments and look forward to your response.

Commissioner Anna Hamilton
Santa Fe County Commission District 4
BDD Board Chairperson

Councilor Carol Romero-Wirth
Santa Fe City Council District 2
BDD Board Vice Chairperson

Commissioner Anna Hansen
Santa Fe County Commission District 2
BDD Board Member

Councilor Renee Villarreal
City of Santa Fe District 1
BDD Board Member

JC Helms
BDD Board Citizen-at-large Member



**NEW MEXICO ENVIRONMENT DEPARTMENT SURFACE WATER QUALITY BUREAU DRAFT
2024-2026 STATE OF NEW MEXICO CLEAN WATER ACT SECTIONS 303(D)/ 305(B) INTEGRATED
LIST OF ASSESSED SURFACE WATERS**

NOTICE OF A 45-DAY PUBLIC COMMENT PERIOD

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) invites the public to comment on the draft 2024-2026 State of New Mexico Clean Water Act (CWA) §303(d)/§305(b) Integrated List of Assessed Surface Waters (Integrated List). The Integrated List identifies whether or not a particular surface water of the state is currently meeting its designated uses as detailed in the State of New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC), through application of the *Procedures for Assessing Water Quality Standards Attainment for the State of New Mexico CWA §303(d)/§305(b) Integrated Report: Comprehensive Assessment and Listing Methodology (CALM)*. “Category 5” waters on the Integrated List specifically constitute the CWA Section 303(d) List of Impaired Waters. Copies of the draft list and any of the above supporting documents may be obtained via download from the SWQB website at <https://www.env.nm.gov/surface-water-quality/303d-305b/>, or by contacting Meredith Zeigler at meredith.zeigler@env.nm.gov (preferred) or (505) 490-5866.

The 45-day public comment period on the draft Integrated List will start **December 11, 2023 and end January 24, 2024 at 5:00 p.m. MST**. Formal comments for inclusion in the public record must be submitted in writing via the NMED Public Comment Portal at: <https://nmed.commentinput.com/comment/search> or alternately emailed to: meredith.zeigler@env.nm.gov. For additional questions regarding this public notice or if you have trouble accessing the above web addresses, please contact Meredith Zeigler at (505) 490-5866 or at the above email address.

Following the close of the public comment period, the SWQB will prepare the final draft 2024-2026 Integrated List as amended, including a Response to Comments. The Integrated List, as an appendix of the Integrated Report, will be presented to the New Mexico Water Quality Control Commission (WQCC) for review and approval at their regularly scheduled meeting (tentatively set for March 2024). The Integrated List and Report, including SWQB’s Response to Comments, will be available to the public via download from the SWQB website, or upon request (see above contact information), no later than 10 days prior to the WQCC meeting. The WQCC meeting schedule and agendas are maintained on the WQCC website (<https://www.env.nm.gov/water-quality-control-commission/wqcc/>). The final Integrated Report and List, as approved by the WQCC, will then be submitted to the U.S. Environmental Protection Agency Region 6 for approval under the Clean Water Act.

If any person requires other non-English Language Speaker Assistance, assistance for an interpreter, or auxiliary aid (e.g., accommodations for persons who are disabled) to participate in the public process for the Integrated List, please contact Meredith Zeigler at least 14 days prior to the WQCC meeting date at meredith.zeigler@env.nm.gov; telephone (505) 490-5866; or P.O.

Box 5469, Santa Fe, NM 87502. TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker, Non-Discrimination Coordinator

New Mexico Environment Department

1190 St. Francis Dr., Suite N4050

P.O. Box 5469

Santa Fe, NM 87502

(505) 827-2855

nd.coordinator@state.nm.us

<https://www.env.nm.gov/general/environmental-justice-in-new-mexico/>

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

Item 6e from the March 6, 2023
BDD Board meeting packet

Memorandum



Buckman Direct Diversion

Date: February 20, 2023

To: Buckman Direct Diversion Board

From: Rick Carpenter
Kyle S. Harwood
Jay Lazarus
James P. Bearzi

Subject: Rio Grande Water Quality Update pursuant to BDDDB Resolution No. 2022-2
Calendar Year 2023

This memorandum is provided pursuant to Buckman Direct Diversion Board (“BDDDB”) Resolution No. 2022-2, to review the water quality issues and BDDDB actions, and to present anticipated water quality issues for 2023 so the BDDDB can prioritize engagement with the issues.

A copy of Resolution No. 2022-2 is attached to this memo for reference.

1. **Memorandum of Understanding (“MOU”) with the U.S. Department of Energy (“DOE”)**

The BDDDB and DOE (collectively, “the Parties”) entered into a fourth MOU in February 2022 that addresses their respective commitments through 2024 concerning stormwater and sediment migration from the Los Alamos National Laboratory (“LANL”) to the Rio Grande above the BDD diversion. Issues addressed in 2022 include:

- Ongoing operation and maintenance of the Early Notification System (“ENS”), including resolution of data transmission issues.
- Installation of a new flow measurement station (known as E110.7) in lowermost Los Alamos Canyon in July 2022.
- Ongoing sampling, data collection and data sharing with DOE and the New Mexico Environment Department (“NMED”).
- Conducting an Annual Review meeting with the Parties in May 2022 to discuss issues including ENS operation, sediment and stormwater sampling studies conducted by DOE in the Los Alamos Canyon watershed, and sampling and analysis by the parties in the Rio Grande.
- Observation of DOE inspection activities of ENS stations in October 2022.
- Interaction with the Pueblo de San Ildefonso concerning monitoring and maintenance of existing ENS stations on Pueblo lands.

Recommendations for 2023: Continue to work with DOE in accordance with the terms of the MOU to monitor discharges of stormwater from the LANL property to the Rio Grande. Staff and consultants will



participate in the Annual Review (anticipated to occur in May). Staff and consultants will consider removal of E062 if requested by DOE. Staff will continue to work with DOE as operation, maintenance, and data transmission issues arise. The BDD Intake Sampling Program will continue.

2. **New Mexico's Triennial Review of State Surface Water Quality Standards**

The BDDDB's consultant provided testimony in the hearing in front of the Water Quality Control Commission ("WQCC") held in July, 2021. The Commission's Statement of Reasons and Decision on the petition was issued on March 9, 2022. The WQCC adopted the amendments for state implementation purposes on September 24, 2022. U.S. Environmental Protection Agency ("USEPA") approval for Clean Water Act compliance purposes is pending.

Recommendations for 2023: The next Triennial Review process will begin this year, although the public may not be invited to review and comment until 2024 when the next hearing should occur. While no specific actions are anticipated in 2023, staff and consultants will monitor NMED rulemaking proceedings related to water quality issues, provide updates to the BDDDB regarding significant developments, and engage in those proceedings as appropriate.

3. **Waters of the United States (WOTUS)**

The BDDDB filed an amicus brief in 2021 in *State of California et al., v. Wheeler et al.*, Case No. 3:20-cv-03005 (N.D. Cal.) to support the plaintiff States in their litigation to stop the USEPA from adopting the Navigable Waters Protection Rule ("NWPR") adopted during the Trump administration. The Biden administration sought to repeal the NWPR, and on December 30, 2022, the USEPA and the U.S. Army Corps of Engineers announced the final "Revised Definition of 'Waters of the United States'" rule. The most significant change for the BDDDB is that WOTUS will now cover – as it did under the rules adopted during the Obama administration – intermittent and ephemeral waters (such as those that drain the Pajarito Plateau where LANL resides) if they significantly affect a navigable waterway such as the Rio Grande. On January 18, 2023, the rule was published in the *Federal Register*; the rule will be effective on March 20, 2023.

Recommendations for 2023: No action is anticipated, but staff and consultants will continue to monitor rulemakings relating to WOTUS and related litigation to stay current on the legal and regulatory landscape affecting the BDD source water quality. See also Issue #8 below.

4. **CWA §303(d)/305(b) Integrated Report and List of Impaired Waters ("Integrated Report")**

NMED prepares an Integrated Report every two years in compliance with Sections 303(d) and 305(b) of the Clean Water Act. The Integrated Report serves as a source of information on water quality and pollution control programs as well as how NMED assesses surface water quality data against water quality standards. The BDDDB has provided comments to NMED on the last two (2020 and 2022) Integrated Reports. The BDDDB's comments on the 2022-2024 Integrated Report centered on NMED's delays in implementing Total Maximum Daily Loads ("TMDLs") to address impairment of the Rio Grande and streams on the Pajarito Plateau. NMED has issued the final Integrated Report and responded to the Board's comments, stating that eight assessment units within water quality standards segment 20.6.4.114 have an estimated 2021 TMDL date. NMED plans to address TMDL data needs for the Rio Grande (Cochiti Reservoir to San Ildefonso boundary) assessment unit during the 2023-2024 SWQB



Middle Rio Grande water quality survey, with TMDLs to follow the data assessments in 2027. The USEPA approved the 2022-2024 Integrated Report on April 26, 2022.

Recommendations for 2023: The 2024-2026 Integrated Report process will be initiated in 2023. The Assessment Methodology will likely be released for public comment this summer, and the draft List of Impaired Waters and Integrated Report released for a 45-day public comment period in December, 2023. Staff and consultants will closely monitor release of the draft Report and the BDDB should be prepared to comment as appropriate.

5. LANL National Pollutant Discharge Elimination System (NPDES) Permits

The BDDB provided comments to NMED in 2020 on the State certification of LANL's surface water permits for its industrial outfalls (NPDES Permit No. NM002835) and stormwater discharges (NPDES Permit No. NM0030759). The Board's comments centered on technical aspects of the permits, and how they relate to the cleanup activities for legacy pollution at LANL. The LANL operators petitioned for review of the State certification of the two permits and conditions imposed in the certification process, and hearings were granted although not scheduled. NMED and LANL have since entered into Settlement Agreements resolving the disputed issues for each of the certifications, and modified certifications of each of the NPDES permits were issued in 2022. Of particular interest to the Board is the per- and polyfluoroalkyl substances ("PFAS") monitoring requirements in the Agreement governing regulated stormwater discharges for the certification of NPDES Permit No. NM0030759. See also Issue #13.

Recommendations for 2023: No specific actions are anticipated. Staff and consultants will monitor these and other LANL permits, particularly when LANL is required to seek renewals or seeks to modify the existing permits. Staff and consultants will also acquire and assess monitoring results under the Agreement.

6. NMED/LANL Consent Order

The BDDB has submitted several sets of comments to NMED in the past four years regarding its concerns about cleanup and enforceability of the 2016 Compliance Order on Consent between NMED and DOE ("2016 Consent Order"). While NMED has not responded to these comments in writing, NMED did sue DOE to compel renegotiation of the 2016 Consent Order. The Board's comments have focused on its disapproval of the 2016 Consent Order as compared to the 2005 Consent Order, and the need for public engagement in the LANL clean-up process as the BDDB has recommended on several occasions. NMED is seeking, as part of the relief in its lawsuit, that a new Consent Order be developed under the supervision of the court. The Board has urged NMED to engage the public and seek public comment if a new draft Consent Order is an outgrowth of any agreement to settle the litigation. NMED



and DOE are in ongoing discussions about elements of the 2016 Order with which NMED is dissatisfied. To continue negotiations, the parties must seek stays from the court every 90 days by submitting a progress report. The last such report was submitted to, and an additional 90-day stay granted by, the court on January 11, 2023.

Recommendations for 2023: No specific action is anticipated, but staff and consultants will monitor the litigation between NMED and DOE and participate, if allowed and appropriate, in the development of a new Consent Order to ensure that Rio Grande water quality is a priority consideration in the cleanup of legacy waste at LANL.

7. **DOE’s Sitewide Environmental Impact Statement (“SWEIS”) for LANL**

On April 4, 2021, the BDDDB adopted Resolution 2021-2 requesting that DOE develop a new SWEIS under the National Environmental Policy Act (“NEPA”) instead of merely updating the existing SWEIS. DOE’s National Nuclear Security Administration (“NNSA”) agreed, and solicited comments from the public concerning the scope of a new SWEIS. The BDDDB provided formal scoping comments in September 2022. The NNSA expects the draft SWEIS to be released for public comment in mid-2023.

Recommendations for 2023: Staff and consultants will monitor notices for the SWEIS and be prepared to develop comments for the BDDDB’s consideration when the draft SWEIS is released.

8. **Los Alamos County Municipal Separate Storm Sewer System (“MS4”) Permit**

Prior to 2022, the USEPA was in the process of drafting a NPDES MS4 permit for Los Alamos County, the New Mexico Department of Transportation, and DOE to regulate stormwater discharges in Los Alamos County outside of LANL. A significant portion of these discharge locations are in the Los Alamos Canyon watershed. In January 2022 EPA put the draft permit development on hold in order to develop the required showing that the canyons are jurisdictional waters under the Clean Water Act. This effort may be further influenced by the WOTUS rule that will be effective in March 2023. See Issue #3 above.

Recommendations for 2023: Staff and consultants will monitor the development of this permit as it would cover numerous uncontrolled discharges that are in addition to those covered by the LANL stormwater NPDES permit. Staff and consultants should be prepared to develop comments on the draft permit, if released, for the BDDDB’s consideration.

9. **Natural Resources Damage Assessment (“NRDA”)**

BDD staff, consultants, and counsel met with the New Mexico Office of the Natural Resource Trustee (“ONRT”) in late 2021 to discuss the NRDA process, and how BDD’s steps to mitigate potential contamination from LANL (e.g., the ENS and treatment) via stormwater and sediment migration in Los Alamos Canyon could factor into the ONRT’s assessment of damages based on injury to state resources such as the Rio Grande. It was emphasized that the BDDDB expects the ONRT and other trustees to give appropriate weight to the surface water resources upon which the BDD relies.



Recommendations for 2023: No specific action is anticipated, but staff and consultants will continue to monitor progress of ONRT evaluation of NRDA and incorporation of LANL impacts on the Rio Grande.

10. NukeWatch New Mexico LANL Consent Order Litigation

Nuclear Watch New Mexico (“NukeWatch”) sued the DOE under the citizen suit provisions of the Resource Conservation and Recovery Act (“RCRA”) alleging noncompliance with the 2005 Consent Order. The parties have reached an agreement to settle NukeWatch’s remaining claims, which included a requirement for DOE to install a flow measurement station in lowermost Los Alamos Canyon to be a component of the BDD’s ENS. This provision has since been satisfied by installation of ENS station E110.7.

Recommendations for 2023: No specific action is anticipated. The Settlement Agreement has been accepted by the court, and with establishment of E110.7 the portions of the Settlement Agreement pertinent to the BDDB are complete.

11. Hexavalent Chromium (“Cr-VI”) Water Rights Protest

DOE and Los Alamos County filed an application (“the Application”) with the New Mexico Office of the State Engineer (“NMOSE”) to move water rights from existing points of diversion to extraction wells used in the remediation Interim Measure (“IM”) for the Cr-VI groundwater plume. In 2020 the BDDB protested the application asserting that, among other deficiencies, DOE failed to provide information about impacts to the Rio Grande. Although two settlement conferences occurred in 2022, the protest is still pending. Also in 2022, NMED took several regulatory actions that could affect the factual basis of the Application, including directives to cease injection of treated water at the current locations under the IM, and to consider land application of treated water under strict conditions. The outcome of these directives could affect the factual basis of the Application, potentially leading to its modification or even withdrawal.

Recommendations for 2023: Staff and consultants will monitor the regulatory actions and, if appropriate, engage with the applicants and NMED in their resolution. The BDDB will continue participation in protest of this application in an effort to resolve the issues to the BDDB’s satisfaction by ensuring appropriate information is provided demonstrating that the proposed diversions will not impact the Rio Grande.

12. New Mexico NPDES Primacy

New Mexico is one of three states that does not have authority from the federal government to implement the NPDES permitting program under the Clean Water Act. Currently NPDES permits are



issued by the USEPA. The BDDDB has from time to time expressed its support for state primacy, including in a meeting with NMED leadership in 2022. NMED subsequently provided to the BDDDB a study it commissioned examining the state's capacity to implement such a program and the additional resources and revenue required to sustain it.

Recommendations for 2023: No specific action is anticipated.

13. **PFAS Monitoring**

In January 2023, the LANL permittees submitted the first Annual Data Report for per- and polyfluoroalkyl substances ("PFAS") under the settlement agreement of their petition to review State certification of the LANL Stormwater NPDES Permit (NM0030759). Three of the 15 locations proposed to be sampled were in the Los Alamos Canyon watershed, none of which were sampleable. Three locations – all outside of the Los Alamos Canyon watershed – were sampled, with various PFAS detected.

Recommendations for 2023: No specific action is anticipated, although staff and consultants will interface, as appropriate, with the LANL permittees regarding PFAS detections in surface water, stormwater, and groundwater.

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**THE BUCKMAN DIRECT DIVERSION BOARD
RESOLUTION NO. 2022-2**

**A RESOLUTION
OF THE BUCKMAN DIRECT DIVERSION BOARD CONCERNING
THE MISSION, GOALS AND VALUES OF THE BOARD REGARDING
RIO GRANDE WATER QUALITY**

WHEREAS, the Buckman Direct Diversion Board (“BDDB”) was formed in 2005 pursuant to a Joint Powers Agreement executed by the City of Santa Fe and Santa Fe County;

WHEREAS, the Joint Powers Agreement (“JPA”) delegated to the BDDB all powers necessary to plan for, finance, design and construct the Buckman Direct Diversion Project (“Project”) and to operate and manage the Project in all aspects;

WHEREAS, the JPA states that “the Board may adopt By-Laws, Rules and Regulations as it deems necessary to conduct their affairs consistent with this Agreement.” JPA, Article 5;

WHEREAS, the BDDB's core purpose is to provide the City of Santa Fe and Santa Fe County a safe and reliable source of drinking water that meets or exceeds regulatory requirements by diverting and treating surface water from the Rio Grande;

WHEREAS, the BDD Project, a critical component of regional Santa Fe conjunctive water resource management, diversifies the regional water supply under both normal and drought conditions, decreases reliance on non-sustainable groundwater pumping, and thereby allows for the provision of a regional drought reserve;

WHEREAS, the quality of water that is diverted is of paramount importance and priority to the BDDB;

WHEREAS, the BDDB seeks to monitor, protect, and positively affect the water quality of the Rio Grande and its tributaries to ensure that the BDD Project continues to produce safe drinking water for the Santa Fe service area; and

WHEREAS, the BDDB's proactive water quality initiatives also provide for wise management of the costs and the technical challenges of treating Rio Grande water at the BDD Water Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED BY THE BUCKMAN DIRECT DIVERSION BOARD that the BDDB hereby adopts the following goals and values with respect to its water quality objectives:

- 1) Focus resources on specific Rio Grande segments and their tributaries that have the greatest potential to affect the water quality at the BDD Project intake.
- 2) Foster the BDDB’s engagement with key partners, stakeholders and regulators including the U.S. Department of Energy, the U.S. Environmental Protection Agency, Los Alamos County, and the New Mexico Environment Department.
- 3) Monitor and ensure adequate surveillance of the Rio Grande and its tributaries to promptly identify and address possible sources of pollution, contamination, and treatment challenges.

1 4) Maintain the capacity to substantively address unforeseen water quality issues as
2 they might arise, including those related to pollution, contamination, fire, climate change, and
3 drought.

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5 5) Manage public funds responsibly, fairly, and with integrity to continuously
6 improve and enhance the value of our service to the public.

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8 6) Support federal, state, regional, and local efforts to manage the water quality of the
9 Rio Grande.

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11 7) Foster public confidence through clarity, honesty, and transparency, particularly
12 with respect to communication of Rio Grande water quality sampling and monitoring; and

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14 8) Sustain the highest possible water quality of the Rio Grande above and at the BDD
15 intake, by appropriately monitoring BDD source waters that may be affected by upstream
16 discharges, climate change, fire and drought.

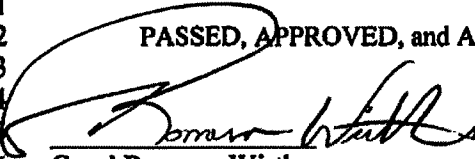
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18 9) Implement its water quality work by:

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20 i. In the first calendar quarter of each year, review the prior year's water quality
21 issues and BDDB actions.

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23 ii. In the first calendar quarter of each year, receive a staff presentation of anticipated
24 water quality issues for the current calendar year so the BDDB may prioritize its
25 engagement with those issues.

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27 iii. Periodically receive updates at appropriate milestones or when new issues arise,
28 such as new permit applications, new litigation, policy initiatives of other
29 stakeholders, or requests from the public.

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32 PASSED, APPROVED, and ADOPTED this 1 day of December, 2022.

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36 Carol Romero-Wirth
37 Chairperson

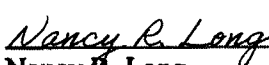
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40 ATTEST:

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43 Kristine Bustos-Mihelcic
44 City Clerk

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1-31-2023

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50 APPROVED AS TO FORM:

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52 Nancy R. Long
BDDB Counsel

01/31/2023
Date: