ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
Wednesday, October 17, 2012  5:07 P.M.

ALBUQUERQUE BERNALILLO COUNTY GOVERNMENT CENTER
ONE CIVIC PLAZA, NW
ALBUQUERQUE, NM  87102

Before:  Kelli A. Gallegos
PAUL BACA PROFESSIONAL COURT REPORTERS
500 Fourth Street, NW, Suite 105
Albuquerque, New Mexico  87102

APPEARANCES

COUNCILLOR KEN SANCHEZ, Chairman
COMMISSIONER WAYNE A. JOHNSON, Vice Chairman
MAYOR RICHARD BERRY, Member (Excused)
COUNCILLOR REY GARDUNO, Member
COMMISSIONER ART DE LA CRUZ, Member
COUNCILLOR TRUDY E. JONES, Member
COMMISSION MAGGIE HART STEBBINS, Member
TRUSTEE PABLO RAEL, Ex-officio Member
MR. ROB PERRY, Admin. Officer, Alternate Member
CHAIRMAN SANCHEZ: I call this October 17, 2012, meeting of the Albuquerque Bernalillo County Water Utility Authority to order. At this time we will have a silent invocation, followed by the Pledge of Allegiance, which will be led by our legal staff, Nan Winter.

(Whereupon, there was a moment of silence.)

(Whereupon, the Pledge of Allegiance was led by Ms. Nan Winter.)

CHAIRMAN SANCHEZ: And that was with attorney/client privileges. Thank you, Nan.

Our next item on the agenda is approval of the minutes. I make a motion to approve the September 19th, 2012 minutes.

COMMISSIONER DE LA CRUZ: Second.

CHAIRMAN SANCHEZ: We have a motion and a second. Any questions?

Seeing none, all those in favor, signify by saying yes.

ALL MEMBERS: Yes.

CHAIRMAN SANCHEZ: Opposed, no.

That motion carries.

(6-0 vote. Agenda Item 3 approved.)

CHAIRMAN SANCHEZ: Our next item is proclamations and awards. And I'd like the following
individuals that are here this evening to please come
to the front and then I will read a script on the
awards you're receiving.

Clifford Wintrode, Abebe Tefera, Peter
Change. Also, Dean Brush, David Montgomery, Joseph
Barrios and Steve Magee. And we also Patrick Griego,
Michael Arellano, Angelo Baca and Robert Lucero.

Let's start with Clifford, Abebe and Peter.

By working closely with federal authorities over
several months during a painstaking audit process,
these individuals saved the water authority
$2 million, money that the federal government wished
to disallow from a FEMA emergency grant made back in
2004.

Each of one them will be receiving $750, and
that's after taxes, that's free and clear.

Dean Brush, David Montgomery, Joseph Barrios
and Steve Magee, these individuals were charged with a
critical upgrade to our radio communication system
mandated by the Federal Communications Commission.
Their hard work and diligence resulted in completion
of the project three months ahead of schedule and
$100,000 under budget, in spite of numerous challenges
and setback.

Thank you for your work.
And then we've got Patrick Griego, Michael Arellano, Angelo Baca and Robert Lucero. You will be receiving $150. And, basically, for the last four months, these individuals have volunteered, without any recognition, to make the employee health and safety event a success by cleaning up the grounds in advance, spraying for insects, helping with logistics, storage, set-up and takedown, and hauling off the trash afterward.

Gentleman -- I don't see any ladies here -- thank you for all of your hard work.

And Dean, David, Joseph and Steve, each of you will be receiving $300. Thank you.

You may come up and greet the committee.

Okay. We are now on Agenda Item Number 5. That is public comments.

Ms. Jenkins, how many do we have signed up to speak today?

MS. JENKINS: Eleven.

CHAIRMAN SANCHEZ: There are 11 individuals. Each of you will have two minutes to speak, with a warning bell at one and a half minutes. And once your name has been called, we have seating up in the front, be prepared -- come to the front and then be prepared to speak.
Ms. Jenkins, do you want to go ahead and announce the first three speakers.

MS. JENKINS: Judy Cowell, followed by Carol Benson and then Valerie Smith.

CHAIRMAN SANCHEZ: Welcome, Ms. Cowell.

MS. COWELL: Thank you. I'm Judy Cowell from the Our Endangered Aquifer Working Group. And just two things. One, I'm asking you to please approve Resolutions R-12-13 and R-12-14. They were never put together as one resolution, even though the intent is the same. But I see no problem with just passing them both.

And also I want to support a letter I'd like to read. It's to Chairman Ken Sanchez of the WUA. Dear Chairman Sanchez -- and this is from the water protection advisory board -- your water protection advisory board requests that the WUA governing board voice its support for the Department of Energy's National Nuclear Security Administration's proposed increase in funding for environmental restoration projects on Sandia National Laboratory's property and include this issue in your federal legislative agenda.

The WPAB was recently presented with some salient concerns from members of the public and environmental advocacy group, Our Endangered Aquifer...
Working Group, regarding the status and adequacy of funding for the lab's environmental restoration projects.

OEAWG members feel that insufficient progress has been made by the DOE towards conformance with the 2004 compliance order on consent being enforced by the New Mexico Environment Department, and that contamination from these former operational areas are threats to nearby water authority production wells.

And my friend Carol Benson will continue.

Thank you.

CHAIRMAN SANCHEZ: Thank you, Judy.

Go ahead and proceed, Carol.

MS. BENSON: Hello. DOENNSA is requesting 5 million in its -- I guess that's funding 2013 congressional budget proposal or SNL's environmental restoration programs, which is approximately 66 percent more than its current enacted funding. Increased funding will be used for additional soil vapor and groundwater characterization activities at designated areas, including the TAV site.

The protection authority board respectfully requests that WUA governing board consider OEAWG's concerns enclosed with this letter and take formal
action towards encouraging the New Mexico congressional delegation to support the increased funding for the environmental restoration and monitoring of the sites, the sites that threaten our drinking water supply, by including this critical funding issue in your federal legislative priorities.

On a personal level, I'll just say, I've just taken out a reverse mortgage. I can't go anywhere, I can't move to where there's safe water somewhere. And I'll just leave it at that.

CHAIRMAN SANCHEZ: You still have 30 seconds.

MS. JENKINS: Valerie Smith, followed by Don Schrader, then Judith Kidd.

CHAIRMAN SANCHEZ: Welcome, Valerie.

MS. SMITH: Hi. I don't normally come to events like this. I'm not as familiar with the procedures. But I'm a resident of one of the areas that's going to be affected; I'm a parent here. And just in my conversations with my neighbors, you know, we talked a lot about the price that we've already paid, like as taxpayers paying for millions of gallons of fuel that nobody noticed missing. And now we're going to be paying for, you know, lower property values, perhaps health issues. You know, we're going to be paying for a long time. The genie is out of the bottle and
there's no putting it back.

I'm not really here to assign blame, but I want to learn about the people who have the power to turn positive futures for this situation. And inasmuch as it seems like these resolutions are part of what it's going to take to move forward to have solutions to this problem, I would urge their passing. And thank you.

CHAIRMAN SANCHEZ: Thank you for are coming down.

Next three speakers.

MS. JENKINS: Don Schrader, Judith Kidd, Floy Barrett.

MR. SCHRADER: Twenty-four million gallons of cancer-causing poison closing in on our city's wells. If China had caused this massive threat to Albuquerque's water, would you take a strong public stand to stop it? If Al Qaida were responsible, would you take a strong public stand now to prevent the catastrophe? If Russia had created this underground river of poison to wage chemical warfare against us, would you take a strong public stand to protect our water? Are you afraid to stand up to our own U.S. government? Are you afraid of offending KAFB? Are you afraid of being branded unpatriotic and extremist?
Twenty-four million gallons of cancer-causing poison. Deliberate or accidental, from foreign nations, terrorist groups or the U.S. government, the severe danger is the same. You are charged with protecting the water supply of more than a half million people now and possibly millions more into the future.

Will you wimp out or do you have the conscience and the courage to do the right thing? Will you demand federal action now?

CHAIRMAN SANCHEZ: Thank you.

MS. JENKINS: Judith Kidd, followed by Floy Barrett, then Joseph Wechsler.

MS. KIDD: Hello. I've been an Albuquerque resident for 30 years. And I appreciate so much about our city that I am horrified to think that within several years, our water supply could be severely damaged. I listen carefully to all the information about the water, the studies that have been done, and I'm concerned that the Sandia Labs, the Kirtland Air Force Base authorities are doing so little to clean up both the jet fuel spill and the landfill.

This is affecting our drinking water now and will increase dramatically within a very short number -- probably already, but very shortly serious, serious
consequences.

So I really urge you to take action, to be, you know, aligned about this, to worry about this, to stay awake at night about this. And I really urge you to pass both of the resolutions that are being presented today, Resolution R-12-13 and R-12-14 and also to increase funding for environmental cleanup. These things are critical to us. You're responsible.

I appreciable what you do. I know you put in a lot of energy. Really wish and hope and urge you to take firm stands about your responsibilities here. Thank you.

CHAIRMAN SANCHEZ: Thank you, Judith.

Next speaker.

MS. JENKINS: Floy Barrett.

MS. BARRETT: Chairman Sanchez and Members of the Board, thank you allowing us time to comment tonight.

I urge you, as Judith has, to pass both the resolutions before the board tonight. I have been working with several groups in Albuquerque for years on the endangered aquifer. And we have done everything we know how to prevent that aquifer from being further endangered. So I would ask you now to ask our congressional delegation to support the
increased funding for the environmental restoration and monitoring of the sites that threaten our drinking water by including critical funding in your federal legislative priorities. That's to go to -- for you to ask the New Mexico congressional delegation, the Technical Area 5 and Technical Area 3 as within a mile of the city well. The Kirtland jet fuel spill is within a fourth of a mile from Eubank wells, and five Ridgecrest wells are threatened by that.

So I urge you to include a request of our New Mexico Congressional delegation for additional funding, federal funding, in addition.

CHAIRMAN SANCHEZ: Thank you.

MS. JENKINS: Joseph Wechsler, followed by Dave McCoy, David Miller and Jim King.

MR. WECHSLER: Good evening, all. I'm back again. As you know, I told you in the past, I'm a licensed, professional civil engineer in New Mexico. I just want to talk about our water supply and the assault that is acting upon it at this time.

Not since the Love Canal, Cuyahoga River, Cleveland, has a city's water supply been under assault, intentional or accidental. And you're on the point you have to take action and you have to be involved all the way or this thing is going to get out
They're still cleaning up the mess down there in the South Valley from several years ago. It almost brings to mind the classic story of the Pied Piper of Hameline and the rats which poisoned the city, another plague. He got rid of the rats, but then nobody wanted to pay him, if you remember the tale, and the city lost its children as a result.

Still, this is in your ballpark and you guys have got to get active. The Air Force obviously doesn't want to try too hard, and the Sandia people, they don't want to try too hard, either. They've got to get home to dinner. But a lot of work is going to have to be done here, and you're going to have to oversee it. Thank you very much.

CHAIRMAN SANCHEZ: Thank you.

MR. MCCOY: Good evening. Dave McCoy, Citizen Action. I support the resolutions. I support the protection advisory board letter. There's two further things that I think that you could do. One is the water utility authority should call on Paul Hommert, CEO of Sandia Labs, to come and speak to the water utility authority about why it is unwilling to clean up the mixed-waste dump that has 119 barrels of plutonium-laced waste that will remain hazardous to
1 Albuquerque forever. This is something that can be
2 cleaned up now. That should be done.

3 Two, the water utility authority should ask
4 EPA Region 6 to come to a meeting and explain why it
5 refuses to become involved to address that there is no
6 approved interim measures plan for containing the 24
7 million gallons of jet fuel, that soil vapor
8 evaporation equipment won't work to clean up the jet
9 fuel trapped beneath the water table, that the Air
10 Force has never submitted an interim measures plan to
11 contain and remove the 2 trillion-plus gallons of EDB
12 contaminated water headed for Albuquerque's most
13 productive drinking water wells and claims that
14 natural processes are going to clean it up when
15 there's no evidence for it.

16 The next thing is the EDB and LNAPL plumes
17 have been allowed to migrate almost completely off
18 Kirtland Air Force Base. And at the present moment,
19 the Air Force has not submitted an interim measures
20 plan for removing the 24 million gallons of jet fuel
21 in the aquifer. And there is no emergency response to
22 this spill which has been known for 13 years and has
23 gone from an estimate of 100,000 gallons to 24 million
24 gallons.

25 So, please, request these two agencies to
come down and let's find out what they have to say for themselves, ask them a few questions. Thank you.

CHAIRMAN SANCHEZ: Thank you, David.

Next speaker.

MS. JENKINS: David Miller, followed by Jim McKay.

MR. MILLER: Thank you for the time this evening. My name is David Miller. I manage Sandia's environmental remediation program. And first I'd like to make sure that we're clear that Sandia operation and Kirtland operations are two separate entities. And our environmental cleanup program at Sandia has been in existence now for 20 years.

We have successfully cleaned up 278 out of 314 solid waste management units. During that time, we've been fully funded for programs, and we anticipate having full funding for the continuation of the rest of the work that we have to do.

All of our sites are in full compliance with state and federal requirements. And also a compliance order on consent that we willingly went into with the State of New Mexico Environment Department and we work towards a successful cleanup of the remaining 36 sites that we have. Thank you.

CHAIRMAN SANCHEZ: Thank you, David.
MR. MILLER: I'm sorry. Also, we would be more than happy to come down and give a more detailed presentation on our program, if you'd like.

CHAIRMAN SANCHEZ: Councillor Garduno.

COUNCILLOR GARDUNO: Sir, I would certainly request that or ask if you could, or whoever it is that would come down here and make that presentation and, I think, allay some concerns, first of all.

And second of all, to find out where we are in the remediation or whatever it is, the efforts that you're doing, in the -- the other 36 did you say?

MR. MILLER: Right. I can get into -- around 24 of the sites are smaller septic systems and they're part of the renewal of Sandia's RCRA operating permit. And those are identified for possible closure sometime next year. So that takes care of 25 of them.

COUNCILLOR GARDUNO: And, Mr. Chair, and Director, if that could be arranged somehow. I don't know when the next closest time to -- next meeting, I guess, would be a good time to do that.

MR. MILLER: Thank you.

COUNCILLOR GARDUNO: Thank you.

Thank you, Mr. Chair.

CHAIRMAN SANCHEZ: Thank you, Mr. Miller, form coming down and representing Sandia on this issue.
MR. MILLER: Thank you.

CHAIRMAN SANCHEZ: Appreciate it.

Next speaker.

MS. JENKINS: Jim McKay.

CHAIRMAN SANCHEZ: Welcome, Jim.

MR. MCKAY: Jim McKay. Real quick. I've lived here about seven years; I love this place. It's the most magnificent place I've ever lived. My life here has been unbelievable.

Three things, real quick. I've been coming to these, some of you have seen me, about four months; going to go cab meetings for two years. And with all due respect, I don't agree with anything I've heard. With all due respect. It's not true.

I'll tell you why. When I was in high school -- I grew up in the Bay area -- they discovered a leak on Treasure Island Navy Base. It was shuttered not long after that. The Navy and Department of Defense argued for ten years that the leak was minor and that they had no responsibility for it. It's a prime piece of real estate in the middle of the bay, useful for all kinds of things there, where it's so much more crowded than here. It has been unusable for anything all this time.

It was the delayed ten years in court while
they tried to argue whether somebody in the federal
government or Department of Defense was actually
responsible for the cleanup.

Then, I left the Bay area, went on into to
my professional life, traveled around the world, done
many things. When I started going to cab meetings and
I met Mr. Cooper, Mr. Cooper, the lead technical guy,
planner for the Air Force's contract, he told me that
they had just been hired now, four years later, to
start Treasure Island. They're just getting started.

And so with all due respect, Mr. Johnson,
Mr. De La Cruz, you have said time is on our side, we
have plenty of time. People forget how much more it
costs you into future. When Mr. Sanchez gets up after
the colonel spoke here and said that we have no plans
for remediation, after Maggie inquired into this,
there were a few things that started after that, Mr.
Sanchez gets up and says we're probably on a Superfund
site, but where will we get the money, where will we
get the money.

At the very least --

CHAIRMAN SANCHEZ: Jim. Excuse me, Jim. Your
time is expired. Thank you.

That concludes our public comments.

The next item on the agenda is announcements
and communications. The next scheduled meeting is
November the 28th of 2012 at 5:00 p.m. in the Vincent
E. Griego Chambers. And due to the Thanksgiving
holiday weekend, that meeting has been moved back.
And there may be a conflict of interest with the city
land use planning and zoning committee, and staff will
keep everyone updated on a possible change in this
meeting.

We have no introductions tonight. This is
no consent agenda.

Next item on the agenda are approvals.
First item is WUA R-12-13.
Commissioner De La Cruz.
COMMISSIONER DE LA CRUZ: Thank you, Mr.
Chairman. I'd like to defer this item. The water
authority is working on an agreement with the base,
and I think it would be premature at this point, at
least for me, to move forward with my resolution.
Thank you.

CHAIRMAN SANCHEZ: We have a motion and a second
to defer R-12-13. Are there any questions?
All those in favor, signify by saying yes.
ALL MEMBERS: Opposed, no.
That carries unanimously.
(7-0 vote. Agenda Item 9A deferred.)
CHAIRMAN SANCHEZ: Next item is WUA R-12-14, and that is Councillor Garduno.

COUNCILLOR GARDUNO: Thank you, Mr. Chair. I will be moving forward with R-12-14. The very simple reason is that I think we need to get going on this as soon as possible. I realize that there are going to be -- in fact, there's a meeting on Friday that the State legislature has put together. Senator Tim Keller will be hosting that with Kirtland Air Force Base about the very issue on Friday. And I know that there's a meeting next Tuesday with both Kirtland Air Force Base and Sandia.

However, it feels like it's prudent upon us that if we have to change legislation to reflect any new information, that we can do that as a text amendment or as an amendment to the resolution. But at this point it feels like we need to move forward with this resolution that I presented to the board.

We have read it prior and I'd be glad to answer any questions or...

CHAIRMAN SANCHEZ: Go ahead and continue to proceed.

COUNCILLOR GARDUNO: I just would urge refer us to pass this because I think it's a starting point for all of us. And I respect Commissioner De La Cruz's
wanting to wait for more information, and I think that's a prerogative he has, and it's good for him to do that. But I think that the resolution I presented is something that has a certainly level of immediacy and I would like to move forward with it. I urge your support.

CHAIRMAN SANCHEZ: And, Councillor Garduno, I have some concerns regarding -- it looks like the staff is currently working on an agreement. I think that's one of the reasons that Commissioner De La Cruz has requested a deferral of his legislation. Because I think there's a lot of similarities in both of the bills. And I was hoping -- I mean, this has gone on -- we've deferred it not once, but twice regarding coming together and trying to formulate one bill and working with the administration. And I'm not sure where that is at or, you know, why there hasn't been, you know, the cooperation in the two bills kind of coming together as one bill.

COUNCILLOR GARDUNO: Mr. Chair, as you recall, in fact WUA R-12-13 is a floor substitute, so that's been changed somewhat. But I feel like R-14 is asking for immediate action, and that's what I'm concerned about, that we don't most postpone things too long. And as I say, if there's new information, then it has
to be incorporated. I'd be glad to entertain an amendment or present an amendment myself. But at this point, it feels like we need to go forward.

CHAIRMAN SANCHEZ: Are there any further questions from this board?

We have a motion on the floor. Do we have a second.

COMMISSIONER HART STEBBINS: Second.

CHAIRMAN SANCHEZ: We have a motion and a second.

I request that we move a deferral, Councillor Garduno, at least for 30 more days.

COMMISSIONER DE LA CRUZ: Second.

CHAIRMAN SANCHEZ: And I think -- we have a motion and a second for deferral.

Because I'd hate to see this bill die, because I think there was a lot of valuable information in this legislation. And, again, I would hope that we would get the cooperation from the staff in working with Commissioner De La Cruz to get this off the ground.

And how soon, Mr. Sanchez, do you feel we can get -- when will this agreement be completed?

MR. SANCHEZ: Mr. Chairman, Members of the Board, I was hopeful it would be by this meeting.
Unfortunately, it was not. Dealing with the Air Force and the federal government takes a little bit more time because much of what they have to do unfortunately has to go up the chain of command to Washington. I'm hopeful it could be by the November meeting. That's at least our goal.

And, again, the direction that we've taken from the board is we should come back with a contingency plan that says in the event of certain outcomes or triggers, we will take certain steps that the United States Air Force would pay for and authorize. And that's the position we've taken with them. They have not objected to that. It's now been delegated to kind of a technical work group.

And one of the items that we've suggested, as an independent source to place a monitoring well and report the data that would be objective, is to bring in USGS, who has much data about our aquifer, about water quality, and that very few people would disagree with in terms of their scientific capability and their objectivity. And United States Air Force has not objected to that and they've agreed to that in concept.

So we're trying to work through some of those deals. That's pretty much where we are.
CHAIRMAN SANCHEZ: Commissioner.

COMMISSIONER HART STEBBINS: Thank you, Mr. Chairman.

I guess my question, Mr. Sanchez, do you see anything in this resolution, specifically the resolved sections, that would hinder or disrupt those negotiations? Because it seems that, you know, A, B, C, D, E are pretty understood as goals of this body.

MR. SANCHEZ: Mr. Chairman, Commissioner Stebbins, I think the only question the board has to wrestle with is, do you want the actual agreement attached to a resolution. I don't think either resolution has anything that would create obstacles, if you will, going forward.

COMMISSIONER HART STEBBINS: If we were to pass this, would that be an impediment to coming back and considering the agreement once it was complete?

MR. SANCHEZ: From the staff's standpoint, no.

COMMISSIONER HART STEBBINS: From a negotiating standpoint, any procedural standpoint, would there be a problem doing that if we had approved this resolution?

MR. SANCHEZ: Mr. Chairman, Commissioner Stebbins, I can only tell you that the base command and, to some extent, those that have been involved
have suggested that the board adopt the contingency plan as part of a policy document. That's not to say this resolution or another, but that's what they've suggested and that's kind of what we've represented we would bring forward.

CHAIRMAN SANCHEZ: Thank you, Commissioner.

Councillor Garduno.

COUNCILLOR GARDUNO: Thank you, Mr. Chair.

And, you know, in no way do I want to present this as an obstruction. If anything, if I would like to have it moved, if we are going to move it. Or if we're going to wait and defer this until the next meeting, that it not going beyond the next meeting. Because, as you know, this has been going on since 1997, so we need to take that into consideration.

And I assume in another month, it won't be that much, but it feels like, to me, and I think to the public, that there has been a little bit of dragging of feet. And there's nothing worse, I think, for a community than to feel like they're being tricked into thinking that something is going to happen and nothing does happen.

So in the interest of cooperation and getting folks to realize how dire this is, that I
would like to then entertain the thought of incorporating not only what is on here but the agreement as part of the resolution to make sure that agreement has essentially teeth, and that would be something that I would direct the staff to do, and not an agreement that just says we agree with you and everything you say is fine. But rather than we do our own conscience of effort to make sure that things that are being said by both resolutions, actually, that they're looked at in a really precise way so that we come forward with a recommendation and an agreement that not only says, yes, we agree with you, but rather this part of the agreement means that you have to start moving on not only the technologies, but all of the things that are asked for in the resolution.

If you want to read them again, A through E, refer to that. And those are things that I'm not willing to throw away.

CHAIRMAN SANCHEZ: Thank you, Councillor Garduno.

Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Mr. Chair.

Mr. Sanchez, I'm thinking county procedure, so I don't know whether this is the water utility authority procedures or not. The agreement that
you're working on right now with the Air Force, would that have to come back to us for approval?

MR. SANCHEZ: Mr. Chairman, Commissioner Johnson, based on Commissioner De La Cruz's resolution it would delegate authority. However, I have said publicly I would not unilaterally just approve that scale of an agreement without bringing it back to the board.

COMMISSIONER JOHNSON: And 14, Councillor Garduno's, resolution it doesn't authorize you to do anything, really, as far as negotiations or even terms of that agreement.

MR. SANCHEZ: I think what it suggests is we go back to the base and ask the base to recognize us as a party. I mean, theoretically, we're not a party to this issue, as Mr. Perry has noted in the record. It's the regulator, which is the State environment department, and Kirtland Air Force Base.

So we, based on public input, policy, direction, have told the base we have some stake in this situation in the event that it does move forward towards our wells and creates some contamination. And on that basis, we're inserting ourselves as a party in developing a contingency plan that the base would, and the United States Air Force, agree to recognize and
agree to provide funding for to carry it out.

COMMISSIONER JOHNSON: But right now, that's the agreement that you're working on right now?

MR. SANCHEZ: That's what we're seeking to do, yes.

COMMISSIONER JOHNSON: And that's happening whether or not this passes. And, you know, this kind of goes there, but there's some other things that I think everybody acknowledges the importance of this issue and the importance of the fuel plume. I don't think it's absolutely necessary, but more importantly, I tend to agree with Commissioner De La Cruz on this that it may be a little premature in the light of the ongoing negotiations.

If, at the end of the day, we don't like the MOU or wish to send you back with some additional provisions that this board would like to see included in that agreement, I think we could do so.

So I would support deferral on this item certainly to -- it would be better to combine the two in the first place, but I would support deferral until you brought us that agreement.

Thank you.

CHAIRMAN SANCHEZ: Commissioner De La Cruz, and then we'll go back to Councillor Garduno.
COMMISSIONER DE LA CRUZ: Thank you, Mr. Chairman.

I want to make it clear to the public that this board, and I've had conversations with many of you and, of course, members of the public -- it's absolutely an important matter. And I appreciate Councillor Garduno's passion on this Commissioner Hart Stebbins' passion on this. They represent those districts, and clearly, it's an issue.

So I just want the public to be aware that this is a very, very important matter to us. At the same time, Kirtland is an important matter to us as well. They're an important part of this community, a necessary part of this community. And so I appreciate the fact that while this is a big problem that they've created, they've also accepted the responsibility for having created it and have already dedicated $50 million -- is that correct, Executive Director? -- $50 million to study, to monitor, to try to get to a point where we have a full understanding of this plume and what it will take to mitigate and clean up this situation.

These resolutions are important because they let the public know -- which we have members of the public that show up at every meeting and encourage us
and push us towards a strong stance in this regard.
At the end of the day, there isn't a whole lot that we can do, because, as the executive director, Mark Sanchez, said a little while ago, the jurisdiction for monitoring -- for overseeing and enforcing its cleanup really lies with the state environment health section or wing. And so, consequently, what we do here is largely symbolic.

And I support, whether it's Councillor Garduno's or my resolution, to move forward with saying that we, as a board, resolve, that we agree, that this is an important matter and that we agree that something should be done and that we want to make sure that the base, that Kirtland Air Force Base understands that we are united in that resolve. And so I support that.

We are trying to work out a more concrete agreement. I think at the end of the day, that's what the public wants to see. They want to see that there's an agreement, that there's a timeline and that there's resolution to this matter by a cleanup. And so at this juncture, only because there is that ongoing communication between the water authority staff and the base, I would rather that we try to get some language in place that gives meaning to the
resolution. Otherwise, it just is words. And that's okay, because it does go a long way and I agree that we need to do some of that. But I'd rather that we give it a little bit of time, let those discussions bear some fruit and some both concrete language that is both from the water authority staff, which they represent us as a board, as well as the base, which represents the federal government. So that's why.

And I just want the public to understand than we all agree. There isn't a member on this panel that doesn't agree that something needs to be done, and the sooner the better.

Thank you, Mr. Chairman.

CHAIRMAN SANCHEZ: Thank you.

Councillor Garduno.

COUNCILLOR GARDUNO: Thank you, Mr. Chair. And I wanted just to -- not as a rebut, but just a reminder to folks that, first of all, Commissioner Johnson, there is language that directly talks about the water utility authority to act immediately to enter into negotiations with the Air Force for emergency measures. So that's directive.

And, Commissioner De La Cruz, I also agree that it's a very dire issue, an issue that I've been involved with for the last three and a half years, my
whole tenure almost on the council. So it is not
something that was brought to my attention, you know,
just a few days ago.

The other thing is that I disagree. We are
-- and I disagree with the director that we are the
authority on making sure that water is safe to drink;
that it's not contaminated by agents that we don't
even though where they're going to go or what effect
they're going to have for the future. And this is
asking that that kind of investigations occur.

Section 1.C says to begin the investigation
for technologies and the installation of water
treatment facilities for the wells, including
financial assurance.

We've heard a lot about 50 million being
committed. I'm not see anything anywhere written that
says that. I've heard three different base commanders
say that, but I've yet to see it in writing. And if
somebody has it in writing, I'd like to see it so that
it allays my fears of not having that present and
everybody understanding that.

It's one thing to have a commander who --
heaven knows where he is now. One of the commanders
is now or was head of Homeland Security for the State.
Another one left and I think is somewhere in Guam or
somewhere. And Kubinec I think is ready to leave his command here. So I don't know how definite those assurances are. And this asks for those assurances. And I guess in the spirit of cooperation and the spirit of wanting to get these things done so we don't scuttle them just because there's a difference on this panel on verbiage, that we go forward -- or we defer this for a month, very specifically, for a month, with an agreement that's in place that we all can bring forward. And, again, make sure that the public is protected, but even more so, that we have done our due diligence as a board that is charged with making our water safe. That is our only charge. But that being the charge, we have full authority to make anyone who has contaminated it, make sure that they clean it up.

With that, I would ask for a deferral of one month.

CHAIRMAN SANCHEZ: Thank you, Councillor Garduno.

We have a motion and a second on the floor for deferral for R-12-14 for 30 days.

All those in favor, signify by saying yes.

ALL MEMBERS: Yes.

CHAIRMAN SANCHEZ: Opposed, no.
That carries unanimously.

(7-0 vote. Agenda Item 9B deferred.)

CHAIRMAN SANCHEZ: That takes care of approvals.

We are now under other business. The first item is Item A, local ASFCME union appointment to labor management relations board. And I move receipt be noted.

COUNCILLOR JONES: Second.

CHAIRMAN SANCHEZ: We have a motion and a second. Any questions?

Seeing none, all those in favor, signify by saying yes.

ALL MEMBERS: Yes.

CHAIRMAN SANCHEZ: Opposed, no.

That carries unanimously.

(7-0 vote. Agenda Item 10A approved.)

CHAIRMAN SANCHEZ: Next item is Item B, drought and water use update. Katherine Yuhas, welcome.

MS. YUHAS: Thank you, Mr. Chair and Members of the Board. This is the monthly update that I've been giving you since we've entered severe drought conditions, and, unfortunately, it sounds like I might be making this presentation for a couple more months.

This first slide shows you a map of New Mexico. The dark mustard color that encompasses
Bernalillo County indicates severe drought. And with tomorrow's release, we will actually see the severe drought conditions extend farther into western New Mexico. That's not very typical for the fall; usually we see an easing of drought at this time of year.

This text slide shows you a map of the U.S. originally, when I was showing this map to you, it was showing that we were going to have increased precipitation during the fall and winter. Then it moved to equal chances. And now, as you can see, there's a little bit of that brown easing into New Mexico, which is actually showing an expectation for drier conditions this month of October. And I think you can have noticed that that is what we have experienced, not much rain.

The next slide is the next three months' prediction for precipitation. And that's, you know, equal chances, might be wetter, might be drier. Nobody's sure yet.

Finally, this map is showing us that through the rest of this year, we can expect the drought to persist or perhaps even get worse. And that is throughout most of the United States.

And this is that graph that we look at every month that shows the temperatures in the equatorial
Pacific, which tend to drive us entering the El Nino or La Nina conditions. Up above that middle black line are the El Nino conditions. All of the colored lines represent different model runs to show what they think the temperatures are going to do in the equatorial Pacific. The average of those model runs is a thick yellow line that runs kind of through the middle of all of those lines.

What's kind of bad news is that El Nino conditions are shown to be pretty weak and lessening and perhaps even ending as early as January or February. And as you saw, you know, we're expecting the drought to persist through the end of the year. El Nino conditions are going to ease up; that's usually what brings us more moisture. So we may see persistent of this drought for a while.

But we always end on a good note, and that's that our customers are doing a very good job, despite the second year of a very severe drought. If you look at the total water usage on this graph, you'll see that we are using about 300 million gallons less than we did for the past two years as of the end of September of this year.

Our customers are really to be applauded for their efforts. We may use up those savings just
because it's been a very dry fall and will continue to be dry. But even if we finish up this year using the same amount of water as we have for the past two years, that's a real achievement, given the drying conditions we're experiencing.

If you have any questions, I'd be happy to answer them.

CHAIRMAN SANCHEZ: Are there any questions?

Councillor Garduno.

COUNCILLOR GARDUNO: I have a really quick reaction to that very slide, as a matter of fact. The cumulative amount, the totals, for 2010, '11 and '12 are very close, although '12 was even more of a drought year than '10 and '11?

MS. YUHAS: Actually, the most severe drought year was last year. We've had about an inch more rain this year than last year. Not that that really -- but the impact of a second year of severe brought is perhaps even more so because your plants are already. So yet, we have to decide which year is worse. But last year, we were actually into extreme drought.

COUNCILLOR GARDUNO: And what are we now?

MS. YUHAS: Sever, which is a level lower than that.

COUNCILLOR GARDUNO: That is very impressive.
And this is because of users cutting back, primarily?

MS. YUHAS: Absolutely. It's all our customers pulling together and responding to the messages that we're putting out to tell them that they need to do a good job, save the aquifer.

COUNCILLOR GARDUNO: And so far I've gotten away with it, but I don't how much longer I can do it. You're not supposed to mow the lawns either, right?

MS. YUHAS: You're correct. It is best for your lawn to leave it longer, then it doesn't use so much water. It's true.

COUNCILLOR GARDUNO: I'll tell my wife that.

Thanks.

CHAIRMAN SANCHEZ: Thank you, Katherine.

Next item is Item C, the water protection advisory board mixed-waste landfill report. And Rick Shean will be making that presentation.

Welcome, Rick.

MR. SHEAN: Thank you. Good evening, Board, Chairman Sanchez, Members of the Board.

Tonight is -- my presentation is just intended to be sort of an administrative overview of what the water protection advisory board has been deliberating on over the last few months regarding DOE environmental restoration operations and more recently
Presentation, obviously my purpose is to summarize the presentations we've received by the Our Endangered Aqua Working Group, by Sandia National Labs Environmental Restoration Group, and some public comments made by Citizen Action. Also the letter was read to you earlier by a member of the public. But also to summarize the letter to this board endorsing support for Sandia Labs request for increase funding for environment restoration activities in FY -- in 2013.

As was summarized for you earlier, also, the present public comment, 314 legacy release sites at Sandia have existed, 278 have been closed. Either no further action terminations or, full closure.

There are currently seven groundwater monitoring projects where, if there's not -- there may be -- groundwater contamination is known and/or there's a threat for groundwater contamination. The DOE has reported to us and NMED confirmed they are within compliance of the consent order of 2004, and that's how it's being preceded by the environmental department.

Mixed-waste fill has come up and is 2.6 acre landfill, and this is a picture of what it looks like.
at this point in time. It has an irrigated -- a currently irrigated top so the vegetation could take route during this dry season. It was operated from '59 to 1988 and contains classified and unclassified -- well classified waste, and this is certainly a short list, which many other items in it includes tritium, plutonium, volatile organic compounds. According to Sandia Labs and the environment department, there's evidence of impact to the regional aquifer. And the cap you're seeing on this landfill was constructed in 2009.

An advocacy concerns, one was that they believe that they're actually out of compliance with the order of consent issued in 2004 for different reasons. That was listed in the letter attached in your packet. There were -- groundwater monitoring wells at the mixed-waste landfill are actually -- they believe are placed in the wrong locations to have a valid data to even show what's representative of the groundwater below the mixed-waste landfill.

They did present to us the insufficient funding to adequately investigate unknown impacts to the regional aquifer. And they were requesting that a public hearing be added to the calendar for this mixed-waste landfill and their long term maintenance
and management of plan was actually presenting last night at a public meeting by the environment department.

The water protection advisory board has been involved in the mixed-waste landfill since 2001. At that time, they deliberated with lots of technical information, and they made six recommendations, three of which are listed here, that they need to cover the mixed-waste landfill until radiation levels decrease to acceptable levels for remediation activities, or until the waste is determined to present an unacceptable risk to human health and the environment (sic).

They also called for financial assurances by the labs to maintain institutional controls. And they also requested five-year evaluations, and additional evaluations, given other conditions that may occur.

Since then, 2006, in the administrative procedures or regulatory procedures, there was a public hearing for the corrective measures implementation plan which the board was asked to testify at, at which point they reiterated their 2001 resolution.

2012, we have listened to presentations regarding the status and the environmental advocacy
concerns, we wrote this August 10th letter, which has
been referred to earlier. And currently we're
considering the appropriateness of a public hearing to
request for the mixed-waste landfill long term
maintenance management plan.

Are there any other questions -- any
questions?

CHAIRMAN SANCHEZ: Any questions?

Commissioner Stebbins.

COMMISSIONER HART STEBBINS: Thank you, Mr.

Chairman.

Rick, so between 2001 and 2006, were the six
recommendations adopted, not adopted? What happened
with those?

MR. SHEAN: Because I did not start on the board
till late 2010, I don't know if there was sort of an
audit by the board in between, if they were looking at
this. One of the things the board can consider is
going back into the administrative record and seeing
if any of the recommendations were adopted by the
environment department or voluntarily by Sandia.

COMMISSIONER HART STEBBINS: And I guess my
question is specifically the first one, covering the
mixed-waste landfill. Was that done, not done, do you
know?
MR. SHEAN: That was completed in 2009, yes.

COMMISSIONER HART STEBBINS: Okay. And I guess this is just kind of an odd question. Why would you irrigate the cap? Isn't the idea that you don't want water leaking through the mixed-waste?

MR. SHEAN: Well, absolutely, but the cap has a vegetative cover, and during the dry period, I guess some the seeds, you know, wouldn't germinate and probably blow away. And that would defeat the purpose of the topsoil layer.

COMMISSIONER HART STEBBINS: And I guess my last question is, what -- can you give more detail? A public hearing request, what is that? What does that mean? What does that entail?

MR. SHEAN: Well, public hearing actually is considered -- as there's more -- one, there's testimony given and everyone is, I believe, sworn in during this, during -- versus a public meeting. I guess the technical witnesses are allowed to come. And they can last for, you know, a long period of time, maybe two to three days, depending on the length of testimony that they have available.

COMMISSIONER HART STEBBINS: Who holds that? Is it -- who's in charge of putting together this public hearing request? It doesn't really identify what a
relevant agency or entity is.

MR. SHEAN: Mr. Chairman, Commissioner Stebbins, the state environment department would be holding this with their hearing officer.

COMMISSIONER HART STEBBINS: Thank you, Mr. Chairman.

Thank you, Rick.

CHAIRMAN SANCHEZ: Thank you.

MR. SHEAN: Any other questions?

CHAIRMAN SANCHEZ: Councillor Garduno.

COUNCILLOR GARDUNO: Thank you, Mr. Chair.

Rick, going back to one of the questions that Commissioner Stebbins touched on, but I wanted to hear more about, the delegation being asked to, I guess, help SNL to get some money. Has that been done? And maybe the director knows more than the rest of us. But have we done that in the past? I would suggest we entertain that thought since it was something that was brought forward. I know the federal government tells us they don't have any money, but what's another $10 million, or whatever it takes?

So I would suggest, Mr. Chair, that we do go to our federal delegation and see how they can help the labs to accomplish some money to take care of these issues.
CHAIRMAN SANCHEZ: Okay. I think we can maybe look at making that a legislative priority.

COUNCILLOR GARDUNO: Thank you.

CHAIRMAN SANCHEZ: Thank you.

Thank you, Rick.

Next item is Item D, the water resource management update. And to make that presentation will be John Stomp.

Welcome, John.

MR. STOMP: Mr. Chairman and Members of Board, tonight I'm going to sort some of the issues that Katherine talked about. She spoke mostly about our water use, but I'm going to talk more about water management and the Middle Rio Grande and the issues that we're going to be facing this year and year as it relates to the drought, the ongoing drought.

There's some questions raised about where -- in terms of percentages where we're at with the drinking water project, our surface water use versus our groundwater use. And our original strategy that was approved by this board was that we were to ramp up the drinking water project very slowly. So these two graphics shows the ramping up of the drinking water project and then the theoretical amount that we would have diverted should we not been hit with this
drought.

In our state engineer's permit, we have many different conditions in that permit. One of those conditions has a minimum flow requirement in the Middle Rio Grande that's measured at Central Avenue bridge. So when we have low flow conditions, it's very difficult to meet that low flow requirement, and so we typically shut down. And that's basically what's happen in 2011 and 2012.

MRCOG, which is the local irrigation supplies, ran out, and so they were relying on San Juan Chama water to meet that flow target at Central Avenue gauge. And because of that, we ended up shutting down because we were not able to meet the minimum flow requirements. So in 2011, you can see, had we been able to continue to divert, if it wasn't for the drought, we probably would have been about 75 percent of our total demand.

And the same thing for 2012, this year. We shut down the plant about the second week in August. I know that would you've read some stories in the Journal. I think John Fleck has covered this a lot in terms of the conditions that have been faced because of a lack of snow-melt, lack of rain. Well, it does affect our ability to divert, so it has an effect of
the drinking water project. So rather than being a very large percentage of our supply this year and last year, it's been about 50/50. About half of it's come from surface water, half of it from the groundwater.

So this is a picture that Katherine shows you a lot in terms of our water usage. But the breakdown just shows the difference between the groundwater, the surface and the reuse. And the reuse being the purple area up there at the top. So you can see, we have a diverse supply, but we continue to remain about 50/50 as a result of the drought.

I'm going to talk a little bit more about what would happen in 2013. And as some comments and public comments have been made, we've been asked to come to you, to the board, to kind of project what's going to happen in 2013, or what we think is going to be used in terms of the surface water.

So right we're sort of projecting what's going to happen this year and next year -- or what's going to happen next year is going to happen the same thing that happened this year, which is, the irrigation, MRGCD will have a certain amount of flow. Their supplies will last somewhere till July and August, and then we'll end up probably shutting down again. Now, there are conditions that could be better
than that, where they may get more water than that.
But at least right now, the projects are they're going
to have a limited supply just like they did this year,
which means they'll have a difficult time meeting
those low flow targets, which has an impact on the
Endangered Species Act issues, which I'll talk a
little bit about in a minute.

Agency roles in water management. The
Middle Rio Grande is very heavily regulated. The
state engineer's office issues permits for use. The
Interstate Stream Commission, which is a State agency,
manages compact delivery, so that is the Middle Rio
Grande, which is one part of the Rio Grande, which is
separated between Colorado, New Mexico, Texas and the
Republic of Mexico. They administer those various
supplies to make sure that the State is in compliance
with the compact. We have the federal agencies, which
is the bureau of reclamation. They operate the San
Juan Chama Project, which we have a large supply. And
they also operate other reclamation projects -- I'm
sorry. They also work with MRGCD in operation of El
Vado. The Corp of Engineers works primarily in
federal storage, flood control storage, but they also
have and operate Abiquiu Damn, which is where we store
a large percentage of our San Juan Chama. And then
fish and wildlife service for, they're the regulators for the Endangered Species Act. They're the ones that issue the permits to allow federal agencies and nonfederal agencies, like ourselves, to continue to go operate where endangered species are present.

As most of you know, we've been coordinating with the federal agencies for many years, and we've been responsible for providing river rafting flows on the Chama now in delivering our water. So we've been targeting delivery of our water that would benefit both the economic base for river rafting, but also the environmental base in the wintertime for fishery flows by delivering our water from Heron to Abiquiu at certain times. And we've been coordinating that for many, many years. We're going to continue to do that I believe in the future.

So storage. Heron Reservoir the highest reservoir that we have on the Rio Chama. It has a capacity of 400,000 acre feet. You can see there's about 190 in there, so it's about half full. Ti delivers about 100,000 acre feet a year, so if we didn't get any snow melt this year, Heron Reservoir would essentially have two years worth of storage and would be empty. El Vado Reservoir is the district, MRGCD, Middle Rio Grande Conservancy District
Reservoir. It has a capacity of 194,000 acre feet.
It has about 30,000 or so in there as of last week.
Most of that is prior and paramount water and some
carryover native water storage, but essentially, for
the most part, it's basically empty. They're hoping
to get better snow-melt this year. We'll have to talk
a little bit about that.

Abiquiu stores San Juan-Chama water
primarily. We have a contract for 170,900 out of
200,000, and we're basically full on the amount of
water that we have in Abiquiu.

Elephant Butte is a regulated reservoir and
it's part of the compact. New Mexico makes their
deliveries to Texas at Elephant Butte. We also have
San Juan-Chama water stored in Elephant Butte
Reservoir, 25,000 acre feet. There's also some credit
water. That's water that's been delivered above our
compact obligation that's also stored there. But you
can see the total. 113,000 acre feet means there's
very little water that's in there for project storage
for Elephant Butte irrigation district next year.

It's a long-standing problem with water
supply in the Middle Grande when we've had droughts.
So what's happened this year -- well, today, this
year, as I speaker here, in 2012 we had something that
happened for the first time ever this year. In 2012, there was a period of time starting about the second week of June that the only water that was in the river in the Albuquerque stretch was San Juan-Chama water. There was no native water that was coming down the stream system. What little amount was there was being diverted by MRGCD at Angostura. So we only had imported Colorado River water keeping the river wet in the section of the Middle Rio Grande.

That was that time, if you guys remember, we were accused of taking some of the MRGCD water. Well, it was because there was no native water and this the State didn't really realize it until about ten days after the fact. They gave a call and said, "Hey, we got a problem. You need to have native water storage. You may have taken some of the MRGCD's water." So we ended up paying them back. But it was a condition which nobody has ever seen.

The storage in 2012 improve as it related to the droughts. And the forecast for 2012, as Katherine has said, and it's been publicized, is, again, not very good. We do have to have 400,000 acre feet of storage in Elephant Butte Reservoir for MRGCD to store native water, and there may be a short period of time, depending on the run-off scenarios, that they will be
able to store when Elephant Butte begins to fill up if
we some snow-melt that they'll be able to store.

So what's the potential scenarios for next
year? Well, if we had a normal water year, which
would mean about a million acre feet would flow by,
MRGCD would probably be able to operation. They'll
probably end up shutting down sometime again in August
or September, and then we will shut down and resume
operation again if November.

If we have an above average year, which is,
again, more than a million acre feet or so, which
highly unlikely, but if we did, they would be in
operation potentially longer, which means we would be
in operation longer. So that would be a very good
thing. We'll have to see how it plays out.

In a below average year, MRGCD will have
some storage and they'll be out again probably in July
or August and will shut down again at that time. Of
course we're not hoping for that to happen, but if
that happens this year and a potentially low flow year
next year, the water authority may be the only entity
in the Middle Rio Grande that has any water stored at
all. And I think that's going to be a scary scenario
in the sense that the irrigators and the endangered
species issues are going to be heavily focused on this
board in terms of our ability to help others, and what
is the authority willing to help in that circumstance.

We did lease water to the Bureau of
Reclamation as part of a lease agreement last year.
We've continued to do that over the years, and I'm
assuming that we'll continue to do that and we'll find
out how much water is necessary in the next few years.

But there is a program that's ongoing right
now called the "ESA Collaborative Programs," and it's
all the federal entities and nonfederal entities that
have gotten together to try to work out a solution for
solving the endangered.

But also to be able to continue to operate
the federal and not federal water projects in the
Middle Rio Grande, because we have Silvery Minnow
endangered species and the Southwest Willow Flycatcher
we have to get a permit from the Fish and Wildlife
Service to operate in the Middle Rio Grande as a
result of the Endangered Species Act.

There was a biological opinion that was
approved back in 2003. Congress protected that
biological opinion for ten years; it expires in March
of 2013, next year. So there is a potential that with
low flows that we will have a scenario which we have
very little water in the Middle Rio Grande. The SA
Collaborative Program now is subject to potential litigation, and so we could be back in federal court as we were back in early 2000 arguing over this issue of what water is available for the fish and how do we meet those flow targets given the drought conditions that we've been in.

There are limited supplies, and so, as I said, there may be a point in time which San Juan-Chama water, our San Juan-Chama, and I say ours, the water authority San Juan-Chama water, may be the only water that's in the stream.

One thing we did learn this year is that as we faced this drought, as we were trying to deliver water from Abiquiu, which is about two days away, it incurred a significant amount of losses on its way down to Albuquerque. So it seeped into the ground, it evaporated, because it was such a large percentage of the flow.

It may need -- we may need to evaluate whether or not there's some additional storage that may be necessary in Albuquerque or somewhere around Albuquerque. We used to store water in the dam on Santa Ana Pueblo. Unfortunately it leaks a lot, so it was very difficult to do, but because of the heavy losses that are coming down, we may be faced with a
situation where it may be significantly more beneficial for us to have a large storage of water somewhere here in Albuquerque to be able to use that water, but also to be able to deliver water downstream quicker to the lower stretches of the river if that's needed.

Our water authority permits, we have five different permits. We have two different groundwater permits. All of our permits are very heavily regulated. We're required to meter and measure every single gallon that we either pump from the aquifer or we divert from the river. Those are provided to the state engineer's office on a monthly basis. They also come and do audits of our meters and calibrations of our equipment. We're very heavily regulated. Just our state engineer's permit, 4830, which is our drinking water permit, has more than 20 conditions, including that low flow requirement that I talked about before.

We do have an aquifer storage and recovery permit, which are one of the few in the state, which was issued for Bear Canyon. And in terms of aquifer storage and recovery, we are trying to move forward with getting a full permit for the Bear Canyon project, to be able to continue to operate that, even
though it provides very little benefit in terms of the total amount of storage, we think it's still a great opportunity for us to continue that.

And we're also looking for other opportunities to do larger scale aquifer storage and recovery, either using some of our existing wells, possibly even this winter, or drilling new injection wells, or as I've spoken to people like Mr. Wechsler, maybe there's an opportunity for us to take that Bear Canyon approach and maybe take it to a larger scale and find another arroyo that's in direction connection with the aquifer, like the Calabacillas Arroyo, for example, where we may be able to do that on a larger scale.

I know I went really fast and there was a lot there. I apologize for that. I typically do very fast, so I apologize. But I'd be glad to answer any questions.

CHAIRMAN SANCHEZ: Are there any questions?

Commissioner Hart Stebbins.

COMMISSIONER HART STEBBINS: Thank you, Mr. Chairman.

John, on the slide of 2013 projected use, it looks like the reuse water is staying pretty flat, really starting in about 2004. When is the Southside
Mr. Stomp: Well, the Southside Reuse Project is actually included in that. You can see a slight increase there. We are going to be making the connections this wintertime. The project is complete. We're going to be making the connections accordingly with the city and Bernalillo County as we make those connections.

We're ready with four connection that are above Puerto del Sol right now. We've had a couple of issues with the pump station at Puerto del Sol, which we want to make sure is working properly before we make these connection. But over the period of time, we should be fully operational by next -- this next irrigation season.

Commissioner Hart Stebbins: And when it's fully operational, what will the change be? Do you have an estimate on how many additional gallons are going to be reused versus 2012?

Mr. Stomp: I do. I think the estimate is somewhere around 2,000 acre feet, so that would be about six million gallons a year, I believe. Don't hold me to that multiplication right here but, I know 2,000 acre feet is correct. It will represent an additional 2 or 3 percent of our demand. So in terms
of reuse right now, about 3 percent of our total demand, and that's in comprehensive, is reuse. When the Southside reuse comes on board, it will be about twice that amount.

COMMISSIONER HART STEBBINS: Thank you, Mr. Chairman.

CHAIRMAN SANCHEZ: Thank you.

COUNCILLOR GARDUNO: Very quickly, because everybody wants to go home, I know. But El Vado, 30,000 acre feet, and you said run the risk of it going dry; is that right?

MR. STOMP: Mr. Chairman, Councillor Garduno, right now 30,000 acre feet in a sense of the location of the outlet structure, it's basically is dry. The 20,000 is there, but it's difficult to access that 20,000 because of the way the outlet is designed. So for all intents and purposes, it's empty.

COUNCILLOR GARDUNO: And we have how much there?

MR. STOMP: Mr. Chairman and Councillor Garduno, we don't store actually in El Vado. We store either in Heron Reservoir, which is undelivered San Juan-Chama water, or Abiquiu reservoir, of which we have about 160,000 acre feet.
COUNCILLOR GARDUNO: So El Vado doesn't effect was correctly?

MR. STOMP: Not directly except for to the extent that the Middle Rio Grande Conservancy District has supplies, they're constituents, and in their delivery mechanism, we can meet the minimum flow requirements at Central so that we can continue to operate.

So it's in our best interest to work with the conservancy district. In fact, we provided a lot of water to MRGCD over the years, but when they're not in operation, it's difficult to meet those flow targets so that we typically go out of operation when they do.

COUNCILLOR GARDUNO: And that takes me to the next concern, and I think you touched on it. And that is, if there is only San Juan water in the Rio Grande, what happens then? Can folks take us to court and say, you know, "Our minnows are going to die if you don't let us have some of that"?

MR. STOMP: Mr. Chair and Councillor Garduno, I think that there's possibly going to be a challenge with respect to the conditions that are placed on the federal agencies and nonfederal agencies as to whether that's enough to protect the fish.
In terms of next year, I think there will be plenty enough water to be able to supplement the flows to be able to meet the targets for next year and even following that. I think the real challenge is going to be -- if it is litigated, it's going to whether or not the federal agencies have proposed enough mitigation measures to offset the impacts from continuing operation of the project. And I think that will be debated.

We believe that it does, and we also participate because we have our own biological opinion and believe that our activities are sufficient enough. But I think that will be up to federal court to determine that. I can't predict what the outcome of that will be, but whether they can take San Juan-Chama water, that's already been decided by Congress in a rider that approved in 2008, where Congress said that it was illegal for you to take San Juan-Chama water for ESA purposes.

So that law has already been out there, but that doesn't mean that they won't come to us and ask us to assist in that process for some short period of time, like next year arrest or the following year.

And, again, we've worked very closely with them, and I say, "we," this board has been very
proactive in supporting those efforts. And I believe
that you probably -- given the circumstances that
we're in, I think that the staff would recommend that
we would continue to do that.

COUNCILLOR GARDUNO: And that's what I was going
to go, I think, next, and that is that this is me
personally speaking that as a community, I think we
have to start anything about that, even though you
could argue that that's, you know, the authority's
water, that there's also a greater good that can be
accomplished by doing whatever it is we need to do to
work with MRGCD and whatever federal regulations come
down.

MR. STOMP: Well, Mr. Chairman and Councillor
Garduno, we'll probably be answering those questions
-- myself or Mr. Sanchez will be answering those
questions probably early next year, my guess.

COUNCILLOR GARDUNO: Thank you. Thank you for
the presentation.

MR. STOMP: Thank you.

COUNCILLOR GARDUNO: Thank you, Mr. Chair.

CHAIRMAN SANCHEZ: Thank you, Councillor
Garduno. I know no one wants to leave here tonight,
but unfortunately, this meeting is adjourned.

(Proceedings adjourned at 6:21 p.m.)
STATE OF NEW MEXICO

COUNTY OF BERNALILLO

REPORTER'S CERTIFICATE

I, Kelli Gallegos, New Mexico Provisional Reporter, No. P-409, working under the direct supervision of Paul Baca, NM CCR #112, do hereby certify that I reported the foregoing proceedings in stenographic shorthand and the pages are a true and correct transcript of those proceedings and were reduced to printed form under my direct supervision.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this matter and that I have no interest in the final disposition of this matter.

KELLI GALLEGOS
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