

2020

Water Protection Advisory Board

DRAFT ANNUAL REPORT FOR 2020

SUBMITTED TO THE
ALBUQUERQUE CITY COUNCIL
BERNALILLO COUNTY COMMISSION
AND THE
ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY
AUTHORITY GOVERNING BOARD

Annual Report

2020

Prepared by the
Albuquerque and Bernalillo County
Water Protection Advisory Board

Members:

Julia Maccini, J.D., Chair
Roberto Roibal, Vice Chair
Camilla Feibelman
Steve Glass
Darrell Kundargi
Alejandría Lyons
John Pietz, P.E.
Caroline Scruggs, Ph.D.
Joel Wooldridge

Acronyms

Air Force	United States Air Force
AMAFCA	Albuquerque Metropolitan Arroyo Flood Control Authority
BFF	Bulk Fuels Facility
City	City of Albuquerque
COVID-19	disease caused by SARS-CoV-2
GPPAP	County Ground-Water Protection Policy and Action Plan
GWQB	Ground Water Quality Bureau
HWB	Hazardous Waste Bureau
KAFB	Kirtland Air Force Base
MRCOG	Mid-Region Council of Governments
MRG	Middle Rio Grande
MS4	Municipal Separate Storm Sewer System
MWL	Mixed Waste Landfill
NMBGMR	New Mexico Bureau of Geology and Mineral Resources
NMED	New Mexico Environment Department
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and Gas
ONRT	Office of Natural Resources Trustee
OSE	Office of the State Engineer
PIC	Policy Implementation Committee
PPCP	Pharmaceuticals and Personal Care Products
PSTB	Petroleum Storage Tank Bureau
RAPP	Rivers and Aquifers Protection Plan
SNL	Sandia National Laboratories
UCMR4	Unregulated Contaminant Monitoring Rule
USGS	United States Geological Survey
WALH	Western Albuquerque Land Holdings
WPAB	Water Protection Advisory Board
WQPPAP	Water Quality Protection Policy and Action Plan

This report presents an overview of the Water Protection Advisory Board's (WPAB's) areas of focus, activities, and accomplishments during calendar year 2020. In addition to summarizing WPAB activities, this report offers a list of water quality concerns/topics in the basin in 2020 and a description of the WPAB's priorities for 2021.

Background

Starting in 1988, the City of Albuquerque (City) and Bernalillo County (County) passed resolutions calling for action to clean up and protect the Middle Rio Grande's (MRG's) shared groundwater resources. After five years of planning and research, the Albuquerque/Bernalillo County Ground-Water Protection Policy and Action Plan (GPPAP) was adopted by the County in November 1993, by the City in August 1994, and subsequently by the Albuquerque Bernalillo County Water Utility Authority (Water Authority) after its creation in 2003.

GPPAP was updated and revised in 2009 to include surface water quality protection activities, resulting in a single Water Quality Protection Policy and Action Plan (WQPPAP). In 2018, the Water Authority began the process of completing updated source water assessments for both groundwater and surface water, as well as an update to the WQPPAP. The updated WQPPAP, renamed the Rivers and Aquifers Protection Plan (RAPP), was finalized by the Water Authority in February 2019. The RAPP, plus its groundwater and surface water assessments, serve as the Water Authority's source water protection plan. For the purpose of this document and consistency with the founding ordinances for WPAB, the RAPP will continue to be referred to as the WQPPAP in this annual report.

The WPAB was established to oversee implementation of the WQPPAP with members of the community appointed to WPAB by the City, County and Water Authority. The WPAB as established by ordinance is to:

- Study and advise the Water Authority, City, and County on surface and groundwater protection concerns;
- Oversee implementation of the WQPPAP;
- Periodically review and evaluate the effectiveness of the WQPPAP and make recommendations for changes, as necessary;
- Promote consistency in Water Authority, City, and County actions to protect surface and groundwater quality; and
- Advocate for effective protection of surface and groundwater quality.

The WPAB consists of nine members: two appointed by the Water Authority; three

appointed by the Mayor with the advice and consent of the City Council; and three appointed by the County Commission. One member is appointed jointly with the advice and consent of the County Commission and the Mayor with the advice and consent of the City Council. A summary of the current members' qualifications is in Appendix A.

Additionally, the WPAB works with members of a Policy Implementation Committee (PIC). The PIC comprises members from the City, County, and Water Authority staff that are involved in environmental protection, compliance reporting, water quality monitoring, and source water protection activities. The Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) is also represented on the PIC. Core PIC entities and agencies that implement activities related to the WQPPAP, in addition to other environmental and public health services, include:

Albuquerque Bernalillo County Water Utility Authority

- Compliance Division
- Water Resources Division

Bernalillo County

- Natural Resource Services

City of Albuquerque

- Environmental Health Department
- Stormwater Management Section
- Solid Waste Management Department

Albuquerque Metropolitan Arroyo Flood Control Authority

- Stormwater Runoff and Quality

Water Protection Advisory Board Activities for 2020

The WPAB is required to hold meetings at least once a quarter. In 2020, WPAB met eight times, including two special meetings; meetings in March, April, and May were cancelled due to the evolving developments concerning the COVID-19 pandemic. The 2020 Work Plan was approved by WPAB at the January 10, 2020 meeting (Appendix B). In 2020, the WPAB meeting agenda topics included presentations in the following areas, consistent with the board's established priorities for the year:

- I. Protection of groundwater quality in the Albuquerque Basin;
- II. Protection of surface water quality and watershed health; and
- III. Fostering intergovernmental coordination, cooperation, and communication.

Below is a summary of significant action items taken by the board and technical

presentations heard by members during the 2020 calendar year. Meeting minutes for each meeting are included in Appendix C and include summaries of board discussions on agenda topics.

JANUARY

Board Actions:

Members elected Ms. Julia Maccini as Chair and Mr. Roberto Roibal as Vice Chair for 2020.

Members approved by unanimous vote the Open Meetings Resolution for 2020 (Appendix D).

Members approved by unanimous vote a motion to amend the 2020 Open Meetings Resolution from a 24-hour special meeting notice to a 72-hour special meeting notice, consistent with the provisions in the Open Meetings Act.

Board members voted unanimously to hold a special meeting on January 13, 2020, to review and revise a draft letter to the New Mexico Legislative Finance Committee regarding funding for the New Mexico State Entities responsible for protecting water resources.

Presentations:

None.

Public Comments:

None.

JANUARY (SPECIAL MEETING)

Board Actions:

Board members voted unanimously to approve the letter to the New Mexico Legislative Finance Committee supporting full funding requests for the New Mexico State Entities responsible for protecting water resources (Appendix D).

Board members voted unanimously to approve the 2020 Work Plan (Appendix B).

Presentations:

None.

Public Comments:

None.

FEBRUARY

Board Actions:

None.

Presentation:

New Mexico Office of Natural Resources Trustee (ONRT) Overview, Ms. Maggie Hart Stebbins and Mr. Ralph Gruebel

Public Comments:

Mr. Mike Neas addressed the issue of the Produced Water Act and possible threats to water resources.

MARCH

Meeting cancelled.

APRIL

Meeting cancelled.

MAY

Meeting cancelled.

JUNE

Board Actions: (Should we denote those meetings that were held virtually?)

Board members voted unanimously to approve the 2019 WPAB Annual Report following a discussion and approval of edits.

Board members agreed to begin future virtual WPAB Board meetings from 8:30 a.m. to 9:00 a.m.

Chair Maccini welcomed new board member Mr. Wooldridge, appointed jointly by the City of Albuquerque (City) and Bernalillo County (County).

Presentations:

None.

Public Comment:

None.

AUGUST

Board Actions:

None.

Presentations:

Environmental Justice and Racism in New Mexico, Dr. Virginia Necochea, Executive Director, New Mexico Environmental Law Center [Link to Presentation](#)

Environmental Justice Water Issues in New Mexico (10:15-10:45), Juan Reynosa, Deputy Director, SouthWest Organizing Project

Public Comment:

None.

SEPTEMBER

Board Actions:

Board members voted unanimously to create a subcommittee to draft a letter of support for resolution of the impasse regarding provision of potable water by ABCWUA to the Village of To'hajiilee. The subcommittee comprised four board members: Chair Maccini, Ms. Caroline Scruggs, Mr. Pietz, and Ms. Lyons.

Board members voted unanimously to create a subcommittee to draft a statement of equity and inclusion (DEI), and consider ways to increase diversity in board member appointments. The subcommittee comprised four board members: Chair Maccini, Mr. Kundargi, Ms. Feibelman, and Mr. Glass.

Presentations:

Overview of Produced Waters in New Mexico (9:45-10:15), Dr. Alex Rinehart, Assistant Professor of Hydrology, Earth and Environmental Science Department, New Mexico Institute of Mining and Technology [Link to Presentation](#)

Overview of NMED Implementation of the Produced Waters Act (10:15-10:45), Rebecca Roose, Director, Water Protection Division, New Mexico Environment Department (NMED) [Link to Presentation](#)

Public Comment:

Tom Carroll, Carroll Strategic for Western Albuquerque Land Holdings (WALH) addressed the issue of an easement for a water line to the Village of To'hajiilee.

Jeff Garrett, Garrett Development Corporation addressed the issue of an easement for a water line to the Village of To'hajiilee.

OCTOBER

Board Actions:

Board members voted unanimously to approve and send the letter of support for the proposed water supply pipeline to the Village of To'hajiilee (Appendix D).

Motion to accept an update from the Diversity, Equity and Inclusion Subcommittee

carried unanimously.

Motion to approve a subcommittee to draft a letter to the NMED and U.S. Air Force regarding the Kirtland Air Force Base Bulk Fuels Facility carried unanimously.

Presentations:

Kirtland Air Force Base, Bulk Fuels Facility (9:45-10:15), Diane Agnew, Environmental Manager, Water Authority [Link to Presentation](#)

Kirtland Air Force Base, Bulk Fuels Facility (10:15-10:45), Stephanie Stringer, Director, Resource Protection Division, New Mexico Environment Department (NMED) [Link to Presentation](#)

Public Comment:

None.

OCTOBER (SPECIAL MEETING)

Board Actions:

Motion to approve and send the letter to the NMED and U.S. Air Force regarding the Kirtland Air Force Base Bulk Fuels Facility carried unanimously (Appendix D).

Public Comment:

None.

NOVEMBER

Meeting cancelled.

DECEMBER

Meeting cancelled.

Summary of Board Priority Activities for 2021

Based on the study and analysis of the topics and issues described above, WPAB identified three areas of focus as priorities for calendar year 2021.

PROTECT GROUNDWATER QUALITY

WPAB will continue to monitor the progress of groundwater remediation and investigation projects in the MRG, including the KAFB BFF leak, Superfund sites, and other contamination sites that threaten the Water Authority water supply. Additionally, WPAB will be updated on SNL environmental restoration activities including the Tijeras Arroyo Groundwater area of concern, Technical Area - Five Groundwater area of concern and the Mixed Waste Landfill (MWL). Board members will monitor O&G operation activities in the MRG basin along with understanding the regulatory process and compliance structure and tracking of regional ordinance(s). The Board will follow the progress of Produced Water Act rulemaking and consortium initiatives and receive an update on produced water research from the New Mexico Bureau of Geology and Mineral resources (NMBGMR). The USGS will update Board members on the nitrate study along the Tijeras Arroyo.

PROTECT SURFACE WATER QUALITY AND WATERSHED HEALTH

WPAB will monitor projects and progress on watershed health including National Pollutant Discharge Elimination System (NPDES) MS4, MSGP and CG permit activities. The Board plans to receive a presentation on the science of glyphosate as well as an update on the Safe Drinking Water Act focusing on pharmaceuticals and personal care products (PPCPs) and unregulated contaminant monitoring rule (UCMR4) sampling results.

FOSTER INTERGOVERNMENTAL COORDINATION, COOPERATION, AND COMMUNICATION

The board intends to continue to serve as a forum and advocate for communication among these groups and will review how agencies coordinate regulatory efforts, the status of the NPDES MS4 permit, and interaction between local and federal agencies on resolving current and potential future threats to water quality in the basin. The board will also encourage improved public outreach efforts by the relevant agencies. The Board will receive an activities update from the PIC about implementation of the RAPP (aka the 2018 update to the WQPPAP).

2021 Work Plan for Water Quality Protection

The 2021 Work Plan was approved by WPAB at the February 12, 2021 meeting.

- I. WPAB Officer Elections for 2021
- II. Open Meetings Resolution adoption (annually) (Note that recent direction from the Attorney General is that OMA resolutions must include a stated policy for virtual meetings when required by public health orders.)
- III. 2020 Annual Report
- IV. Board Actions and Advisement Procedures
 - Legislative / policy updates for local, state, and federal
 - Annual report Letter from the Chair
 - Annual report presentation to City, County and Water Authority governing boards
- V. Protection of Groundwater Quality
 - Receive update about the Sandia National Laboratories Environmental Restoration activities, including the Tijeras Arroyo Groundwater Area of Concern (AOC) and Technical Area V Groundwater AOC.
 - Receive update on the U.S. Geological Survey on the Tijeras Arroyo nitrate study
 - Updates from the New Mexico Environment Department Ground Water Quality Bureau on groundwater contamination sites in the City of Albuquerque and Bernalillo County
 - Receive regular updates on the Kirtland Air Force Base Bulk Fuels Facility jet fuel leak project
 - Receive an update on the Mid-Region Council of Governments (MRCOG) Oil and Gas Ordinance Guidance document development
 - Receive an update on the Produced Water Act rule-making as well as an update on the research consortium progress
 - Receive an update on Bernalillo County wastewater systems and ordinance changes
- VI. Protection of Surface Water Quality and Watershed Health
 - Stormwater update, including Municipal Separate Storm Sewer System (MS4) permitting and annual watershed-based permit public meeting; include updates on multi-sector general permit, pesticide general permit, construction general permit

- Presentation on the science of glyphosate use in urban and agriculture, including a discussion of risks.
 - Safe Drinking Water Act – pharmaceuticals and personal care products (PPCPs) and unregulated contaminant monitoring rule (UCMR4) sampling results
- VII. Fostering Intergovernmental Coordination, Cooperation and Communication
- Regular Policy Implementation Committee (PIC) updates
 - Improve public outreach for water quality issues by governmental agencies
 - Activities update from the Water Authority’s Rivers and Aquifers Protection Plan (aka the 2018 update to the Water Quality Protection Policy and Action Plan)

2021 Topics of Significant Concern

Below is a table of the topics of significant concern to the WPAB that guide the 2021 Work Plan above.

Area of Focus	Explanation
Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF) Project	Several production wells are downgradient of known contamination sites and the extent of contamination and corrective action activities should be monitored. Receive regular updates on the KAFB BFF project.
Sandia National Laboratories (SNL) Environmental Restoration	Receive an update about the Sandia National Laboratories Environmental Restoration activities, including the Tijeras Arroyo Groundwater Area of Concern (AOC) and Technical Area V Groundwater AOC.
Groundwater Contamination Sites	Several groundwater contamination sites are being investigated/remediated in the basin, including leaking underground storage sites, Superfund sites and former industrial sites. These sites are regulated by the NMED under the Petroleum Storage Tank Bureau (PSTB), Ground Water Quality Bureau (GWQB) or the Hazardous Waste Bureau (HWB).

Area of Focus	Explanation
Stormwater Quality	Receive a stormwater update, including MS4 permitting and annual watershed-based permit public meeting; include updates on multi-sector general permit, pesticide general permit, construction general permit.
Watershed Health	Presentation on the science of glyphosate use in urban and agriculture, including a discussion of risks.
Wastewater Systems	Septic systems are designed to treat household wastewater underground. Local ordinances are in place to minimize impacts, but numerous septic systems remain to be brought into compliance and septic database discrepancies must be resolved. Receive an update on Bernalillo County wastewater systems and ordinance changes
Oil and Gas (O&G) Operations in the MRG basin	Receive an update on the MRCOG Oil and Gas Ordinance Guidance document development. Receive an update on the Produced Water Act rulemaking as well as an update on the research consortium progress.
United States Geological Survey (USGS) Studies	Receive update on the U.S. Geological Survey on the Tijeras Arroyo nitrate study funded by the Air Force.
Intergovernmental Collaboration	Improve public outreach by government agencies for water quality issues. Receive an activities update from the RAPP (aka the 2018 update to the WQPPAP).
Future Water Quality Issues	Receive presentations and updates on emerging contaminants and issues related to water quality. Identification of “future risk” and recommendation of actions to be taken. Receive update on the Safe Drinking Water Act – pharmaceuticals and personal care products (PPCPs) and unregulated contaminant monitoring rule (UCMR4) sampling results.

APPENDIX A
Summary of Member Qualifications

Julia Maccini, J.D., Immediate Past Chair

- County appointment
- First term – August 2018 to August 2021
- Juris Doctor; 10 years of experience in policy, legal, and real estate development

Roberto Roibal, Vice Chair

- County appointment
- First term – August 2018 to August 2021
- Bachelor of Arts, Anthropology, Fine Art, and History; over 50 years' experience in community organizing, committees, and coalitions

J. Steve Glass, Chair

- County appointment
- Third term – November 2018 to November 2021; following the expiration of a two term limit Mr. Glass was appointed in 2018 to a different County position on WPAB.
- Master of Science, Environmental Science; 40 years of professional experience in environmental chemistry and biology applications in environmental science and regulation; 23 years employment with MRG local governments in water resource protection programs

Camilla Feibelman

- City appointment
- First term – January 2019 to January 2022
- Master of Planning in Urban Planning; Bachelor of Arts in Environmental Biology; Director of Rio Grande Chapter of Sierra Club, experience in ecosystem protection and environmental justice communications

Darrell Kundargi

- City appointment
- First term – September 2019 to September 2022
- Master of Water Resources; Bachelor's in Environmental Studies; hydrologist and regional water rights coordinator for U.S. Fish and Wildlife Service for 15+ years

Alejandría Lyons

- City appointment
- First term – September 2019 to September 2022

- Dual Masters candidate in Community & Regional Planning and Water Resources, Bachelor of Arts in Economics and Political Science

John Pietz, P.E.

- Water Authority appointment
- First term – September 2018 to September 2021
- Master of Science, Chemical Engineering; over 35 years of chemical and environmental engineering experience including soil and groundwater remediation, pollution prevention, and risk assessments.

Caroline Scruggs, Ph.D., P.E.

- Water Authority appointment
- First Term – November 2018 to November 2021
- County appointment: October 2012 to October 2018
- Ph.D., Environment and Resources; over 20 years of experience in civil and environmental engineering and water resource planning.

Joel Wooldridge

- Joint City/County appointment First Term – January 2020 to January 2023
- Bachelor of Arts, Sociology and Geography; city planner for the City of Albuquerque Planning Department for 20+ years with over 40 years of experience in groundwater protection policy, growth strategies, and consulting.

Kerry J. Howe, Ph.D. (*former Chair*)

- Joint City/County appointment
- Second Term – January 2017 to January 2020
- Ph.D., Environmental Engineering; over 28 years of experience in water treatment technologies and professional engineering.

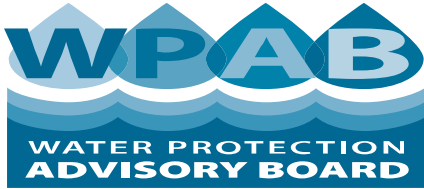
APPENDIX B
2020 WPAB Work Plan

**WATER PROTECTION ADVISORY BOARD
WORK PLAN FOR 2020**

- I. WPAB Officer Elections for 2020
- II. Open Meetings Resolution adoption (annually)
- III. 2019 Annual Report
- IV. Board Actions and Advisement Procedures
 - Legislative / policy updates for local, state, and federal
 - Annual report Letter from the Chair
 - Annual report presentation to City, County and Water Authority governing boards
- V. Protection of Groundwater Quality
 - Receive update about the Sandia National Laboratories Environmental Restoration activities, including the Tijeras Arroyo Groundwater Area of Concern (AOC) and Technical Area V Groundwater AOC.
 - Receive update on the U.S. Geological Survey on the Tijeras Arroyo nitrate study
 - Updates from the New Mexico Environment Department Ground Water Quality Bureau on groundwater contamination sites in the City of Albuquerque and Bernalillo County
 - Receive regular updates on the Kirtland Air Force Base Bulk Fuels Facility jet fuel leak project
 - Receive an update on the MRCOG Oil and Gas Ordinance Guidance document development
 - Receive an update on the Produced Water Act rule-making as well as an update on the research consortium progress
- VI. Protection of Surface Water Quality and Watershed Health
 - Stormwater update, including MS4 permitting and annual watershed-based permit public meeting
 - Update about watershed restoration and Rio Grande Water Fund
 - Presentation on the science of glyphosate use in urban and agriculture, including a discussion of risks.
 - Safe Drinking Water Act – pharmaceuticals and personal care products (PPCPs) and unregulated contaminant monitoring rule (UCMR4) sampling results
- VII. Foster Intergovernmental Coordination, Cooperation and Communication
 - Regular Policy Implementation Committee (PIC) updates
 - Presentation from the New Mexico Office of Natural Resources Trustee
 - Regulatory and guidance updates – proposed changes to the Lead and Copper Rule, Produced Water Act, and Water Data Act.

- Receive an update from the Albuquerque Sustainability Team (aka the Green Team)
- Improve public outreach for water quality issues by governmental agencies
- Activities update from the Water Authority's Rivers and Aquifers Protection Plan (aka the 2018 update to the Water Quality Protection Policy and Action Plan)

APPENDIX C
2020 Meeting Minutes



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Kerry Howe

Darrell Kundargi
Alejandría Lyons
John Pietz
Caroline Scruggs

January 10, 2020

Location: Bernalillo County Public Works Division, 2400 Broadway SE

Time: 8:30 a.m. to 10:30 a.m.

Board Members Present: Chair Julia Maccini, Vice-Chair Roberto Roibal, Camilla Feibelman, Steve Glass, Kerry Howe, Darrell Kundargi, John Pietz and Caroline Scruggs.

Board Members Absent (excused): Alejandría Lyons

PIC Members Present: Diane Agnew, Kali Bronson, Mo Hobbs, Dan McGregor, Kate Mendoza, Danielle Shuryn, Kathy Verhage, and Ken Ziegler.

Guests: none

I. Call to Order

Chair Dr. Kerry Howe called the meeting to order at 8:35 a.m.

II. Approval of Agenda

Chair Howe requested a motion to approve the agenda. Mr. Roberto Roibal motioned to approve the agenda and Dr. Caroline Scruggs seconded. Motion to approve agenda carried unanimously.

III. Approval of Meeting Minutes

Chair Howe asked if there were any edits to the December meeting minutes and Vice-Chair Steve Glass stated that he provided edits electronically to the minutes. Chair Howe requested a motion to approve the December meeting minutes with the edits provided by Vice-Chair Glass. Ms. Julia Maccini motioned to approve the minutes and Vice-Chair Glass seconded. Motion to approve the December 13, 2019 meeting minutes carried unanimously.

IV. Board Business

a. Elect 2020 WPAB Officers

Chair Howe asked for nominations for new chairs of the Board for 2020. Ms. Camilla Feibelman nominated Ms. Maccini for chair. Ms. Maccini accepted the nomination. Ms. Camilla Feibelman also nominated Mr. Roibal for vice-chair. Mr. Roibal accepted the nomination.

Chair Howe requested a motion to vote on the positions of chair and vice-chair to Ms. Maccini and Mr. Roibal, respectively. The Board unanimously approved the new chair nominations and Ms. Maccini and Mr. Roibal assumed the new positions for the remainder of the meeting.

b. Approval of 2020 WPAB Open Meetings Resolution

Chair Maccini asked Policy Implementation Committee (PIC) member Ms. Kate Mendoza with the Albuquerque Bernalillo County Water Utility Authority (Water Authority), if the 2020 Open Meetings Resolution reflected the language in the WPAB 2019 Open Meetings Resolution. Ms. Mendoza responded that the content was the same and was updated only to reflect the new year.

Chair Maccini asked if there was any discussion regarding changes to the 2020 Open Meetings Resolution. With no requests for further discussion, Chair Maccini requested a motion to approve the 2020 Open Meetings Resolution. Mr. Glass motioned to approve 2020 Open Meetings Resolution (WPR-2020-01) and Vice-Chair Roibal seconded the motion. Motion to approve the 2020 Open Meetings Resolution carried unanimously.

c. Approval of 2020 Workplan

Chair Maccini asked if there were any edits to the 2020 workplan. Ms. Diane Agnew, PIC member with the Water Authority, stated that the 2020 workplan had been updated to incorporate Board requests which included topics such as the Bernalillo County (County) glyphosate ban, New Mexico Office of the Natural Resources Trustee (ONRT) priorities and projects, and a Produced Water Act update. Dr. Howe asked about the inclusion of the proposed Lead and Copper Rule changes in the 2020 workplan and pointed out that it is a finished water quality rule and not source water quality rule. Ms. Agnew replied that the proposed changes have implications for water quality but it could be removed from the 2020 workplan if the Board wished. PIC member Ms. Danielle Shurn with the Water Authority said the Water Authority is investigating public and private lines for lead, posting notices and implementing mandatory lead sampling at schools and child care centers. Dr. Howe asked if there was a place where the update could be inserted into the workplan schedule and Ms. Agnew said it could be part of the Water Authority update on Safe Drinking Water Act sampling results in May.

Mr. Glass requested that the update on the Mid-Region Council of Governments (MRCOG) Oil and Gas Ordinance Guidance document be combined with the update on the Produced Water Act.

Mr. Glass asked if the Rivers and Aquifers Protection Plan (RAPP) update was the Water Authority's replacement for the previous source water protection plan update. Ms. Mendoza replied that the language would be updated to reflect the name change from Water Quality Protection Policy and Action Plan (WQPPAP) to the RAPP. PIC member Mr. Ken Ziegler with the City of Albuquerque (City) stated that City ordinances still refer to the Groundwater Protection Policy and Action Plan (GPPAP). Ms. Agnew said the GPPAP and WQPPAP were the previous source water protection plans and that concepts from those plans were incorporated into the RAPP.

Chair Maccini requested a motion to approve the 2020 workplan. Vice-Chair Roibal motioned to approve the 2020 workplan and Dr. Scruggs seconded. The motion to approve the 2020 workplan carried unanimously.

d. Draft Presenter Schedule

Ms. Mendoza told board members that the presenter schedule for 2020 is tentative and depends on presenter availability. Ms. Agnew acknowledged that there was a board request for a presentation from the New Mexico Acequia Commission and suggested it could be added to the schedule either in the fall or as an alternate in the event another scheduled presenter was unavailable. Ms. Feibelman asked if the New Mexico Acequia Commission would include discussions about glyphosates and Vice-Chair Roibal responded that it would not necessarily.

Dr. Scruggs suggested inviting Representative Melanie Stansbury to provide an update on the implementation of the Water Data Act (NM-HB651-2019). Ms. Agnew and Mr. Ziegler responded that the implementation of the Water Data Act is still in the initial stages and would unlikely warrant a presentation at this time. Mr. Ziegler said he would provide a PIC agency update on the topic during the next agenda item. Ms. Agnew said she would provide the board with a link to the summary report on the Water Data Act workshop held in October 2019.

The Board discussed scheduling for the February meeting given the timing of the scheduled meeting and the 2020 State Legislative Session. The Board decided to schedule the February meeting for the third Friday in February for the Office of the Natural Resources Trustee (ONRT) presentation in order to accommodate potential schedule conflicts with the legislative session. Chair Maccini requested a motion to tentatively schedule the February meeting to the third Friday in February, pending availability of the ONRT for a presentation. Dr. Scruggs motioned to approve the tentative meeting date and Dr. Howe seconded. Motion to tentatively move the meeting based on ONRT availability for a presentation carried unanimously.

e. PIC Agency Updates

Mr. Ziegler informed the Board that the Water Data Advisory Group is meeting biweekly to discuss implementation of the Water Data Act. The Water Data Advisory Group is composed of federal, tribal, local, and nongovernmental stakeholders with the objective of identifying water data and information needs and to collaborate on water data integration. Mr. Ziegler said the Water Data Advisory Group chose Comprehensive Knowledge Archive Network (CKAN), an open-source data portal software, as the tool for building the comprehensive water database. Mr. Ziegler said there is an initial data set available online (see: www.newmexicowaterdata.org). Dr. Scruggs asked if the intent is to have the University of New Mexico (UNM) Earth Data Analysis Center (EDAC) manage the public data and Mr. Ziegler said the goal is to have each agency host their own data but use a central portal (i.e., CKAN) that connects it all and makes it easier to reference from one location. Mr. Ziegler stated that some state agencies have existing electronic databases for water data while others do not. For agencies without electronic data, digitization of paper databases will be complex and timely. Mr. Ziegler said there may be a demonstration of the database at the upcoming 2020 legislative session to request additional funding for building and maintaining the database which currently lacks adequate funding. Ms. Agnew asked if funding was being requested as part of a water budget and Mr. Ziegler said he was unsure but he would learn more at the next meeting. Mr. Ziegler said the Water Data Advisory Group is also considering how to accept donations.

Mr. Dan McGregor, PIC member for Bernalillo County (County), said the County is in the second phase of their compliance campaign for unpermitted liquid waste systems and is approximately 60 days out from filing records of unpermitted liquid waste systems with the County Clerk's Office. Mr. McGregor said if the unpermitted liquid waste system poses a known hazard and the responsible party demonstrates neglect, the County will file a legal action to address the threat to the environment. Mr. McGregor said responsible parties who are unaware of permitting compliance will be educated, the liquid waste system will be brought into compliance according to County ordinances, and the liquid waste systems will be properly recorded at the County.

Ms. Kali Bronson, County PIC member, informed the Board that the Cuidad Soil and Water Conservation District (SWCD) had received additional funding for the Tijeras Creek Watershed-Based Plan from the New Mexico Environment Department (NMED) and plan development will be moving forward in the coming months. Ms. Bronson told board members that there will be a public meeting to discuss the plan at the Bernalillo County Public Works building on January 14, 2020 at 2:00 p.m.

Mr. McGregor told board members that the County received an Environmental Protection Agency (EPA) Greening America's Communities grant (Grant) to combat the urban heat island effect in Albuquerque. Mr. McGregor said the County is currently planning large-scale tree plantings in the South Valley area of Albuquerque, with focus on industrial areas and the Albuquerque International Sunport. Dr. Scruggs asked if a UNM master's student could be helpful to analyze the success of this project and Mr. McGregor said any help from UNM students would be welcome.

Ms. Bronson reported that the County is updating their water conservation plan which was last updated in 2006. The update will include revisions to County conservation

incentive programs and revised procedures for working with other partners such as the Middle Rio Grande Conservancy District (MRGCD), Natural Resource Conservation Service (NRCS), SWCDs and the acequia associations. Mr. McGregor said the County has spent the last several months revising the plan and anticipates it to be available for public comment this Spring. Mr. McGregor also mentioned that the County is working with Mr. Carlos Bustos, Water Authority Water Conservation Program Manager, to align conservation efforts.

Ms. Bronson informed the Board that the Land and Water Summit (Summit) will take place in Albuquerque February 26-28, 2020 and will have NMED Secretary James Kenney as the keynote speaker.

Ms. Kathy Verhage, PIC member with the City, informed the Board that the City Stormwater Management Section (SMS) submitted the Municipal Separate Storm Sewer System (MS4) annual report to the City Department of Municipal Development for review. Ms. Verhage said the SMS is working on an ordinance that addresses sewer overflows into waterways. Ms. Verhage said the SMS currently lacks enforcement capabilities for violations and is partnering with the City Environmental Health Department and the Water Authority to limit sewer overflow into waterways.

Ms. Agnew told board members that the Laun-Dry Supply Company (Laun-Dry) contamination site is performing additional shallow vapor monitoring to investigate other possible contributing sources of trichloroethane (TCE) and tetrachloroethylene (PCE).

Ms. Agnew said the Water Authority is currently reviewing several documents regarding the Kirtland Air Force Base (KAFB) Bulk Fuels Facility remediation project including a source zone characterization report and a work plan for data gap wells. The Water Authority plans to provide its comments on the documents to NMED. Ms. Agnew said beginning in March 2020, NMED will require KAFB to provide data in a machine-readable format (i.e. spreadsheets).

Ms. Agnew informed the Board that the Water Authority is working on updating capture zones that were used in the RAPP. Ms. Agnew said source water protection areas for groundwater (i.e. Water Authority supply wells) were previously delineated using a 1/2-mile uniform radius for identifying potential sources of contamination. Ms. Agnew said the update to the RAPP will utilize groundwater modeling to define capture zones for each well to get a more representative analysis of well susceptibility to contamination.

Ms. Agnew told the Board that the New Mexico Geological Society (NMGS) Annual Spring Meeting theme is *Our Common Future: Reliability, Robustness, and Resiliency for Effective Risk Management*, and that the meeting will include a panel discussion about diversity in geosciences.

f. Legislative Update

Ms. Mendoza told the Board that she is tracking legislation related to water and the environment during the 2020 New Mexico legislative session. Ms. Feibelman requested

Ms. Mendoza add any bills in the upcoming legislative session related to oil and gas operations to the legislative tracker and Ms. Mendoza replied that those bills would be tracked. Ms. Mendoza said the funding requests from water and environmental agencies including Energy, Minerals and Natural Resources Department (EMNRD), Interstate Stream Commission (ISC), NMED, ONRT and the Office of the State Engineer (OSE) (collectively “State Entities”) are under review by the Legislative Finance Committee (LFC). The Board discussed the importance of having adequately staffed and funded state agencies to protect New Mexico’s water resources. Mr. Glass recommended the Board hold a special meeting to draft a letter of support to the LFC that relays the importance of adequate funding for the State Entities. Board members unanimously agreed that a letter of support for adequate and/or increased funding of the State Entities was within the purview of the Board.

V. Other Board Business

The Board discussed revising the Board’s approved 2020 Open Meetings Resolution (WPR-2020-01) to have the meeting notice requirement align with the state’s Open Meetings Act (NMSA 1978, Section 10-15-1). Chair Maccini requested a motion to amend the 2020 Open Meetings Resolution from a 24-hour special meeting notice to a 72-hour special meeting notice. Mr. Darrel Kundargi motioned to approve the amendment and Vice-Chair Roibal seconded. Motion to amend the 2020 Open Meetings Resolution carried unanimously.

Ms. Feibelman asked about a brief filed by the Water Authority at the Public Regulation Commission (PRC) related to the closure of the Public Service Company of New Mexico’s (PNM) San Juan Generating Station (SJGS). Ms. Agnew said the brief was being handled at the senior management level and she could provide an update at a future meeting, if needed.

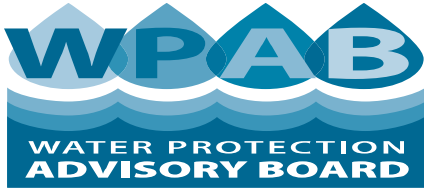
Dr. Howe announced that his term for serving on the Board was up and offered to continue attending meetings until his jointly appointed position could be filled by the City and County.

VI. Public Comment Period

None.

VII. Adjourn

Chair Maccini requested a motion to adjourn the meeting. Vice-Chair Roibal motioned to adjourn the meeting and Mr. Kundargi seconded the motion. The meeting was adjourned at 10:45 a.m.



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Kerry Howe

Darrell Kundargi
Alejandría Lyons
John Pietz
Caroline Scruggs

January 13, 2020

Location: Bernalillo County Public Works Division, 2400 Broadway SE

Time: 1:00 p.m. to 1:30 p.m.

Board Members Present: Chair Julia Maccini, Vice-Chair Roberto Roibal, Camilla Feibelman, Steve Glass, Kerry Howe, and Caroline Scruggs

Board Members Absent (excused): Darrell Kundargi and Alejandría Lyons.

PIC Members Present: Diane Agnew, Kali Bronson, Mo Hobbs, Kate Mendoza.

Guests: none.

I. Call to Order

Chair Julia Maccini called the meeting to order at 1:00 p.m.

II. Approval of Agenda

Chair Maccini requested a motion to approve the agenda. Vice-Chair Roberto Roibal motioned to approve the agenda and Mr. Steve Glass seconded. Motion to approve the agenda carried unanimously.

III. Board Business

a. Letter to the New Mexico Legislative Finance Committee regarding funding for the New Mexico State Entities responsible for protecting water resources

Chair Maccini asked board members to review and provide edits for the draft letter to the New Mexico Legislative Finance Committee (LFC) regarding funding for New Mexico Environment Department (NMED); Office of Natural Resources Trustee (ONRT); Energy, Minerals and Natural Resources Department (EMNRD); Interstate Stream Commission (ISC); and the Office of the State Engineer (OSE). Board members provided a number of minor edits on grammar and language, with no major changes to content or structure. Chair Maccini requested a motion to approve the letter with board

member edits. Mr. Glass motioned to approve the letter and Vice-Chair Roibal seconded. Motion to approve the letter carried unanimously.

IV. Other Board Business

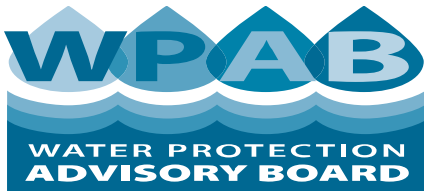
Ms. Agnew said NMED recently hired Mr. Kevin Pierard to fill the Hazardous Waste Bureau Chief position. Ms. Agnew said Water Authority staff will be meeting NMED in January to discuss the Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF) remediation project. Ms. Agnew also mentioned that the next public meeting for the KAFB BFF remediation project will be in April. Mr. Glass asked if the Air Force had signed the memorandum of agreement (MOA) with NMED to provide additional funding for NMED oversight of the KAFB BFF remediation project. Ms. Agnew replied that she did not believe the MOA had been signed just yet, but that Governor Lujan Grisham has ensured there is funding in place for NMED to continue oversight of the fuel spill.

V. Public Comment Period

None.

VI. Adjourn

Chair Maccini requested a motion to adjourn the meeting. Mr. Glass motioned to adjourn the meeting and Vice-Chair Roibal seconded. Motion to adjourn the meeting carried unanimously. Meeting adjourned at 1:14 p.m.



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

June 12, 2020

Location: Video conference¹

Time: 8:30 a.m. to 10:30 a.m.

¹ Meeting was held via video conference in response to Governor Michelle Lujan Grisham's declaration of a public health emergency and ban on gatherings of more than five people.

Board Members Present: Chair Julia Maccini, Vice-Chair Roberto Roibal, Camilla Feibelman, Steve Glass, Darrell Kundargi, Alejandría Lyons, John Pietz, Caroline Scruggs, and Joel Wooldridge

Board Members Absent (excused): None

PIC Members Present: Kali Bronson, Shellie Eaton, Mo Hobbs, Dan McGregor, Kate Mendoza, Danielle Shuryn, and Ken Ziegler

I. Call to Order

Chair Ms. Julia Maccini called the meeting to order at 8:36 a.m.

II. Approval of Agenda (8:30 – 8:35)

Chair Maccini requested a motion to approve the agenda. Mr. Steve Glass motioned to approve the agenda and Mr. Joel Wooldridge seconded. Motion to approve the agenda carried unanimously.

III. Review and Approval of February 21, 2020 Meeting Minutes (8:35 – 8:45)

Chair Maccini asked if there were any edits to the February meeting minutes. Mr. Glass requested edits to the Policy Implementation Committee (PIC) update by Ms. Kali Bronson on asset management principles and green stormwater infrastructure. Ms. Bronson supported the requested edits. Chair Maccini requested a motion to approve the February meeting minutes as edited. Vice-Chair Mr. Roberto Roibal motioned to approve the meeting

minutes and Mr. Glass seconded the motion. Motion to approve meeting minutes carried unanimously. Board members Dr. Caroline Scruggs and Mr. Wooldridge did not attend the February meeting and abstained.

IV. Board Business (8:45 – 10:00)

a. Board Membership

Chair Maccini welcomed new board member Mr. Wooldridge, appointed jointly by the City of Albuquerque (City) and Bernalillo County (County). Mr. Wooldridge retired from the City Planning Department in 2006 and has experience in City and County planning, environmental planning, water conservation, and groundwater protection.

b. PIC Agency Updates

PIC member Mr. Ken Ziegler with the City informed board members that the City has requested to terminate the New Mexico Environment Department (NMED) discharge permit (DP) 1468. DP-1468 authorizes the City to remediate contaminated groundwater at the closed Los Angeles (LA) Landfill contamination site. Mr. Ziegler said the City has moved towards monitored natural attenuation of contamination at the site and has dismantled and removed the groundwater pump-and-treat system while the City waits for approval to terminate DP-1468. Mr. Ziegler said the most recent groundwater monitoring results from the LA Landfill contamination site demonstrated that the contaminants of concern, which include perchloroethylene (PCE), daughter product trichloroethylene (TCE), and the subsequent daughter products associated with PCE and TCE degradation, were below the New Mexico Administrative Code (NMAC) groundwater standards for human health.

Mr. Ziegler told board members that regular groundwater sampling at the Railyards contamination site was completed in early April 2020. Mr. Ziegler said groundwater sampling at all contamination sites within City's purview had been somewhat reduced due to the severe acute respiratory syndrome coronavirus 2 (COVID-19) outbreak and Governor Michelle Lujan Grisham's declaration of a public health emergency. Mr. Ziegler reminded board members that on July 1, 2020, the new NMAC groundwater standards for human health for specific contaminants are going into effect. Mr. Ziegler noted that the standard for TCE would decrease from 100 micrograms per liter ($\mu\text{g/L}$) to 5 $\mu\text{g/L}$ increasing the TCE plume size for the area of contamination above the NMAC numerical standard for human health at the Laun-Dry Supply Company Inc. contamination site.

PIC member Mr. Dan McGregor with the County told board members that the County's updates to the Water Conservation Plan had been approved by the Bernalillo County Commission. Mr. McGregor said the County will be implementing several conservation initiatives, including the promotion of smart irrigation controllers and laundry-to-landscape gray water systems, the addition of high efficiency washing machine rebates, and modifications to the existing rain collection and rain barrel incentive programs. Mr. McGregor also said that a new NMAC fee structure for septic systems is going into effect on July 1, 2020, and the County will be reviewing its wastewater permitting ordinances and fee structure for any necessary updates.

Mr. McGregor added that the County is in the process of updating the technical standards for development within the Bernalillo County. Under this update, a Green Infrastructure/Low Impact Development (GSI/LID) guide is being developed. It will include standard engineering drawings and details for 9 GSI/LID techniques, appropriate plant selection guidance, and GSI/LID maintenance guidance.

Mr. McGregor said the National Pollutant Discharge Elimination System (NPDES) Middle Rio Grande Watershed Based Municipal Separate Storm Sewer System Permit NMR04A000 (MS4 Permit), is currently expired and that the permittees are operating in administrative continuance until the new permit is written. The permittees will continue compliance monitoring until they have received the new permit.

PIC member Ms. Bronson, also with the County, told board members that the Middle Rio Grande Stormwater Quality Team is developing a research poll to assess the efficacy of their stormwater quality public outreach and the public's level of understanding for stormwater quality in the Middle Rio Grande. Ms. Bronson said the County is participating in planning for a virtual 2021 Land and Water Summit due to COVID-19 restrictions and concerns for safety. Ms. Bronson added that coordinators are planning for the virtual Land and Water Summit to occur near the end of February/beginning of March, 2021, with a virtual tour, GSI/LID awards for Middle Rio Grande GSI/LID projects, and three, half-days of presentations and facilitated discussions. Focus of the conference will be on climate change, resiliency, and environmental justice. Ms. Bronson informed the board members that the County, City, and Ciudad Soil and Water Conservation District are currently working on a watershed-based plan for the Upper Tijeras Arroyo. The entities received a Clean Water Act Section 319 grant from the U.S. Environmental Protection Agency (EPA) to supplement funding for the completion of the watershed-based plan. Ms. Bronson added that NMED is currently reviewing a draft Quality Assurance Project Plan for the monitoring program outlined in the Upper Tijeras Arroyo watershed-based plan.

PIC member Ms. Kate Mendoza with the Albuquerque Bernalillo County Water Utility Authority (Water Authority) informed board members that the Water Authority is in the process of renewing DP-1206 for the Water Authority's Northside Non-Potable I-25 Corridor Reclamation and Re-use System. Ms. Mendoza also said that the Water Authority is requesting a technical working group meeting with NMED and the U.S. Air Force for the Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF) Remediation Project. She added that a technical meeting has not taken place in some time and that the Water Authority will be working with both the County and City to make the request.

PIC member Ms. Danielle Shuryn informed board members that the Water Authority recently sent customers the 2019 Water Quality Report that includes 2019 compliance monitoring results submitted to NMED, as well as monitoring results for unregulated contaminants submitted to the U.S. EPA as required in the Fourth Unregulated Contaminant Monitoring Rule (UCMR4). Additionally, the Water Quality Report provides

a brief overview of water quality and monitoring, recent awards, and outreach on common customer concerns, including lead testing and arsenic treatment.

c. WPAB 2019 Annual Report

Chair Maccini asked if there were any edits to the 2019 Water Protection Advisory Board (WPAB) Annual Report. Ms. Mendoza said she had received several edits electronically. Collectively, board members reviewed the proposed edits. Chair Maccini asked for a motion to approve the 2019 WPAB Annual Report as amended. Ms. Camilla Feibelman motioned to approve and Vice-Chair Roibal seconded. Motion to approve the 2019 WPAB Annual Report as amended carried unanimously. Mr. Wooldridge, not a member of the WPAB in 2019, abstained.

d. 2020 Meeting Schedule

Board members discussed changes in the 2020 WPAB meeting schedule necessitated by the COVID-19 outbreak. Ms. Mendoza said this meeting was held to comply with the quarterly meeting requirement per the WPAB founding ordinances. Ms. Mendoza noted there would need to be at least two more meetings in 2020 to comply with the WPAB ordinances. Ms. Mendoza proposed the focus of those two meetings, respectively, to be the New Mexico Produced Water Act and an update from NMED on KAFB BFF Remediation Project progress. Ms. Mendoza said she does not anticipate that meetings could take place in-person for the foreseeable future and that WPAB meetings for the remainder of 2020 will likely be virtual.

Ms. Feibelman requested virtual meetings to start at 9:00 a.m. instead of 8:30 a.m. Chair Maccini asked if there were any objections to holding virtual meetings at 9:00 a.m. Board members unanimously agreed to meet virtually at 9:00 a.m.

V. Other Board Business (10:00 – 10:15)

Ms. Feibelman informed board members that the New Mexico Energy, Minerals and Natural Resources Department's Oil Conservation Division has applied to the Oil Conservation Commission (Commission) to amend rules 19.15.2, 19.15.16, and 19.15.34 NMAC. The proposed rule change for 19.15.2 NMAC amends the definition of "produced water" to "~~water~~ [a fluid] that is an incidental byproduct from drilling for or the production of oil and gas" to conform with the definition found in the Oil and Gas Act, NMSA 1978, §70-2-33(K)(2019) and the Produced Water Act (HB 546)(2019).

The proposed amendment for 19.15.16 NMAC adds a section [19.15.16.21 NMAC] that requires a water use report for hydraulically fractured wells indicating how much of the water used in fracturing is potable, non-potable, and/or recycled produced water. The proposed section also provides definitions for both non-potable and potable water. with non-potable water defined as "water, other than produced water, which contains 1,000 milligrams per liter (mg/L) or more of total dissolved solids (TDS)." Potable water would be defined as "water, other than produced water, which contains less than 1,000 mg/L of

TDS.” Ms. Feibelman expressed concern that the proposed definition of potable water exceeds the U.S. EPA secondary drinking water standard for TDS of 500 mg/L, and about the precedent that could be set if the Commission approves definitions of potable and non-potable water that differ from U.S. EPA standards.

The amendment for 19.15.34 NMAC is being proposed to conform with the language in the Produced Water Act of 2019 concerning produced water. Ms. Feibelman said the proposed language will facilitate the reuse of produced water on-site at oil fields. Ms. Feibelman noted that she has heard concerns that the new language could open the door to off-site use.

Board member Mr. Darrell Kundargi brought up his experiences as being a person of color while working as a professional hydrologist during his career. Mr. Kundargi conveyed what it is like to experience institutional racism as a person of color working in a technical field and the constant pressure he feels to work harder to gain an equal footing with his peers. Mr. Kundargi said he brought this topic to the group, because recognizing institutional racism can create a lens for the WPAB to be truly and equitably representative of all residents of Albuquerque.

Ms. Alejandría Lyons added that while working in the community, she has seen barriers to participation for people of color, particularly in meetings with technical language. Ms. Lyons said community outreach is hindered if information cannot be understood by the entire community. Ms. Lyons suggested expanding the schedule of upcoming technical presentations to include community organizers. Ms. Lyons highlighted that one objective the WPAB should keep in mind, is ensuring members of the community feel comfortable coming to the WPAB when needed. Vice-Chair Roibal supported Ms. Lyons's suggestion and said in his experience he has seen various community boards that are supposed to represent the entire community but do not. Vice-Chair Roibal added that he would like to see the WPAB strive to be more inclusive and equitable.

Board members unanimously thanked Mr. Kundargi for the courage to share his experiences and open a discussion about institutional racism. Chair Maccini stated that the WPAB should be inclusive and think about how it can better and more inclusively represent the community. Board members discussed supplementing the 2020 WPAB schedule to incorporate meetings that are focused on equity and justice. Mr. Kundargi said it may be helpful to hold an additional meeting, but it is important to consider the role of institutional racism plays in environmental justice issues the WPAB may work on. Vice-Chair Roibal said that he and Ms. Lyons have both been involved with environmental justice work, including their work at the Southwest Organizing Project Albuquerque (SWOP) and could possibly provide someone to speak about their work on environmental justice in Albuquerque. Mr. Wooldridge pointed out that there are available resources on environmental justice that suggest a scope for community representation and language

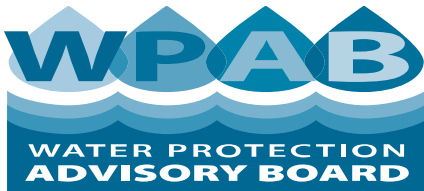
barriers associated with source water protection, which could serve as a read-ahead prior to the next meeting. In addition to holding an additional meeting on these issues, board members agreed to both individually research and share resources regarding systemic racism, environmental justice, and equity.

VI. Public Comment Period (10:15 – 10:30)

None.

VII. Adjourn

Chair Maccini requested a motion to adjourn the meeting. Vice-Chair Roibal motioned to adjourn and Ms. Scruggs seconded the motion. Motion to adjourn the meeting carried unanimously. Meeting adjourned at 10:23 a.m.



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

August 14, 2020

Location: Video conference¹

Time: 8:30 a.m. to 10:30 a.m.

¹ Meeting was held via video conference in response to Governor Michelle Lujan Grisham's declaration of a public health emergency and ban on gatherings of more than five people.

Board Members Present: Chair Julia Maccini, Vice-Chair Roberto Roibal, Camilla Feibelman, Steve Glass, Darrell Kundargi, Alejandría Lyons, John Pietz, Caroline Scruggs, and Joel Wooldridge

Board Members Absent (excused): None

PIC Members Present: Diane Agnew, Kali Bronson, Patrick Chavez, Shellie Eaton, Mo Hobbs, Mark Kelly, Dan McGregor, Kate Mendoza, Danielle Shuryn, Kathleen Verhage, and Ken Ziegler

Guests: Elizabeth Anderson (Water Authority), Virginia Necochea (New Mexico Environmental Law Center), Juan Reynosa (SouthWest Organizing Project)

I. Call to Order

Chair Julia Maccini called the meeting to order at 9:06 a.m. Water Protection Advisory Board support staff Ms. Kate Mendoza informed board members that this virtual board meeting was going to be recorded per board member request and the recording will be posted on the information portal for WPAB.

II. Approval of Agenda (9:00 – 9:05)

Chair Maccini requested a motion to approve the agenda. Mr. Steve Glass motioned to approve the agenda. Mr. John Pietz asked if a letter forwarded to board members about the Mixed Waste Landfill was being added to the agenda. Chair Maccini said the letter was not intended to be an agenda item, but was forwarded to board members at the request of a concerned member of the public. Mr. Pietz seconded the agenda with the clarification. Motion to approve the agenda carried unanimously.

III. Review and Approval of June 21, 2020 Meeting Minutes (9:05 – 9:15)

Chair Maccini asked if there were any edits to the June meeting minutes. With no edits, Chair Maccini requested a motion to approve the June meeting minutes. Mr. Glass motioned to approve the meeting minutes and Vice-Chair Roberto Roibal seconded the motion. Motion to approve meeting minutes carried unanimously.

IV. Board Business (9:15 – 9:45)

a. PIC Agency Updates

Policy Implementation Committee (PIC) member Mr. Ken Ziegler, with the City of Albuquerque (City) informed board members that the City has received approval from the New Mexico Environment Department (NMED) for the City's Voluntary Remediation Program Final Work Plan, to address the north portion of the Rail Yards contamination site in downtown Albuquerque. Mr. Ziegler said the City submitted a Soil Management Plan and a Voluntary Remediation Program Preliminary Work Plan to NMED to address the south portion of the Rail Yards contamination site. Mr. Ziegler said the City is planning to install two groundwater monitoring wells in the northern portion of the Rail Yards contamination site and up to five monitoring wells in the southern portion. Mr. Ziegler also informed board members that routine groundwater sampling at the Los Angeles Landfill contamination site will begin soon.

Mr. Ziegler informed board members that City is in the process of updating the Albuquerque Climate Action Plan. Mr. Ziegler said the City is seeking input from the community through a survey and encouraging the community to learn about climate action process. Additionally, Mr. Ziegler told board members that the City recognizes that the effects of climate change compound existing inequities within communities. Mr. Ziegler said the City is seeking climate task force applicants, and especially those who represent communities of color, indigenous communities, and historically underserved communities impacted by climate change, to help write the next climate action plan.

Mr. Ziegler told board members that the City, Bernalillo County (County), and Water Authority requested a Technical Work Group meeting with the NMED and Air Force to discuss outstanding issues at the Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF) jet fuel leak project. Mr. Ziegler said the City, County, and Water Authority met with NMED Hazardous Waste Bureau staff on August 10, 2020 and learned that a Memorandum of Agreement (MOA) between NMED and the Air Force to support regulatory oversight of the KAFB BFF project had not been renewed. Mr. Ziegler reminded board members that WPAB wrote a letter of support for the MOA in December 2019. He said the letter expressed concerns about a delay in finalization of the agreement that had been brought to the board's attention by Stephanie Stringer, NMED's Director of Resource Protection.

PIC member and County employee Ms. Kali Bronson informed board members that the Ciudad Soil and Water Conservation District (Ciudad), in partnership with the County

and some others, received two grants for residential green stormwater infrastructure training. Ms. Bronson told board members the Land and Water Summit conference theme for 2021 will be climate change and adaptations with a focus on environmental justice. Ms. Bronson said conference organizers are still looking for speakers and are planning to hold a virtual conference in late February. Ms. Bronson told board members the County is finalizing a study to improve stormwater quality at the Alameda stormwater outfall. Ms. Bronson said the County is investigating three alternatives: 1) upgrade the existing concrete facility; 2) upgrade the existing facility and install improvements including swales, soils, and native vegetation; or 3) utilize the Bachechi Open Space to pre-treat stormwater before it is discharged to the Rio Grande.

Ms. Bronson informed board members that NMED released a draft 2020-2022 State of New Mexico Clean Water Act (CWA) §303(d)/305(b) Integrated Report (IR) for review. Ms. Bronson said the report lists an *Escherichia coli* (*E. coli*) impairment for all segments of the Rio Grande within the Albuquerque metro area. Ms. Bronson said the impairment listing was solely based on a study by University of New Mexico (UNM) master's student James Fluke that investigated sediment as being a source of regrowth for *E. coli*. Ms. Bronson said permittees of the Middle Rio Grande Watershed Municipal Separate Storm Sewer System (MS4) permit are drafting a letter about the insufficient amount of data used to determine the *E. coli* impairment in the Albuquerque reach of the Rio Grande. Ms. Bronson said there is a large amount of water quality data collected by the County, City, and the U.S. Geological Survey that MS4 permittees would like to have included in the impairment assessment. Additionally, Ms. Bronson said there was a new impairment for mercury for fish consumption, but it is unclear from the report how that determination was made.

PIC member Mr. Dan McGregor with the County informed board members that the County is in the process of revising its wastewater ordinance, including updates to holding tank permit policies, fee increases for various permits, as well as other minor policy changes.

Ms. Mendoza informed board members that the Water Authority submitted the renewal application for discharge permit (DP) 1206 for the North I-25 Reclamation and Reuse System and Bear Canyon Recharge Project to the NMED.

Water Authority Chief Planning Officer Ms. Elizabeth Anderson updated board members on the water crisis in To'hajiilee. Ms. Anderson said the To'hajiilee community, located on the Navajo Nation west of Albuquerque, has six drinking water wells but are down to one operable well. Ms. Anderson said the remaining operable drinking water well is notoriously unreliable and has gone out of service three times in the last five years. Ms. Anderson said when the well is functioning, it does not provide enough water to meet community needs. Meanwhile, water from the well has caused pipe erosion, stained clothing, and has a foul odor. Ms. Anderson said agencies including the New Mexico Department of Homeland Security and Emergency Management, the Navajo Tribal Unity Authority, and the Water Authority have worked together to deliver water to the community, especially during the COVID-19 pandemic. Ms. Anderson said To'hajiilee and the Navajo Nation are working with an engineer in hopes of constructing a 7-mile pipeline from their community to the Water Authority's water system. Ms. Anderson said the Navajo Nation has San Juan-Chama water rights but have no way to obtain that

water at this time. Ms. Anderson mentioned that there was an interview recently with County Commissioner Debbie O'Malley and the members of the Navajo Nation on National Public Radio. In the interview, the Navajo Nation said there are three different land owners that need to provide an easement before construction of the pipeline moves forward. Two of three land owners have already agreed to provide the easement, but Western Albuquerque Land Holdings (WALH), a subsidiary of Barclays Capital Real Estate, which proposed the Santolina development, has yet to give its approval. Ms. Anderson said discussions between the County, Navajo Nation, and WALH are continuing.

Board member Ms. Camilla Feibelman asked what alternatives are available if Santolina does not agree to the easement. Mr. McGregor clarified that WALH is the developer behind Santolina but added that the required easement does not go through the Santolina masterplan area. Ms. Anderson said the County may start condemnation proceedings if the easement cannot be otherwise acquired. Ms. Feibelman asked if condemnation must be authorized by the Bernalillo County Commission itself or if it is merely a legal and administrative process. Mr. McGregor said condemnation would require action from the County Commission, but he said he was not privy to the status of condemnation proceedings.

Board member Mr. Darrell Kundargi asked if there is any action the board could undertake, such as a letter, to help To'Hajiilee. Vice-Chair Roibal said that this board is an advisory board and that he would like to advise the City, County, and Water Authority to support the condemnation and to move as quickly as possible. Chair Maccini said that it is her understanding that To'Hajiilee is outside the Water Authority service area, which is the area this board is tasked with overseeing. Chair Maccini said she is not sure if it is within the board's purview to publicly comment but that she would check, and added that she is open to other considerations. Mr. McGregor added that this board also represents City and County interests and it may be within the bounds of the board to comment. Mr. McGregor suggested board members look at the founding ordinances to see if it is in the board's purview.

Board member Ms. Alejandría Lyons asked if it is possible for County Commissioner O'Malley or someone else to provide an update to the board on the To'Hajiilee situation. Board member Dr. Caroline Scruggs seconded that idea. Mr. McGregor said he thinks it's appropriate for Chair Maccini to reach out to Commissioner O'Malley to let her office know about the board's interest and to see how the Commissioner would like to handle an update. Chair Maccini said she would ask Commissioner O'Malley about an update and asked that the PIC also provide updates to keep the board informed on the issue.

Vice Chair Roibal asked if they needed motion to support the pipeline to To'Hajiilee. Chair Maccini reminded board members that anything the board takes action on has to be on the agenda ahead of time to provide proper notice. Chair Maccini asked for board support of the To'Hajiilee water pipeline to be added to the next meeting's agenda. Ms. Mendoza said she would add it to the next meeting agenda.

**V. Presentation: Environmental Justice and Racism in New Mexico (9:45 – 10:15)
Dr. Virginia Necochea, New Mexico Environmental Law Center, Executive Director**

Environmental Law Center Executive Director Dr. Virginia Necochea introduced herself and said that before she begins her presentation, that she would like to recognize that this is Tanoan land and to honor native peoples across the state, nation, and globe. Dr. Necochea said it is always an honor to share her work with groups that are representing the community and asked board members if they were comfortable in engaging in a discussion about race and inequity. After board members agreed that she should continue her presentation, Dr. Necochea showed board members graphs of incarceration, college graduates, and wealth in the nation for each race and asked board members to reflect on the disparities. Dr. Necochea next presented a slide on Native Americans impacted by COVID-19 and African American victims of police brutality. She said that racism continues to plague our society and post-racial ideology has been completely disrupted by recent events. Dr. Necochea said that people of color experience worse outcomes and more barriers to success than their white counterparts because racism is alive and well across our society.

Dr. Necochea introduced four levels of racism that exist within our society: systemic, institutional, interpersonal, and internalized. Dr. Necochea said systemic racism involves larger systems that govern society where policies, institutional practices, cultural representations, and other social norms reinforce and perpetuate racial inequalities. She said that institutional racism occurs when organizations and institutions have discriminatory policies further propagating inequality and racism. She said systemic and institutional racism have major consequences for everyone in the U.S., but especially for underrepresented and oppressed groups. Dr. Necochea explained that interpersonal racism is where bigotry and biases are shown between individuals through word and action. She said interpersonal racism occurs when individuals are interacting and their ideologies and world views affect their interactions and decision-making processes. Dr. Necochea said that internalized racism refers to an individual's private beliefs or prejudices, such as white superiority or internalized oppression for people of color. Dr. Necochea said that we see cumulative and compounding effects of societal factors including history, culture, ideology, and interactions of institutions and policies that systemically disadvantage people of color.

Dr. Necochea asked board members to think about the definition of environmental racism and encouraged the board to develop a definition for environmental racism and consider how it impacts the work of the board. Dr. Necochea defined environmental racism as the disproportionate impact of environmental hazards (e.g. toxic waste facilities, garbage dumps, environmental pollutions, foul odors etc.) on BIPOC (black, indigenous, or people of color) that lower the quality of life for individuals and communities. Dr. Necochea said environmental racism includes regulations, policies, government, and corporate decisions that target specific communities or undesirable land uses resulting in lax enforcement of zoning and environmental laws. Dr. Necochea said because of this, BIPOC communities are disproportionately exposed to toxic and hazardous waste.

Dr. Necochea said it is estimated that about 70 percent of contaminated waste sites are in low-income neighborhoods and Albuquerque is no exception. Dr. Necochea said that upwards of 2 million Americans live within a mile of sites that are vulnerable to flooding and the potential for toxic waste spill over into the floodwaters, the majority of which are BIPOC communities. Dr. Necochea referenced a 2018 EPA study that demonstrated BIPOC

communities are disproportionately burdened by particulate matter from higher rates of air pollution consisting of automobile fumes, smog, soot, oil smoke, ash, and construction dust as compared with white communities.

Dr. Necochea told board members about “Cancer Alley,” an 85-mile stretch of land along the Mississippi River between New Orleans and Baton Rouge that is lined with oil refineries and petrochemical plants. Cancer Alley is named because residents of the area are 50 times more likely to develop cancer than the average American. Dr. Necochea noted that residents of Cancer Alley are predominantly black. Dr. Necochea provided an example from New Mexico where a 1979 mine spill caused approximately 94 million gallons of radioactive solution to flow into the Rio Puerco and seep into the surrounding soil. Dr. Necochea said the spill was never cleaned up by the responsible party because the mine was closed shortly after and the surrounding community still feels the negative effects of the spill.

Dr. Necochea showed board members a graph of COVID-19 death rates that highlighted the disparity in death rates among white, black, and Hispanic/Latinos and asked board members to reflect on what they see. Dr. Necochea said it is common to hear that COVID-19 does not discriminate, but in fact the impacts from the virus are not equitable across communities. Dr. Necochea said data demonstrates that black and Hispanic/Latinx communities are seeing higher rates of COVID-19 infections and deaths. Dr. Necochea cited a state-by-state analysis showing Black Americans are dying at a disproportionate rate from COVID-19 in 32 states, and Hispanic/Latinx COVID-19 cases make up a larger share of the cases than their share of the population. Dr. Necochea said that according to the New York Times, the number one city hardest hit by COVID-19 was Gallup, New Mexico. She added that Native American communities in New Mexico are disproportionately affected by COVID-19.

Dr. Necochea asked board members why they think communities of color are being disproportionately impacted by COVID-19 and board members discussed potential causes including wealth disparity, work-from-home opportunities, ability to leave a hard-hit community, unequitable access to health care and healthy foods, and a higher existence of pre-existing conditions. Dr. Necochea encouraged board members to consider the potential causes through a lens of environmental racism, explaining how BIPOC communities are exposed to increased air pollution, smog, toxic waste, contamination of land and water. Dr. Necochea asked board members to think how standing environmental injustices across the U.S. have created disproportionate impacts of COVID-19.

Dr. Necochea challenged the board to engage in practices to facilitate important conversations about race and inequality, and encouraged the board to be advocates for frontline communities. Dr. Necochea said frontline communities depend on elected officials and advocacy groups to ethically and conscientiously represent their community. She also encouraged members to examine their own individual feelings about race and inequality and to recognize how these can affect conversations about issues facing frontline communities. Dr. Necochea thanked the board for engaging in the conversation, and suggested that discussions about environmental injustice be embedded into every meeting.

**VI. Presentation: Environmental Justice Water Issues in New Mexico (10:15 – 10:45)
Juan Reynosa, SouthWest Organizing Project, Deputy Director**

SouthWest Organizing Project (SWOP) Deputy Director Juan Reynosa, who advised that he has worked across the state on water and air quality issues, told board members that he first became aware of such problems during his childhood in Hobbs, N.M., where pollution from abandoned drilling sites affected nearby residents. He said that many environmental injustice issues are not merely circumstantial but are actually a result of systemic racism. Mr. Reynosa said there is a lot of resilience in oppressed communities and that we as a society need to put communities in a situation where they can stop fighting injustice and start prospering. Mr. Reynosa said that we need to stop developers and polluting industries from taking advantage of communities of color and start distributing industry equitably. Mr. Reynosa said environmental racism follows a historical pattern that was first publicly recognized at Cancer Alley.

Referencing the earlier discussion about the To'Hajiilee water pipeline, Mr. Reynosa questioned the motives of the Santolina developer and suggested the board take action by calling on WAHL to provide the required easement. Mr. Reynosa pointed out that a big issue in New Mexico is the unequitable impacts of resource extraction and that residents of the South Valley have raised concerns with SWOP about water consumption by the proposed Santolina development. He said South Valley residents wish to sustain the cultural, financial, and health benefits of maintaining an adequate water supply for acequias and agriculture. Mr. Reynosa encouraged board members to recognize the need to give disadvantaged communities a voice when businesses and developers have the upper hand.

Mr. Reynosa shared a photo of the South Valley superfund site in the San Jose neighborhood of Albuquerque. Mr. Reynosa said there are many contaminants at the site, which has impacted water quality and public health in the community for many years. He recounted a meeting where federal representatives would not answer questions about the site's health effects. Mr. Reynosa said that SWOP has fought to keep the superfund site open even though the responsible party site continues to request delisting of operable units at the site. Mr. Reynosa said that the community does not feel satisfied with the cleanup progress at the site.

Mr. Reynosa said there are also air pollution issues in the San Jose neighborhood because of its proximity to industrial activity. Mr. Reynosa said that SWOP did a health impact study for this community a few years ago and found that life-expectancy for residents, who are mostly low-income and of Chicano and Mexicano heritage, was about 20 years shorter compared with residents of Albuquerque's Northeast Heights. He pointed out that the San Jose community, which is home to roughly 6 percent of Albuquerque's population, is home to approximately 20 percent of its industrial sector. Mr. Reynosa pointed to this as an example of systemic racism and environmental injustice.

Mr. Reynosa told board members about the KAFB BFF jet fuel leak and said it is his opinion that the Air Force is not doing enough to clean up the affected groundwater. Mr. Reynosa further suggested that fuel spill is an example of how government agencies can work to minimize involvement by concerned citizens, and cited the steep decline in participation at public meetings regarding the spill. Mr. Reynosa said that community members have reached out to SWOP with their concerns because they feel they are not getting adequate responses from the Air Force or NMED. Mr. Reynosa reiterated that is an

example of environmental injustice and that communities need to be heard and be part of the process.

Mr. Reynosa also talked about the problems faced by residents of Pajarito Mesa, a community lacking in basic infrastructure, and praised successful efforts to bring a water station to the area.

Mr. Reynosa asked board members to imagine themselves in the situations he'd discussed and suggested that anyone living in such conditions would want change. He also reiterated his concerns about the water situation in To'Hajiilee, which are exacerbated by the ongoing pandemic

Mr. Reynosa said industry should be more accountable for its environmental impacts. He said it is important to stand with disadvantaged communities when they are asking for solutions, and said that there should be more opportunities for community participation.

VII. Other Board Business (10:45 – 10:50)

Mr. Kundargi noted that there was a lot of really important information and perspective that was shared during the meeting. He added that disenfranchised and marginalized communities in Albuquerque need the board to speak up on their behalf and become allies in uplifting their voices. Mr. Kundargi asked the board to reflect on these perspectives and to consider how can this become a part of regular board processes and discussions.

Ms. Feibelman added that it might be helpful to add board members from impacted communities, and said nominating agencies should ensure people considered for the board are representative of the community.

Dr. Scruggs suggested developing a short set of questions to include that board members ask themselves that include identifying stakeholders, how they are impacted, and what their concerns are. Dr. Scruggs said the questions should become standard for each topic the board discusses so the board can consider underlying environmental justice issues.

Vice-chair Roibal asked how the board could bring these issues to the City Council and the County Commission for consideration. Chair Maccini said the board could have an agenda item at the next meeting to discuss how to draft a document that the City, County, and Water Authority could consider not only for this board, but for all appointed boards that represent the community. Mr. Glass said he also serves on the Ciudad Board of Supervisors and that they are in the process of developing a statement of diversity and inclusion. Mr. Glass said he thinks WPAB could develop a similar statement and offered to share Ciudad's statement with the board. Chair Maccini agreed that creation of such a document would be advisable.

Mr. Kundargi said he agreed with having set questions so the board can better address environmental justice issues, and also raised the issue of proportionate representation of impacted communities on the board. Board member Mr. Joel Wooldridge said he agreed with Mr. Kundargi's position.

Chair Maccini requested an update on the To'Hajilee water pipeline be added to the next agenda. She also requested that an agenda item to develop a diversity, equity, and inclusion statement be added to the next meeting. Chair Maccini also asked that an agenda item be added to address development of a set of questions that the board considers for each presentation and topic of discussion. Chair Maccini said she would welcome sub-committees to develop a statement of diversity, equity and inclusions, incorporating diversity into board composition, and to develop a set of questions. Chair Maccini added that it would be great to have PIC member support on any sub-committees formed.

VIII. Public Comment Period (10:50 – 11:00)

None.

IX. Adjourn

Chair Maccini requested a motion to adjourn the meeting. Mr. Wooldridge motioned to adjourn and Vice-Chair Roibal seconded the motion. Motion to adjourn the meeting carried unanimously. Meeting adjourned at 11:05 a.m.

August 14, 2020 from Kathryn Mendoza (privately): 9:01 AM Hey Luz, can you record the meeting? It was requested by a board member to record. So we will record and post the meeting to Legistar later

August 14, 2020 to Kathryn Mendoza (privately): 9:01 AM You got it.

August 14, 2020 from Kathryn Mendoza (privately): 9:01 AM Thank you!

August 14, 2020 to Kathryn Mendoza (privately): 9:02 AM Just started recording

August 14, 2020 from Kathryn Mendoza (privately): 9:02 AM Thanks!

August 14, 2020 from camilla.feibelman@sierraclub.org to everyone: 9:08 AM I'm going of line for 5 minutes.

August 14, 2020 from Kathryn Mendoza to everyone: 9:09 AM Ok thanks, Camilla

August 14, 2020 from camilla.feibelman@sierraclub.org to everyone: 9:15 AM back on

August 14, 2020 from kbronson to everyone: 9:24 AM I haven't. When we talked to NMED, they referred us to NMGF fish consumption advisory. However, when we look a tthe NMGF advisory they only have pCBs, no Hg

August 14, 2020 from Caroline Scruggs to everyone: 9:48 AM yes

August 14, 2020 from camilla.feibelman@sierraclub.org to everyone: 9:48 AM yes

August 14, 2020 from Darrell Kundargi to everyone: 9:48 AM I agree

August 14, 2020 from Steve G to everyone: 9:48 AM Agreed

August 14, 2020 from Juan Reynosa to everyone: 9:48 AM yes

August 14, 2020 from Julia Maccini to everyone: 9:48 AM I agree

August 14, 2020 from Roberto Roibal to everyone: 9:48 AM I agree

August 14, 2020 from Alejandria Lyons to everyone: 9:49 AM I agree

August 14, 2020 from Joel Wooldridge to everyone: 9:53 AM Very good list; yes i agree

August 14, 2020 from camilla.feibelman@sierraclub.org to everyone: 10:05 AM not just covid impacts on health but also economic and educational. so hard for families.

August 14, 2020 from Juan Reynosa to everyone: 10:13 AM Many of the people I have worked with on Navajo Nation deal with emissions from coal fired power plants and coal ash and dust from the coal mines and burning of coal. Yet these entities don't provide Navajo people in the four corners with running water or electricity, despite these coal powered plants using tons of water and providing electricity to major cities like Phoenix and LA. But they do get to deal with all the bad air quality from it

August 14, 2020 from Darrell Kundargi to everyone: 10:13 AM The benefits are exported, the damage stays local

August 14, 2020 from Juan Reynosa to everyone: 10:14 AM These communities are tired of being considered as sacrifice zones in order for more privileged people to live well

August 14, 2020 from Caroline Scruggs to everyone: 10:19 AM Also, the state needs to provide job training so that people in these regions can transition to other options for work.

August 14, 2020 from Virginia Necochea to everyone: 10:24 AM vnecochea@nmelc.org

August 14, 2020 from Caroline Scruggs to everyone: 10:32 AM What is the status on the Santolina development?

August 14, 2020 from Virginia Necochea to everyone: 10:33 AM Santolina is currently in the courts, still looming

August 14, 2020 from Alejandria Lyons to everyone: 10:37 AM many of the community members we work with in San Jose have had to instal home filtration systems, which has cost them thousands individually. This is a small segment but this is another instance of inequity in San Jose and Mountain View.

August 14, 2020 from Darrell Kundargi to everyone: 10:38 AM 20 years less!

August 14, 2020 from Caroline Scruggs to everyone: 10:51 AM Hi Juan, could I please get your email address?

August 14, 2020 from Virginia Necochea to everyone: 10:51 AM I recommend that the board discuss how equity will be part of their work.

August 14, 2020 from Virginia Necochea to everyone: 10:52 AM There are many ways, create an equity committee, invite community members, include in your policies and governing docs, etc.

August 14, 2020 from Juan Reynosa to everyone: 10:52 AM juan@swop.net, also reach out to alejandria@swop.net

August 14, 2020 from Virginia Necochea to everyone: 10:53 AM Usually boards and orgs organize a special meeting to discuss this and embed needed changes

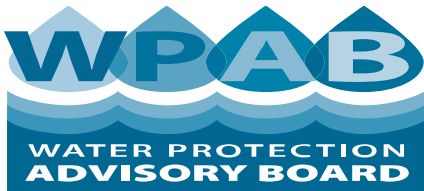
August 14, 2020 from Virginia Necochea to everyone: 10:54 AM At minimum, boards should have at least 50% of members who reflect communities being served

August 14, 2020 from Alejandria Lyons to everyone: 10:54 AM @ Caroline: Yes, I am now the Environmental Justice Organizer. Juan has moving into the position of the Deputy Director but I am sure could both share info.

August 14, 2020 from Caroline Scruggs to everyone: 10:55 AM Great - thanks Alejandria and Juan!

August 14, 2020 from Virginia Necochea to everyone: 11:00 AM This is so great to see your board move into action.

August 14, 2020 from kbronson to everyone: 11:04 AM Can the subcommittee also include PIC members?



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

September 11, 2020

Location: Video conference¹

Time: 9:00 a.m. to 11:00 a.m.

¹ Meeting was held via video conference in response to Governor Michelle Lujan Grisham's declaration of a public health emergency and ban on gatherings of more than five people.

Board Members Present: Chair Julia Maccini, Vice-Chair Roberto Roibal, Camilla Feibelman, Steve Glass, Darrell Kundargi, Alejandría Lyons, John Pietz, Caroline Scruggs, and Joel Wooldridge

Board Members Absent (excused): None

PIC Members Present: Diane Agnew, Kali Bronson, Shellie Eaton, Mo Hobbs, Mark Kelly, Dan McGregor, Kate Mendoza, Danielle Shuryn, and Ken Ziegler

Guests: Vanessa Alarid (Garrett Development Corporation), Elizabeth Anderson (Albuquerque Bernalillo County Water Utility Authority), Andrea Brown (Carroll Strategies), Luz Carreon (Albuquerque Bernalillo County Water Utility Authority), Tom Carroll (Carroll Strategies), Jaime Dawes (Stelzner Law), Jennifer DeGraaf (Carroll Strategies), Jeff Garrett (Garrett Development Corporation), Ted Garrett (Garrett Development Corporation), Paul Kennedy (Kennedy, Hernandez, & Associates, P.C.), Matt Look (Garrett Development Corporation), George Mihalik (Souder Miller and Associates), Ken Martinez (Bernalillo County), Commissioner Debbie O'Malley (Bernalillo County), Alex Rinehart (New Mexico Institute of Mining and Technology), Rebecca Roose (New Mexico Environment Department), Mark Sanchez (Albuquerque Bernalillo County Water Utility Authority), Richard Starr (Garrett Development Corporation), Brannon Lamar (Kirtland Air Force Base), Juan Flores (Stelzner Law), and Nann Winter (Stelzner Law).

I. Call to Order

Chair Ms. Julia Maccini called the meeting to order at 9:06 a.m.

II. Approval of Agenda (9:00 – 9:05)

Chair Maccini proposed moving the Policy Implementation Committee (PIC) Updates from Board Business to Other Board Business and asked for a motion to approve the amended

agenda. Mr. John Pietz moved to approve and Mr. Darrell Kundargi seconded. Motion to approve the amended agenda carried unanimously.

III. Review and Approval of June 21, 2020 Meeting Minutes (9:05 – 9:10)

Chair Maccini asked if there were any edits to the August meeting minutes. Mr. Steve Glass noted one misspelling and the corrections were made. Chair Maccini requested a motion to approve the meeting minutes as amended. Mr. Glass moved to approve the meeting minutes and Mr. Kundargi seconded the motion. Motion to approve the meeting minutes carried unanimously.

IV. Board Business (9:10 – 9:45)

a. To'Hajiilee Water Pipeline

i. Update from Bernalillo County Commissioner Debbie O'Malley

Bernalillo County Commissioner Ms. Debbie O'Malley introduced herself and Mr. George Mihalik, a senior engineer with Souder Miller and Associates. Mr. Mihalik gave a presentation on the water supply crisis plaguing the Village of To'Hajiilee. The presentation focused on a proposal to construct a pipeline between To'Hajiilee and a water supply tank owned by the Albuquerque Bernalillo County Water Utility Authority (Water Authority). Plans call for water owned and supplied by the Navajo Nation to be conveyed from the tank, via the pipeline, for use in To'Hajiilee. The presentation is available via the Water Authority's Legistar portal, accessible at www.abcwua.org.

Commissioner O'Malley told board members that all water supply options for To'Hajiilee have been evaluated by the County and the Navajo Nation, and the proposed pipeline has emerged as the most feasible alternative.

Commissioner O'Malley explained that easements must be acquired from three landowners in order for the pipeline plan to move forward. Those landowners include Western Albuquerque Land Holdings (WALH), the developer of the proposed Santolina planned community on Albuquerque's West Side. Commissioner O'Malley said negotiations to acquire the easements are now under way.

A discussion ensued regarding sticking points in the negotiations, which according to Commissioner O'Malley include concerns by WALH about capacity issues and the sharing of infrastructure assets.

Mr. Pietz expressed concern about the long-term sustainability of transferring water outside of the basin, but Mr. Mihalik pointed out that the Navajo Nation holds the rights to the water it would be supplying. Commissioner O'Malley emphasized that supplying water to the Village of To'Hajiilee is a humanitarian issue of the utmost importance, especially during the COVID-19 pandemic.

ii. WPAB support for the To'Hajiilee water pipeline

Board members discussed with Commissioner O'Malley ways in which the board could support the Village of To'Hajiilee. Commissioner O'Malley recommended that board members draft a letter of support encouraging all parties to cooperate and expedite the process.

Board members expressed a desire for the letter to comply with the board's founding ordinances and to consider issues around long-term sustainability. Chair Maccini asked if there was a motion for a subcommittee to draft a letter of support. Mr. Kundargi moved to create a subcommittee and Mr. Pietz seconded. Motion to create a subcommittee to draft a letter of support for the Village of To'Hajiilee carried unanimously. The subcommittee is comprised of four board members: Chair Maccini, Ms. Caroline Scruggs, Mr. Pietz, and Ms. Lyons.

c. Development of WPAB statement of equity and inclusion

Board members discussed creating a subcommittee to draft a statement of equity and inclusion aimed at enhancing the diversity of board appointments. Dr. Caroline Scruggs offered to provide a set of questions about environmental justice and equity, utilized by her students in class, to the subcommittee. Chair Maccini asked if there was a motion to create a subcommittee to draft a statement of equity and inclusion, and consider ways to increase diversity in board member appointments. Mr. Kundargi moved to approve the subcommittee and Vice-Chair Roibal seconded. Motion to approve a subcommittee to draft a statement of equity and inclusion, and consider ways to increase diversity in board member appointments, carried unanimously. The subcommittee is comprised of four board members: Chair Maccini, Mr. Kundargi, Ms. Feibelman, and Mr. Glass.

V. Presentation: Overview of Produced Waters in New Mexico (9:45 – 10:15)

Dr. Alex Rinehart, Assistant Professor of Hydrology for the Earth and Environmental Science Department at the New Mexico Institute of Mining and Technology, provided a presentation on produced water in New Mexico. Dr. Rinehart discussed the methods for oil and gas extraction from geologic formations, the disposal needs for produced water in New Mexico, the difficulties in treating produced water, and how subsurface disposal can lead to increased seismicity. The presentation is available via the Water Authority's Legistar portal.

Vice-Chair Roibal asked if seismic activity in the Permian Basin could become problematic for subsurface, disposed nuclear waste at the Waste Isolation Pilot Plant (WIPP) in southeast New Mexico. Dr. Rinehart highlighted that the vast majority of seismic events resulting from subsurface disposal are small and seismic activity occurring in the Permian Basin is a considerable distance from WIPP. Dr. Rinehart informed board members that the Manager of the New Mexico Institute of Mining and Technology Seismological Observatory, Dr. Mairi Litherland, performs seismic monitoring at WIPP.

Board members and Dr. Rinehart discussed potential causes of seismicity, including seismicity from extraction versus disposal injection, and fault migration pathways for produced waters. Dr. Rinehart said there is seismicity associated with hydraulic fracturing and determining if seismicity is a result of extraction or disposal operations is complicated due to a limited number of seismometers.

VI. Presentation: Overview of NMED Implementation of the Produced Water Act (10:15 – 10:45)

Director of New Mexico Environment Department (NMED) Water Protection Division Ms. Rebecca Roose presented on NMED's implementation of the Produced Water Act. Ms. Roose provided a brief overview of the Produced Water Act, NMED's rulemaking efforts, and other NMED implementation activities regarding the Produced Water Act. The presentation is available via the Water Authority's Legistar portal.

Ms. Roose said a significant policy driver of the Produced Water Act was the increase in seismicity associated with injection of the high volume of produced water being generated. Ms. Roose also discussed the need to conserve freshwater resources that are being used for oil and gas extraction. Mr. Kundargi asked about regulatory and monitoring requirements for unknown or undisclosed contaminants in various fracking fluids used across New Mexico. Ms. Roose explained that the New Mexico Produced Water Consortium (Consortium) at New Mexico State University is working with representatives from the oil and gas industry to determine how to share proprietary information about components and contaminants found in produced water. Ms. Roose also told board members about NMED's plan for phased rulemaking that would include provisions in the near-term to have companies disclose all constituents to NMED. Ms. Roose explained that companies could claim information related to the composition of produced water as confidential, but not withhold that information as proprietary from regulators.

Board members and Ms. Roose discussed a timeline for generating rules for the use of produced water offsite. Ms. Roose explained that the Consortium is coming to the end of the first stage of research and synthesis of available data to identify research gaps in the treatment and use of produced water. Ms. Roose said that if research shows that there are some safe offsite uses of produced water, (e.g., industrial cooling) the NMED could approve those uses soon. However, other offsite uses, such as potable reuse of produced water, could be much further from NMED approval. Ms. Feibelman asked about the regulatory jurisdiction of produced water once it leaves a drilling site and Ms. Roose explained that transportation of produced water falls under NMED jurisdiction. Ms. Roose discussed NMED's coordination with the New Mexico Energy, Minerals, and Natural Resources Department to sort out regulatory jurisdiction, and ensure there are no gaps in regulatory coverage.

VII. Other Board Business (10:45 – 10:50)

a. PIC Updates

PIC member Mr. Dan McGregor informed board members that the County is working on changes to the wastewater ordinance. Mr. McGregor told board members that ordinance revisions include changes for ancillary systems such as holding tanks and portable toilets, establishing a laundry-to-landscape variance, and installation of green fields and floodplains. Mr. McGregor informed board members that there will also be a waste water fee increase.

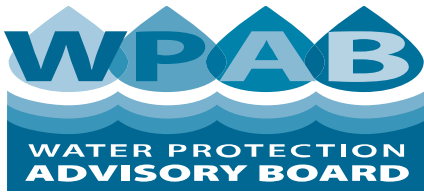
VIII. Public Comment Period (10:50 – 11:00)

Tom Carroll, of Carroll Strategic for WALH, informed board members of his concern about WALH's portrayal in the preceding discussions. He said WALH supports the Village of To'Hajiilee's efforts to acquire water and also the use of the Water Authority's tank to help it do so. However, he said, a number of questions remain to be answered: Who would own the easement; how long construction would take; what is the capacity of the system; and whether the surrounding land owners would also have access to the water. Mr. Carroll explained that WALH paid for the construction of the water tank and would like to know more about the anticipated capacity needed for the Village of To'Hajiilee. Mr. Carroll expressed concern about an increase in water demand for the Village of To'Hajiilee should it proceed with plans to build a casino and golf course. Mr. Carroll highlighted that WALH is in favor of board members drafting a letter of support, and that WALH would like to aid the Village of To'Hajiilee if outstanding questions can be resolved.

Garrett Development Corporation President Mr. Jeff Garrett expressed his view that To'Hajiilee's water supply crisis is not because of WALH's refusal to grant an easement for the pipeline, but rather a failure of government. Mr. Garrett pointed to a cooperative agreement between the Village of To'Hajiilee and the Water Authority that was signed in 2006, and also the fact that the Village of To'Hajiilee has been within the County's jurisdiction for several decades. Mr. Garrett suggested that To'Hajiilee could have resolved the matter by tapping into an older existing pipeline (the "Lost Horizon" line) a decade ago. Mr. Garrett further explained that WALH approached To'Hajiilee in 2012 about sharing construction costs for water infrastructure, but said the village declined. Mr. Garrett emphasized that the proposed pipeline would not even be possible without the \$30 million that WALH spent to construct existing infrastructure.

IX. Adjourn

Chair Maccini requested a motion to adjourn the meeting. Mr. Glass moved to adjourn and Vice-Chair Roibal seconded the motion. Motion to adjourn the meeting carried unanimously. Meeting adjourned at 11:21 a.m.



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

October 9, 2020

Location: Video conference¹

Time: 9:00 a.m. to 11:00 a.m.

¹ Meeting was held via video conference in response to Governor Michelle Lujan Grisham's declaration of a public health emergency and ban on gatherings of more than five people.

Board Members Present: Chair Julia Maccini, Vice-Chair Roberto Roibal, Camilla Feibelman, Steve Glass, Darrell Kundargi, Alejandría Lyons, John Pietz, and Joel Wooldridge

Board Members Absent (excused): Caroline Scruggs

PIC Members Present: Diane Agnew, Kali Bronson, Shellie Eaton, Mo Hobbs, Mark Kelly, Dan McGregor, Kate Mendoza, Danielle Shuryn, Kathy Verhage, and Ken Ziegler

Guests: Elizabeth Anderson (Albuquerque Bernalillo County Water Utility Authority), Claire Jordy (University of New Mexico), Mayor Tim Keller (City of Albuquerque), Helen Maestas (Mayor's Office), Sofia Jenkins-Nieto (University of New Mexico), Stephanie Stringer (New Mexico Environment Department)

I. Call to Order

Chair Ms. Julia Maccini called the meeting to order at 9:04 a.m.

II. Approval of Agenda (9:00 – 9:05)

Chair Maccini requested a motion to approve the agenda. Vice-Chair Roberto Roibal moved to approve the agenda and Mr. Steve Glass seconded. Motion to approve the agenda carried unanimously.

III. Review and Approval of June 21, 2020 Meeting Minutes (9:05 – 9:10)

Chair Maccini asked if there were any edits to the September meeting minutes. Chair Maccini requested a single vocabulary edit and the meeting minutes were revised to reflect the requested change. Chair Maccini requested a motion to approve the meeting minutes as amended. Mr. Glass moved to approve the meeting minutes and Vice-Chair Roibal seconded the motion. Motion to approve the meeting minutes carried unanimously.

IV. Board Business (9:10 – 9:45)

a. PIC Agency Updates

Policy Implementation Committee member Ms. Kathy Verhage, with the City of Albuquerque (City), informed board members that on August 18, 2020, there was a diesel fuel spill from a truck following a minor traffic accident near Central Avenue and Locust Street in Albuquerque. Ms. Verhage explained that the City is working with Diesel Direct West, the company that owns the truck, to clean up the spill. Ms. Verhage told board members that diesel entered the City's storm drain system and that the City has kept contaminants contained mainly within storm drain system sumps and a stormwater detention pond. Ms. Verhage said the City does not anticipate impacts to groundwater or surface water as a result of the spill.

City PIC member Mr. Ken Ziegler informed board members that the City has contracts to install five groundwater monitoring wells at the Rail Yards contamination site. Mr. Ziegler explained that the additional groundwater monitoring wells will assist with contaminant plume delineation in groundwater, and that two wells will be installed upstream of the groundwater gradient at the Rail Yards contamination site and three will be placed downstream. Mr. Ziegler talked about the benefits of the City's Hydrasleeve™ sampling efforts and how this new sampling technology requires considerably less time than traditional sampling methods.

Chair Maccini asked City PIC members about the construction timeline for a joint Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) and City stormwater pump station to be located near Arno Street and Marble Avenue. City PIC member Ms. Shellie Eaton reported that construction began on October 5, 2020, with an expected completion date of December 8, 2021. Ms. Eaton informed board members that the project includes a new stormwater detention pond and pump station, which will replace the pump station at Broadway Boulevard and Lomas Boulevard. Ms. Eaton also told board members that a draft version of the Fiscal Year (FY) 2020 Municipal Separate Storm Sewer System (MS4) Permit Annual Report for the National Pollutant Discharge Elimination System Stormwater General Permit for MS4s in the Middle Rio Grande Watershed in New Mexico (MS4 General Permit) has been posted on the City's website and is available for public comment.

PIC member Mr. Dan McGregor with Bernalillo County (County) informed board members that the draft FY 2020 MS4 Permit Annual Report is also available for public comment on the County website.

Mr. McGregor informed board members that the County is revising its wastewater ordinance to address alternative systems like holding tanks and long-term portable toilets. Mr. McGregor told board members that the County is looking into how to handle variances for septic drain fields that are in floodplains and that the County is clarifying the process with AMAFCA. Mr. McGregor said the County and the Albuquerque Bernalillo County Water Utility Authority (Water Authority) are working together to assess financial costs incurred by residents with a septic system failure. Mr. McGregor explained that owners of septic systems within 200 feet of a sewer collector line are responsible for engineering fees and construction costs to connect to the sewer collector line, as well as the installation cost

for a sewer service lateral line. Mr. McGregor explained the County is considering a rule to allow replacement wastewater systems in lieu of sewer connections for properties where sewer connection costs exceed a predetermined cap. Water Authority Chief Planning Officer Ms. Elizabeth Anderson informed board members that the Water Authority is working to extend sewer access to as many people as possible, and is also concerned about the financial costs to customers. Chair Maccini asked about the status of the unpermitted septic system campaign, and Mr. McGregor explained that the County's goal is to resolve 250 cases of unpermitted and/or aging septic systems by the end of 2020.

Mr. McGregor informed board members about potential surface water and groundwater contamination resulting from firefighting efforts during the September 25, 2020 fire at the Friedman Recycling facility. Mr. McGregor explained that Bernalillo County Fire Department (BCFD), Albuquerque Fire Rescue and Kirtland Air Force Base (KAFB) responded to the scene, and that the firefighting foams brought by KAFB at BCFD request may have contained per- and polyfluoroalkyl substances (PFAS). Mr. McGregor stated that the New Mexico Environment Department (NMED) will request sampling to investigate potential groundwater contamination. Mr. McGregor explained that under the MS4 General Permit, firefighting-generated runoff is not classified as an illicit discharge. Mr. McGregor informed board members that runoff from firefighting activities entered Bernalillo County storm drains and was discharged into the County's Griegos stormwater detention pond. Mr. McGregor told board members that the discharge was largely contained, but that some flow escaped to agricultural drains. The Middle Rio Grande Conservancy District was notified and the County continued to block flow from the stormwater detention pond to the agricultural drain. Mr. McGregor informed board members that there will likely be sediment removal at the Griegos stormwater detention pond to remove contaminated sediments.

Mayor Tim Keller joined the meeting to thank board members for their work on the Water Protection Advisory Board and their continued work throughout the COVID-19 pandemic.

b. WPAB To'hajiilee Subcommittee Report and Letter Finalization

Chair Maccini requested a motion to accept an update from the To'hajiilee Letter subcommittee. Mr. Glass moved to accept the update, and Ms. Camilla Feibelman seconded. Motion to accept an update from the To'hajiilee Letter subcommittee carried unanimously. Board members reviewed and revised a draft letter of support for the proposed water supply pipeline to the Village of To'hajiilee, and after a discussion of communication issues added a request to the letter for regular updates from the County on the To'hajiilee situation.

Board members talked about how to help address the Village's water crisis and a discussion ensued about what issues fall within the board's mission and purview. Chair Maccini said that letters drafted by the board in the past have had a positive impact and requested that a training on the board's mission and a review of past board actions be added to the January 2021 meeting. Chair Maccini also stated that she would like the board to develop a protocol for handling unruly participants in the public comment section of future meetings.

Chair Maccini requested a motion to approve the board letter of support for the proposed water supply pipeline to the Village of To'hajiilee, as revised by the board. Mr. John Pietz moved to approve the revised letter and Mr. Joel Wooldridge seconded. Motion to approve

the board letter of support for the proposed water supply pipeline to the Village of To'hajilee, as revised, carried unanimously.

c. WPAB Diversity, Equity, and Inclusion Subcommittee Report

Chair Maccini requested a motion to accept the update from Diversity, Equity, and Inclusion Subcommittee. Mr. Glass moved to accept the update, and Vice-Chair Roibal seconded. Motion to accept an update from the Diversity, Equity and Inclusion Subcommittee carried unanimously. Chair Maccini told board members that the subcommittee is still drafting a statement of diversity, equity inclusion and a set of questions for the board to consider during presentations to ensure attention to environmental justice and equality issues.

V. Presentation: Water Authority Update – Kirtland Air Force Base, Bulk Fuels Facility (9:45 – 10:15)

Water Authority Environmental Manager Ms. Diane Agnew presented an update on the Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF) remediation site. The presentation provided a technical overview of the KAFB BFF site, a discussion of the Water Authority's role at the site, and a review of outstanding technical questions and data gaps at the site. The presentation is available via the Water Authority's Legistar portal.

Board members and Ms. Agnew discussed the modeling and studies the Air Force has completed to characterize and determine the extent of contamination at the site. Board members stated that cleaning up the source area is of utmost importance to address site contamination. Additionally, board members discussed the fact that groundwater level rise remains a large data gap in contaminant plume delineation at the site, which could cause problems in identifying appropriate remediation technologies during the Corrective Measures Evaluation process. Board members also discussed the long-term cost feasibility of contaminant removal compared to current pump-and-treat methods.

VI. Presentation: New Mexico Environment Department Update – Kirtland Air Force Base, Bulk Fuels Facility (10:15 – 10:45)

Ms. Stephanie Stringer, Resource Protection Division Director at NMED, provided an overview of NMED regulatory authority, including funding, staff resources, regulations, and permitting for the KAFB BFF remediation site. The presentation is available via the Water Authority's Legistar portal.

VII. Other Board Business (10:45 – 10:50)

Following the presentations, board members discussed several challenges at the KAFB BFF site including limitations on information available to the public, limited opportunities for stakeholder involvement, the failure of the NMED and KAFB to hold a technical working group for the past two years, and outstanding data gaps at the site. Board members discussed drafting a letter to NMED and the U.S. Air Force to urge progress in addressing these areas of concern.

Chair Maccini requested a motion to approve formation of a subcommittee to draft such a letter to the NMED and U.S. Air Force. Mr. Glass moved to approve the subcommittee and

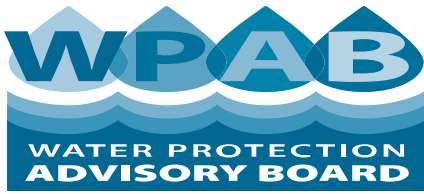
Vice-Chair Roibal seconded. Motion to approve a subcommittee to draft a letter to the NMED and U.S. Air Force carried unanimously.

VIII. Public Comment Period (10:50 – 11:00)

None.

IX. Adjourn

Chair Maccini moved to adjourn the meeting. Meeting adjourned at 11:08 a.m.



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

October 28, 2020 – Special Meeting

Location: Video conference¹

Time: 9:00 a.m. to 10:30 a.m.

¹ Meeting was held via video conference in response to Governor Michelle Lujan Grisham's declaration of a public health emergency and ban on gatherings of more than five people.

Board Members Present: Chair Julia Maccini, Vice-Chair Roberto Roibal, Steve Glass, John Pietz, Caroline Scruggs, and Joel Wooldridge

Board Members Absent (excused): Camilla Feibelman, Darrell Kundargi, and Alejandría Lyons

PIC Members Present: Diane Agnew, Kali Bronson, Shellie Eaton, Mo Hobbs, Mark Kelly, Dan McGregor, Kate Mendoza, Danielle Shuryn, Kathy Verhage, and Ken Ziegler

Guests: Ludella Awad, Molly Callaghan, and Sophia Sanchez (Congresswoman Debra Haaland's Office); Elizabeth Anderson (Albuquerque Bernalillo County Water Utility Authority), Adriann Barboa (Bernalillo County Commissioner Elect), Alex Eubanks (Senator Martin Heinrich's Office)

I. Call to Order

Chair Ms. Julia Maccini called the meeting to order at 9:04 a.m.

II. Approval of Agenda (9:00 – 9:05)

Chair Maccini requested a motion to approve the special meeting agenda. Vice-Chair Roberto Roibal moved to approve the agenda and Mr. Steve Glass seconded. Motion to approve the agenda carried unanimously.

III. Board Business (9:05 – 10:15)

a. Letter to the New Mexico Environment Department and Air Force on the Kirtland Air Force Base Bulk Fuels Facility

Board members reviewed a draft letter to the New Mexico Environment Department (NMED) and the Air Force regarding the Kirtland Air Force Base (KAFB) Bulk Fuels Facility

(BFF) remediation project. The letter addressed four areas of concern: 1) stakeholder involvement; 2) Technical Working Group meeting frequency; 3) existing data gaps; and 4) accessibility of public information. Board members discussed KAFB's recent solicitation to gauge interest in establishing a Restoration Advisory Board (RAB), and voiced concerns that a RAB may lead to reduced communication between the Air Force and stakeholders. Board members revised and finalized the letter to the Air Force and NMED during the meeting. Chair Maccini asked for a motion to approve the revised letter. Dr. Caroline Scruggs moved to approve the letter and Mr. John Pietz seconded. Motion to approve the letter to the Air Force and NMED carried unanimously.

IV. Other Board Business (10:15 – 10:20)

None.

V. Public Comment Period (10:20 – 10:30)

None.

VI. Adjourn

Chair Maccini moved to adjourn the meeting. Mr. Glass moved to approve adjournment and Vice-Chair Roibal seconded. The meeting adjourned 9:54 a.m.

APPENDIX D
Board Correspondence and Resolutions

WATER PROTECTION ADVISORY BOARD

RESOLUTION WPR-2021-01

DETERMINING REASONABLE NOTICE OF PUBLIC MEETINGS OF THE WATER PROTECTION ADVISORY BOARD.

WHEREAS, the City of Albuquerque, the County of Bernalillo, and the Albuquerque Bernalillo County Water Utility Authority jointly adopted an ordinance establishing the Water Protection Advisory Board (WPAB); and

WHEREAS, the WPAB meets in regular session at Bernalillo County Public Works Building N Conference Room, and other locations; and

WHEREAS, the WPAB follows the Open Meetings Act as provided in the board's three formation ordinances, Bernalillo County Ordinance No. 2007-2 § 1,1-9-07, City of Albuquerque Ordinance § 2-6-8-1 ROA 1994, and Water Authority Ordinance § 5-1-1;

WHEREAS, any meetings at which the discussion or adoption of any proposed ordinance, resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the WPAB to determine at least annually what constitutes reasonable notice of its public meetings.

BE IT RESOLVED BY THE WPAB:

Section 1. Meetings of the WPAB shall normally be held at the Bernalillo County Public Works Building N Conference Room, Albuquerque, New Mexico. If for any reason an in-person meeting cannot be convened, WPAB will meet via video conference using a means by which all in attendance can be clearly heard and video conference attendance information will be provided with the pertinent meeting announcement.

Section 2. Regular meetings will normally be held on the second Friday of each month, but at a minimum of once a quarter. The agenda will normally be available on the Albuquerque Bernalillo County Water Utility Authority and the Bernalillo County website three (3) days prior to the meeting and/or shall be available at the offices of the Water Authority twenty-four (24) hours before the meeting.

1 Section 3. Special meetings may be called by the Chair of the WPAB upon
2 seventy-two (72) hours' notice. The notice shall include information on how
3 members of the public may obtain a copy of the agenda. The agenda shall be
4 available to the public at least seventy-two (72) hours before any special meeting.

5 Section 4. Emergency meetings will be called only under circumstances when
6 an unexpected occurrence or condition, or the state resulting therefrom requires
7 immediate consideration or action to protect the health, safety and property of
8 citizens or to protect the public body from substantial financial loss. The WPAB will
9 avoid emergency meetings whenever possible. Emergency meetings may be called
10 by the Chair of the WPAB upon twenty-four (24) hours' notice. The notice for all
11 emergency meetings shall include an agenda for the meeting or information on how
12 the public may obtain a copy of the agenda.

13 Section 5. For the purpose of meetings described in Section 2 of this
14 resolution, notice requirements are met if notice of the date, time and place is
15 published on the Water Authority website at www.abcwua.org at least five (5) days
16 prior to the meeting and posted in the lobby bulletin board of the
17 Albuquerque/Bernalillo County Government Center. WPAB staff shall also provide
18 copies of the above information as well as copies of the agendas to those broadcast
19 stations licensed by the Federal Communications Committee and newspapers of
20 general circulation in Albuquerque, which entities have made a written request for
21 notice of public meetings.

22 Section 6. For the purpose of special meetings and emergency meetings
23 described in Sections 3 and 4 of this resolution, notice requirements shall be met by
24 posting notice of the date, time, place and agenda in the lobby of the
25 Albuquerque/Bernalillo County Government Center. WPAB staff shall also provide
26 telephone notice to those broadcast stations licensed by the Federal
27 Communications Committee and newspapers of general circulation in Albuquerque
28 that have made a written request for notice of public meetings.

29 Section 7. In addition to the information specified above, all notices shall
30 include the following language, except the last sentence applies only to full WPAB
31 meetings:

32 "NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require
33 special assistance to participate in this meeting, please contact the Bernalillo County

1 Public Works Department, 2400 Broadway Blvd. NE, Building N, (505) 848-1500, as
2 soon as possible prior to the meeting date.”

3 Section 8. Cancellations and different meeting times and places may be
4 announced at prior meetings of the full WPAB. Weather, lack of quorum and other
5 related issues may cause the cancellation of a meeting.

6 Section 9. Action summary minutes shall be made of all open meetings with the
7 following minimal information:

8 A. Date, time, and place of meeting

9 B. Names of staff in attendance and a list of members present

10 C. A general statement of each discussion topic and of how each member voted
11 on any motion before the WPAB. A draft copy of the minutes shall be available within
12 three (3) working days prior to the next meeting. Minutes become official when
13 approved by the WPAB at a subsequent meeting and will be filed with the City and
14 County Clerks' offices within 10 days of approval.

15 Section 10. Closed meetings shall not be held except as provided in Open
16 Meetings Act.

17 Section 11. All or any part of this resolution may be amended or modified by the
18 WPAB from time to time.

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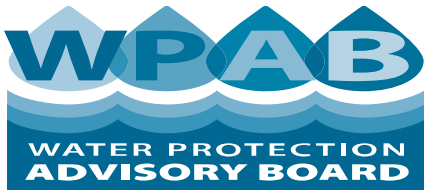
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ADOPTED, APPROVED AND SIGNED THIS ___ DAY OF January 2021.

J. Stegl

WPAB Chair



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Kerry Howe

Darrell Kundargi
Alejandría Lyons
John Pietz
Caroline Scruggs

January 13, 2020

Senator John Arthur Smith
Chair, State of New Mexico Senate Finance Committee
325 Don Gaspar, Suite 101
Santa Fe, NM 87501

Subject: Support of the Budget Request by State Entities Responsible for Protection of Water Resources and the Environment for Fiscal Year 2021

Dear Chair Smith:

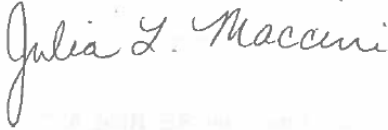
On behalf of the Water Protection Advisory Board (WPAB), I am writing to add the voice of WPAB to that of many others in support of the Fiscal Year (FY) 2021 request from State Entities responsible for the protection of water resources and the environment including, the New Mexico Environment Department (NMED), Office of the Natural Resources Trustee (ONRT), Energy, Minerals, and Natural Resources Department (EMNRD), Interstate Stream Commission (ISC), and Office of the State Engineer (OSE) (collectively "State Entities").

The WPAB was established as an interagency advisory board to oversee protection of water quality in the Albuquerque, NM metropolitan area by joint ordinances passed by three local jurisdictions. The WPAB is made up of citizen advisors appointed by the City of Albuquerque Council (City), Bernalillo County Board of County Commissioners (County), and the Albuquerque Bernalillo County Water Utility Authority (Water Authority) Governing Board. The purpose of the WPAB is to advise those entities of concerns and make recommendations regarding protection of both groundwater and surface water resources.

WPAB directives, as outlined in the joint ordinances founding the Board, include advocating for effective protection of surface and groundwater quality and to study surface and groundwater protection concerns in order to advise the City, County, and Water Authority. As such, we solicit regular updates from State Entities on the progress on water-related topics such as the status of remediation of contamination sites within the City and County. For instance, there are more than 20 groundwater contamination sites in the City and County. These sites are in varying stages of cleanup under NMED oversight. Based on presentations we have heard from the State Entities, such as NMED, it is clear that they need all of their current funding, and more, in order to successfully fulfill their missions.

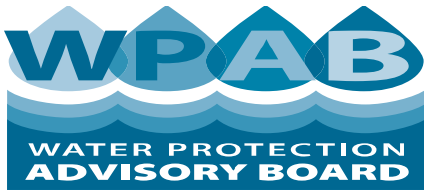
WPAB respectfully requests that the aforementioned State Entities have their budgets approved at the highest level requested in order to effectively protect the State's water resources. Approval of the increase to the State Entities' budgets will have a beneficial impact on their ability to protect water resources in New Mexico.

Respectfully,

A handwritten signature in cursive script that reads "Julia L. Maccini". The signature is written in dark ink on a light-colored background.

Julia L. Maccini, Chair
Water Protection Advisory Board

Cc: Senator William F. Burt, District-33
Senator Pete Campos, District-8
Senator Jacob R. Candelaria, District-26
Senator Gay G. Kernan, District-42
Senator George K. Muñoz, District-4
Senator Nancy Rodriguez, District-24
Senator Sander Rue, District-23
Senator John M. Sapien, District-9
Senator Steven P. Neville, District-2
Senator James P. White, District-19
David Abbey, Director of Legislative Finance Committee



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Kerry Howe

Darrell Kundargi
Alejandría Lyons
John Pietz
Caroline Scruggs

January 13, 2020

Representative Patricia A. Lundstrom
Chair, State of New Mexico House Appropriations and Finance Committee
325 Don Gaspar, Suite 101
Santa Fe, NM 87501

Subject: Support of the Budget Request by State Entities Responsible for Protection of Water Resources and the Environment for Fiscal Year 2021

Dear Chair Lundstrom:

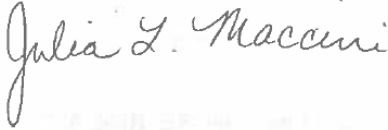
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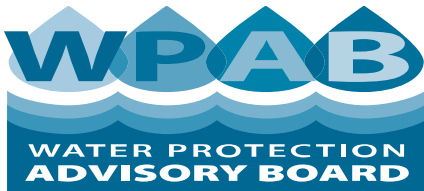
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Julia L. Maccini, Chair
Water Protection Advisory Board

Cc: Representative Anthony Allison, District-4
Representative Phelps Anderson, District-66
Representative Gail Armstrong, District-49
Representative Paul C. Bandy, District-3
Representative Cathrynn N. Brown, District-55
Representative Jack Chatfield, District-67
Representative Randal S. Crowder, District-64
Representative Harry Garcia, District-69
Representative Javier Martínez, District-11
Representative Rodolpho "Rudy" S. Martinez, District-39
Representative Tomás E. Salazar, District-70
Representative Joseph L. Sanchez, District-40
Representative Nathan P. Small, District-36
Representative Melanie A. Stansbury, District-28
Representative Candie G. Sweetser, District-32
Representative Christine Trujillo, District-25
David Abbey, Director of Legislative Finance Committee



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

October 12, 2020

Councilor Lan Sena
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Sena,

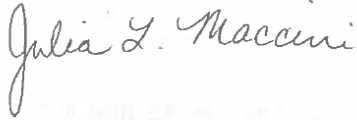
The Water Protection Advisory Board (the "WPAB") has received information regarding the current water issues facing the To'hajiilee Chapter of the Navajo Nation through a presentation by Bernalillo County Commissioner Debbie O'Malley and Souder Miller and Associates, and through public comment from stakeholders at the WPAB's meeting held on September 11, 2020.

The WPAB's purpose is to study and advise the City of Albuquerque (City), Albuquerque Bernalillo County Water Utility Authority (Water Authority), and Bernalillo County (County) on surface and groundwater protection concerns and to advocate effective protection of surface and groundwater quality. Further, it is in the WPAB's 2020 Work Plan to foster intergovernmental coordination, cooperation and communication by advocating for improved public outreach for water quality issues by governmental agencies. Of utmost importance to the WPAB is the continued protection of surface and groundwater quality in the Water Authority's service area so that public health, quality of life, and economic vitality of this and future generations are not diminished.

The WPAB also recognizes the necessity for access to safe drinking water during the current COVID-19 Pandemic. The proposed pipeline appears to be the most expedient and cost-effective means to deliver safe drinking water to the To'hajiilee Chapter's residents. The WPAB acknowledges that this action addresses an essential human rights issue and urges all stakeholders to continue to work together on the To'hajiilee water issue to find a timely solution that allows the To'hajiilee Chapter to access safe drinking water. The WPAB requests regular updates from Bernalillo County to follow up on the progress of the Village of To'hajiilee's access to safe drinking water.

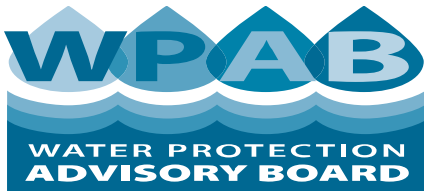
If you have any questions or concerns about this correspondence, please contact me at julia@scmpartners.com or (505) 898-6622.

Respectfully,



Julia Maccini, Chair
Water Protection Advisory Board

Cc: Albuquerque Bernalillo County Water Utility Authority Governing Board
Albuquerque Bernalillo County Water Utility Authority Executive Director's Office
Bernalillo County Commission
Bernalillo County Manager's Office
City of Albuquerque Council
City of Albuquerque Mayor's Office
Mark Begay, To'hajiilee Navajo Chapter President
Western Albuquerque Land Holdings
Garrett Development Corporation



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

October 12, 2020

Councilor Klarissa J. Peña
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Peña,

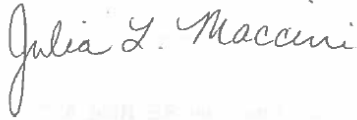
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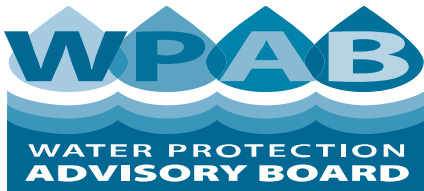
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Respectfully,



Julia Maccini, Chair
Water Protection Advisory Board

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Mark Begay, To'hajiilee Navajo Chapter President
Western Albuquerque Land Holdings
Garrett Development Corporation



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

October 12, 2020

Councilor Isaac Benton
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Benton,

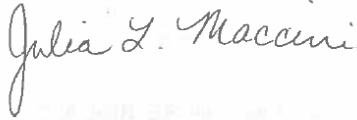
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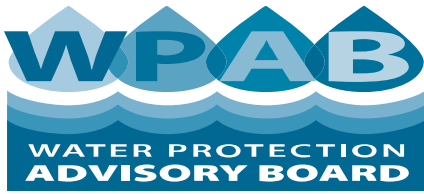
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Respectfully,



Julia Maccini, Chair
Water Protection Advisory Board

Cc: Albuquerque Bernalillo County Water Utility Authority Governing Board
Albuquerque Bernalillo County Water Utility Authority Executive Director's Office
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October 12, 2020

Councilor Brook Bassan
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Bassan,

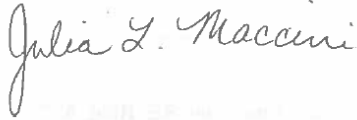
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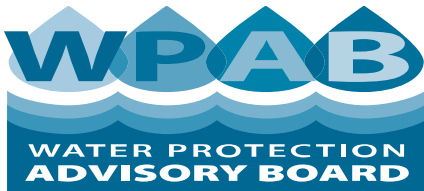
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October 12, 2020

Councilor Cynthia Borrego
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Borrego,

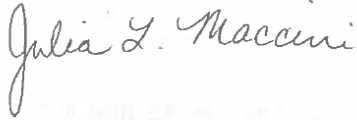
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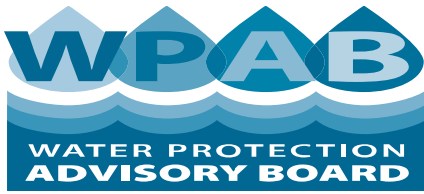
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October 12, 2020

Councilor Pat Davis
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Davis,

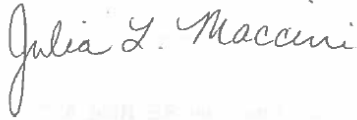
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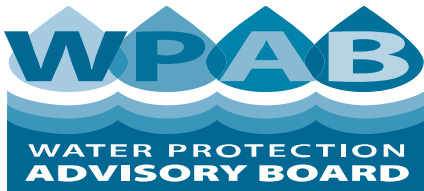
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October 12, 2020

Councilor Diane G. Gibson
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Gibson,

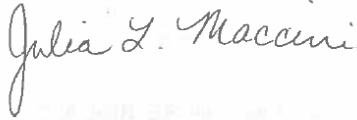
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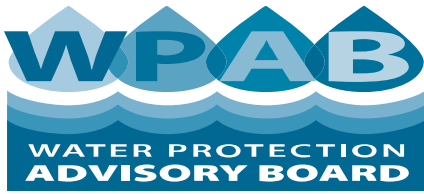
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October 12, 2020

Councilor Trudy Jones
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Jones,

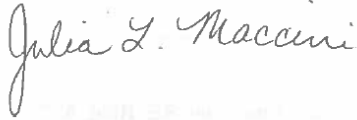
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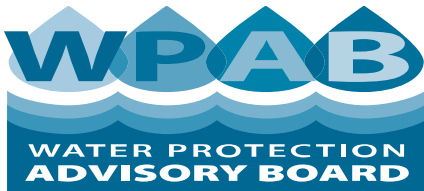
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Joel Wooldridge

October 12, 2020

Councilor Don Harris
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Councilor Harris,

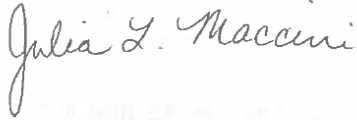
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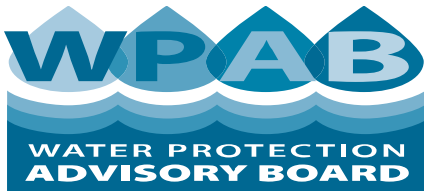
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October 12, 2020

Commissioner Steven Michael Quezada
Bernalillo County
One Civic Plaza NW
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Commissioner Quezada,

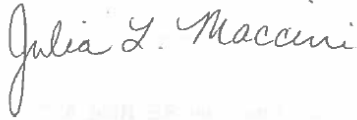
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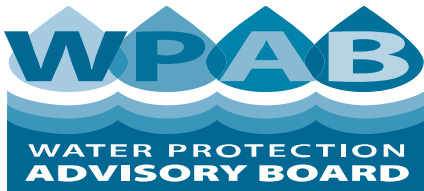
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October 12, 2020

Commissioner James Collie
Bernalillo County
One Civic Plaza NW
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Commissioner Collie,

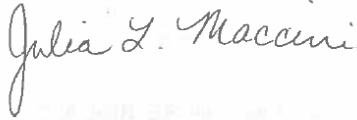
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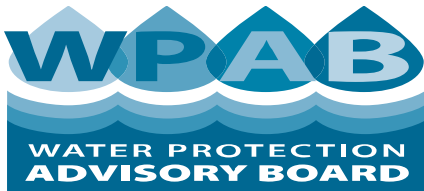
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October 12, 2020

Commissioner Debbie O' Malley
Bernalillo County
One Civic Plaza NW
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Commissioner O' Malley,

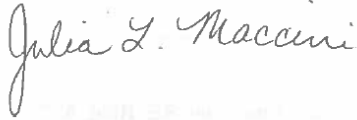
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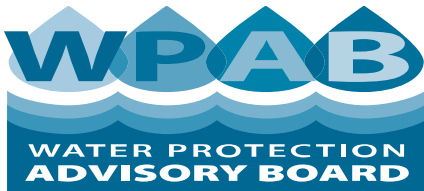
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Water Protection Advisory Board

Cc: Albuquerque Bernalillo County Water Utility Authority Governing Board
Albuquerque Bernalillo County Water Utility Authority Executive Director's Office
Bernalillo County Commission
Bernalillo County Manager's Office
City of Albuquerque Council
City of Albuquerque Mayor's Office
Mark Begay, To'hajiilee Navajo Chapter President
Western Albuquerque Land Holdings
Garrett Development Corporation



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

October 12, 2020

Commissioner Charlene Pyskoty
Bernalillo County
One Civic Plaza NW
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Commissioner Pyskoty,

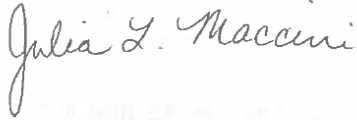
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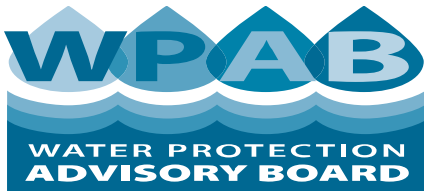
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Respectfully,



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Water Protection Advisory Board

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Joel Wooldridge

October 12, 2020

Commissioner Lonnie C. Talbert
Bernalillo County
One Civic Plaza NW
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Commissioner Talbert,

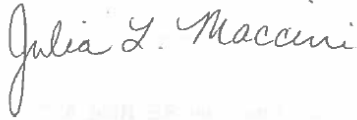
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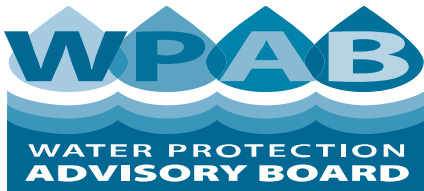
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Joel Wooldridge

October 12, 2020

Mayor Timothy M. Keller
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Mayor Keller,

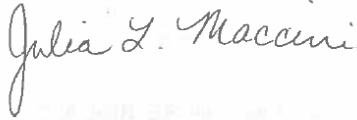
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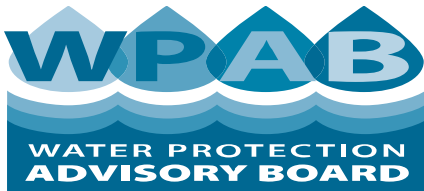
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Joel Wooldridge

October 12, 2020

Ms. Sarita Nair
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Ms. Nair,

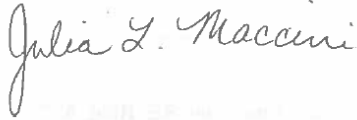
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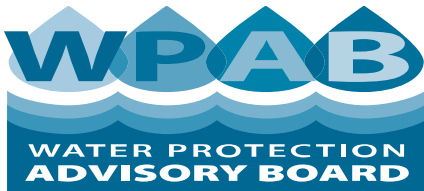
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Joel Wooldridge

October 12, 2020

Ms. Julie Morgas Baca
Bernalillo County
One Civic Plaza NW
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Ms. Baca,

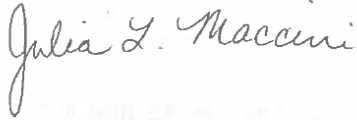
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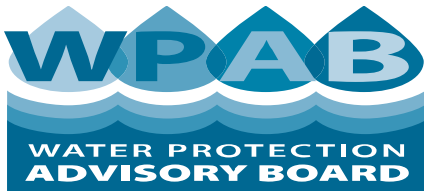
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Joel Wooldridge

October 12, 2020

Mr. Mark S. Sanchez
ABCWUA
One Civic Plaza NW
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Mr. Sanchez,

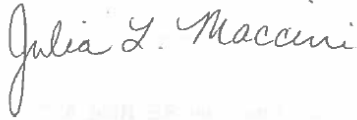
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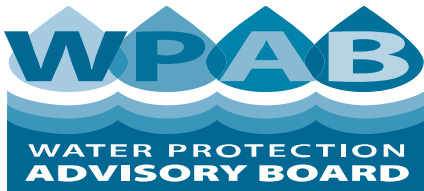
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Joel Wooldridge

October 12, 2020

Ms. Elizabeth Anderson
ABCWUA
One Civic Plaza NW
Albuquerque, NM 87102

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Ms. Anderson,

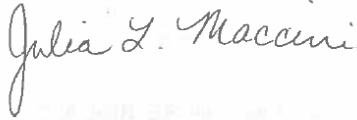
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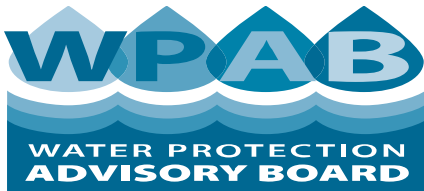
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October 12, 2020

Trustee Pablo R. Rael
Village of Los Ranchos
6718 Rio Grande Blvd NW
Los Ranchos, NM 87107

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Trustee Rael,

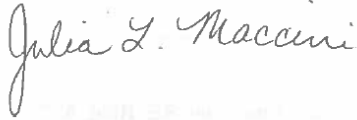
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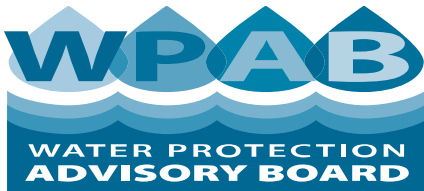
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October 12, 2020

President Mark Begay
To'Hajiilee Navajo Chapter
P.O. Box 3398
To'Hajiilee, NM 87026

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear President Begay,

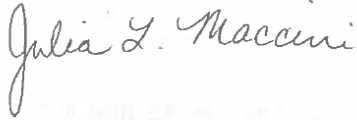
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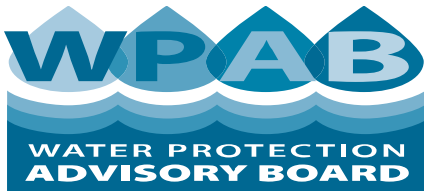
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October 12, 2020

Garrett Development Corporation
6900 E. Camelback Rd. Suite 607
Scottsdale, AZ 85251

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Garrett Development Corporation,

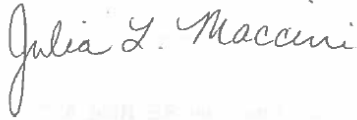
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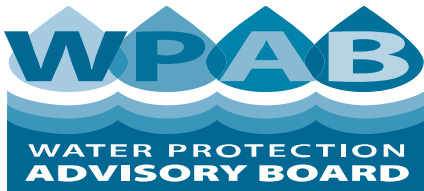
If you have any questions or concerns about this correspondence, please contact me at julia@scmpartners.com or (505) 898-6622.

Respectfully,



Julia Maccini, Chair
Water Protection Advisory Board

Cc: Albuquerque Bernalillo County Water Utility Authority Governing Board
Albuquerque Bernalillo County Water Utility Authority Executive Director's Office
Bernalillo County Commission
Bernalillo County Manager's Office
City of Albuquerque Council
City of Albuquerque Mayor's Office
Mark Begay, To'hajiilee Navajo Chapter President
Western Albuquerque Land Holdings
Garrett Development Corporation



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

October 12, 2020

Western Albuquerque Land Holdings
6991 E. Camelback Rd. Suite B-297
Scottsdale, AZ 82521

Subject: Water Protection Advisory Board Support for To'hajiilee

Dear Western Albuquerque Land Holdings,

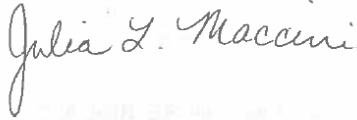
The Water Protection Advisory Board (the "WPAB") has received information regarding the current water issues facing the To'hajiilee Chapter of the Navajo Nation through a presentation by Bernalillo County Commissioner Debbie O'Malley and Souder Miller and Associates, and through public comment from stakeholders at the WPAB's meeting held on September 11, 2020.

The WPAB's purpose is to study and advise the City of Albuquerque (City), Albuquerque Bernalillo County Water Utility Authority (Water Authority), and Bernalillo County (County) on surface and groundwater protection concerns and to advocate effective protection of surface and groundwater quality. Further, it is in the WPAB's 2020 Work Plan to foster intergovernmental coordination, cooperation and communication by advocating for improved public outreach for water quality issues by governmental agencies. Of utmost importance to the WPAB is the continued protection of surface and groundwater quality in the Water Authority's service area so that public health, quality of life, and economic vitality of this and future generations are not diminished.

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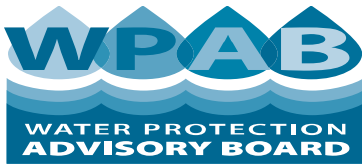
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John Pietz
Caroline Scruggs
Joel Wooldridge

October 28, 2020

Mr. James C. Kenney
Cabinet Secretary, New Mexico Environment Department
PO Box 5469
Santa Fe, NM 87502-5469

Subject: Water Protection Advisory Board Concerns Regarding the Kirtland Air Force Base Bulk Fuels Facility Jet Fuel Leak Investigation and Remediation Status

Dear Secretary Kenney:

The Water Protection Advisory Board (WPAB) was established by joint ordinance to study and advise the City of Albuquerque, Albuquerque Bernalillo County Water Utility Authority (Water Authority), and Bernalillo County on surface and groundwater protection concerns and to advocate for effective protection of surface and groundwater quality. Further, it is in the WPAB's 2020 Work Plan to foster intergovernmental coordination, cooperation and communication by advocating for improved public outreach on water quality issues by governmental agencies. Of utmost importance to the WPAB is the continued protection of surface and groundwater quality in the Water Authority's service area so that public health, quality of life, and economic vitality of current and future generations are not diminished.

In the spring and summer of 2018, the WPAB received updates from the United States Air Force (USAF) and the New Mexico Environment Department (NMED) on the progress of the Resource Conservation and Recovery Act (RCRA) site investigation and cleanup activities at the Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF) jet fuel leak project site (the Site). At that time the WPAB adopted Resolution Number: WPR-2018-02 (the Resolution) addressing its findings and concerns regarding the status and continued investigation and remediation activities at the Site.

Two years later, after the October 9, 2020 presentations to the WPAB on the status of the Site by the Water Authority and NMED, the WPAB regrets that it must again address several of the issues that were discussed in the Resolution. The Resolution is attached to this letter to highlight the similarities in the concerns that WPAB raised in 2018.

The WPAB wants to emphasize that if appropriate and aggressive remediation does not occur at the Site, drinking water resources for the public water supply will be unavailable. The WPAB now wishes to address four key areas of concern and where it believes further work and coordination will result in a more comprehensive analysis of the site, and, ultimately, better protection of the public drinking water supply.

1. Stakeholder Involvement. WPAB has heard concerns from stakeholders that they are no longer being courtesy copied on key correspondence or reports from the USAF or NMED that directly impact their review of the Site and their work related to the Site. It is imperative that stakeholders remain

informed and be provided with copies of reports and correspondence. It is especially important for the Water Authority to be included, as the Site's remaining contaminants have potential direct impacts on groundwater used for drinking water. The WPAB is aware of the recent solicitation to establish a Restoration Advisory Board (RAB) and urges the USAF to ensure that stakeholder involvement is still prioritized if a RAB is convened.

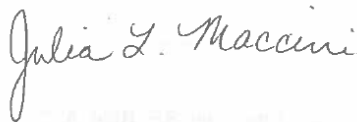
2. Technical Working Group. It is the WPAB's understanding that the Technical Working Group composed of representatives from stakeholder groups has not been convened for at least two years, despite members of the Technical Working Group meeting NMED's stated conditions for calling for such a meeting. The WPAB believes it is imperative that the Technical Working Group begin holding regularly scheduled meetings to allow the stakeholders an opportunity to provide input, analyze new data, and participate in the Site investigation that continues while the USAF prepares its Phase II RCRA Facility Investigation Report.

3. Data Gaps. NMED and USAF must address specific areas of identified data gaps as follows: (1) establish the depth of the ethylene dibromide (EDB) contamination in groundwater at the northern edge of the plume, (2) determine the extent of remaining fuel in soil that is off-base as there are data quality issues and inconclusive results in this existing testing and monitoring data, (3) examine the shallow soil vapor nature and extent that is off base, and (4) eliminate the gap in data in sampling of field parameters and fuel contaminants. The Water Authority has repeatedly requested the USAF install a deep interval down-gradient groundwater monitoring well at the northernmost portion of the EDB plume. This well will provide much of the data needed to eliminate some of the aforementioned data gaps. The WPAB again strongly urges the installation of this well.

4. Access to Public Information. It has been brought to the WPAB's attention that the information related to this site, which is public and part of the administrative record for the Site, is not being made available in a timely or readily accessible fashion on a public platform. The WPAB feels this is something that should be easily remedied, and that updating the administrative record should be a high priority for NMED. NMED should also require that the USAF bring their administrative record into compliance with the terms of their RCRA permit as soon as possible. Transparency and access to information regarding the Site for review by the public, stakeholders, and other interested parties will create greater trust for everyone involved.

The WPAB urges continued and improved public engagement by NMED and the USAF regarding Site examination and clean up. Further, the WPAB requests regular updates from NMED and the USAF regarding the status of the investigation and development of the Phase II RCRA Facility Investigation Report.

Respectfully,



Julia Maccini, Chair
Water Protection Advisory Board

Enclosure: 2018 Water Protection Advisory Board Resolution WPR-2018-02

CC: Albuquerque Bernalillo County Water Utility Authority Governing Board
Albuquerque Bernalillo County Water Utility Authority Executive Director's Office
Bernalillo County Commission
Bernalillo County Manager's Office
City of Albuquerque Council
Mr. Timothy Keller, City of Albuquerque Mayor
Senator Tom Udall, United States Senate
Senator Martin Heinrich, United States Senate
Representative Debra Haaland, United States House of Representatives
Ms. Stephanie Stringer, New Mexico Environment Department
Mr. Kevin Pierard, New Mexico Environment Department

Resolution Number: WPR-2018-02

**Water Protection Advisory Board
Kirtland Air Force Base Bulk Fuels Facility Jet Fuel Leak Project Resolution
FINAL July 13, 2018**

Background

The Water Protection Advisory Board (WPAB) is composed of community members appointed by the City of Albuquerque (City), Bernalillo County (County), and the Albuquerque Bernalillo County Water Utility Authority (Water Authority). As established by ordinance, WPAB is tasked with oversight of implementation of the Water Quality Protection Policy and Action Plan (WQPPAP) that is currently being updated. As part of that mission, WPAB is charged with advocating for effective protection of surface and groundwater quality as well as the study of surface and groundwater protection concerns so that WPAB can make recommendations to the City, County, and Water Authority as appropriate. On March 9, 2018, WPAB approved updated WQPPAP policies that emphasize the importance of a proactive approach in source water protection. Additionally, Policy C guides the City, County, and Water Authority to identify groundwater contamination and expedite corrective action.

To fulfill its mission, WPAB has received regular project updates from both the United States Air Force (USAF) and the New Mexico Environment Department (NMED) on the progress of Resource Conservation and Recovery Act (RCRA) site investigation and cleanup activities for the jet fuel contamination at the Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF) jet fuel leak project site. Additionally, WPAB members have attended joint USAF and NMED quarterly public meetings and have reviewed the annual NMED Strategic Plans. The WPAB strongly advocates for rapid and effective progress towards addressing the known groundwater contamination and addressing the remaining source.

On March 6, 2018, NMED released a draft of the 2018 Strategic Plan for the jet fuel leak project site that presented Monitored Natural Attenuation (MNA) as a new strategy (#2 in the draft document dated March 6, 2018) to protect Albuquerque's aquifer and drinking water supply wells near the BFF project. The WPAB feels strongly that MNA should not be a primary remediation strategy for the BFF site and that engineered technologies (#3 in the draft document) need to continue as the primary cleanup strategy. The board acknowledges that the NMED is currently revising the draft 2018 Strategic Plan and is hopeful that the final plan will reaffirm an assertive and active approach to remediating the site. WPAB will continue to monitor the progress of site remediation and advocate for rapid and effective cleanup of groundwater contamination in our aquifer.

Findings

Following review and discussion of NMED's 2018 Strategic Plan at the April 13, 2018 and May 11, 2018 meetings along with recommendations received from the Policy Implementation Committee (PIC) the WPAB has the following findings:

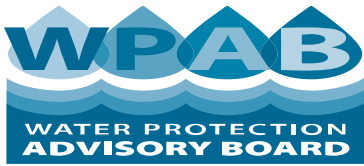
- The NMED and the USAF have not installed nor have committed to a firm deadline to install a deep interval, down-gradient groundwater monitoring well that the Water Authority has repeatedly requested to address an existing vertical data gap in the northernmost portion of the dissolved-phase ethylene dibromide (EDB) plume. Stratigraphic sections prepared for the site and the most recent water table maps (Quarter 4, 2017) demonstrate the necessity of installing this monitoring well. The WPAB strongly urges the installation of this new well.
- Key stakeholders, including the City and Water Authority, are concerned that there has been a break down in the collaborative process; previous consensus-based decisions have been later disregarded.
- The BFF project is at a decisive moment as the project shifts from site characterization and the NMED considers initiating the Corrective Measures Evaluation (CME) to select the final remediation technology(s) for the site.

Recommendations:

Based on the information available to WPAB in the NMED 2018 Strategic Plan and after much deliberation, the WPAB has the following recommendations:

1. NMED should require the USAF to install a deep, down-gradient groundwater monitoring well at the location identified in the Final Work Plan submitted by the USAF on December 20, 2017. This location was negotiated by the Water Authority and the USAF during the September 2017 working group meetings and represents a location that the technical working group members agreed would adequately fill the data gap and provide the Water Authority confidence in the deep interval of the EDB plume. The February 28, 2018 letter of approval with conditions for the data gap monitoring wells does not include a reason for relocating this deep, down-gradient groundwater monitoring well (KAFB-106240). No justification has been given for not installing this well which is needed to ensure protection for drinking water resources.
2. NMED and the USAF should reassemble the technical working groups composed of multi-stakeholders and contractors to develop remediation technology options for the CME. The suggestions and concerns of the members should be incorporated into future plans or the reasons for not implementing these decisions should be thoroughly documented.
3. Transparency and the emphasis on public involvement should be maintained and enhanced. In addition to the quarterly public meetings, the public should be provided with easy and timely access to meeting summaries from technical working groups, documenting decisions that were made and deliverables to be submitted by the USAF.
4. As part of continued transparency, the USAF is invited to provide the WPAB with presentations and/or letters documenting the evaluation of remediation criteria as part of the CME and selection of the final remedy(s) for the BFF site. This will assist WPAB in fulfilling their mission of studying, advising, and advocating for the protection of groundwater resources in the City and County.
5. An independent evaluation of the site should be completed prior to initiation of the CME. A complex site such as the BFF with the volume of data collected to date would be well served by a comprehensive technical review. The evaluation could be completed by a contractor to the NMED or could potentially follow a model similar to the Independent External Peer Review. The

NMED's hiring of a contractor to review the plume capture model and the Water Authority's work on the RCRA Facility Investigation (RFI) report and modeling are examples of how an external evaluation can benefit the project. The goal would be to assess existing data and determine data quality, usability, and completeness along with a review of the site conceptual model. Engagement of this independent peer review prior to the start of the CME would provide the NMED, the USAF, stakeholders, and the public a chance to proactively address any potential data concerns or issues resulting in a more complete and confident starting point for evaluating remedies.



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Roberto Roibal, *Vice-Chair*
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Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

October 28, 2020

Ms. Kathryn Lynnes, SES, United States Air Force
Senior Advisor, SAF/IEE
2000 Wyoming Blvd SE
Kirtland AFB, NM 87117

Subject: Water Protection Advisory Board Concerns Regarding the Kirtland Air Force Base Bulk Fuels Facility Jet Fuel Leak Investigation and Remediation Status

Dear Ms. Lynnes:

The Water Protection Advisory Board (WPAB) was established by joint ordinance to study and advise the City of Albuquerque, Albuquerque Bernalillo County Water Utility Authority (Water Authority), and Bernalillo County on surface and groundwater protection concerns and to advocate for effective protection of surface and groundwater quality. Further, it is in the WPAB's 2020 Work Plan to foster intergovernmental coordination, cooperation and communication by advocating for improved public outreach on water quality issues by governmental agencies. Of utmost importance to the WPAB is the continued protection of surface and groundwater quality in the Water Authority's service area so that public health, quality of life, and economic vitality of current and future generations are not diminished.

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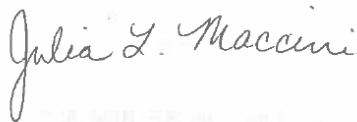
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Respectfully,



Julia Maccini, Chair
Water Protection Advisory Board

Enclosure: 2018 Water Protection Advisory Board Resolution WPR-2018-02

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Bernalillo County Commission
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Resolution Number: WPR-2018-02

**Water Protection Advisory Board
Kirtland Air Force Base Bulk Fuels Facility Jet Fuel Leak Project Resolution
FINAL July 13, 2018**

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