Buckman Direct Diversion

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AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, JULY 6, 2017
4:15 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 LINCOLN

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE JUNE 1, 2017 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. REPORT ON JULY 3, 2017 FISCAL SERVICES AUDIT COMMITTEE (FSAC)

INFORMATIONAL ITEMS

7. Monthly Update on BDD operations. (Michael Dozier)
8. Overview Presentation on Rio Grande Water Quality Regulations. (Kyle Harwood, BDD Counsel) **VERBAL**
9. LANL MOU Update. (Charles Vokes) **VERBAL**
10. Report from the Executive Director. (Charles Vokes) **VERBAL**

CONSENT AGENDA

11. Request for approval of Professional Services Agreement with Hall Environmental Analysis Laboratory in the amount of $20,000 exclusive of NMGRT. (Mackie Romero)

12. Request for approval to enter into a Professional Services Agreement with ALS Global to provide water quality analysis as called for in "The Removal of Efficiency and Assessment of Treatments (TREAT)" study for the amount of $30,000 exclusive of NMGRT. (Mackie Romero)

DISCUSSION AND ACTION

13. Request formal adoption of the Fiscal Year 2018 Annual Operating Budget in the amount of $8,284.536 plus $626,706 in contributions to the Major Repair and Replacement Fund. (Mackie Romero)

14. Request approval of Award of Bid No. '17/36/B "BDD Water Treatment Plant Chemicals" to various vendors for fiscal year 2017/2018. (Michael Dozier)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT REGULAR MEETING: Thursday, August 3, 2017 @ 4:15pm

ADJOURN

Executive Session

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding threatened or pending litigation in which the BDDB is, or may become a participant, including without limitation: Discussion regarding Diversion Structure issues. (Nancy R. Long)

End of Executive Session

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE

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MINUTES OF THE

THE CITY OF SANTA FE & SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

July 6, 2017

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Carmichael Dominguez, Chair, at approximately 4:20 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:
Commissioner Henry Roybal, Chair
Councilor Peter Ives
Commissioner Anna Hamilton
Councilor Carmichael Dominguez
Denise Fort [late arrival]
Tom Egelhoff [non-voting]

Member(s) Excused:
None

BDD Board Alternate Members Present:
Commissioner Anna Hansen [County alternate]
Ginny Selvin [Las Campanas alternate]
Mr. J. C. Helms [Citizen Alternate for Member Fort]

Others Present:
Charles Vokes, BDD Facilities Manager
Nancy Long, BDD Board Attorney
Mackie Romero, BDD Finance Manager
Bernardine Padilla, BDD Public Relations Coordinator
Michael Dozier, BDD
Daniela Bowman, BDD
Stephanie Lopez, BDD
Kyle Harwood, Board Consulting Attorney
Greg Shaffer, County Attorney

Marcos Martinez, City of Santa Fe
Michael Kelley, Santa Fe County Public Works
Bill Schneider, City of Santa Fe
Mary Erpelding-Chacon, Las Campanas Co-op
Kim Visser, Las Campanas Co-op
Walt Shepherd, Club at Las Campanas
Steven Horak, DOE-EM-LA
Ben Underwood, DOE-EM-LA

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

CHAIR ROYBAL: Is there any changes or amendments? What's the pleasure of the Board?

NANCY LONG (BDD Board Attorney): Mr. Chair, there are two changes to recommend. Under number 6, the date for the FSAC Committee should be July 5 instead of three, and the executive session can be removed from the agenda today.

COUNCILOR DOMINGUEZ: I'll move for approval on the agenda, Mr. Chair,

COUNCILOR IVES: Second.

CHAIR ROYBAL: We have a motion and a second. Is there any discussion?

The motion passed by unanimous 4-0 voice vote. [Member Fort was not present for this action.]

5. APPROVAL OF MINUTES FROM THE JUNE 1, 2017 BUCKMAN DIRECT DIVERSION BOARD MEETING

CHAIR ROYBAL: Is there any changes to the minutes? Okay, I don't see any changes. What's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve.

COUNCILOR IVES: Second.

CHAIR ROYBAL: Okay, we have a motion and a second. Is there any discussion?

The motion passed by unanimous [4-0] voice vote. [Member Fort was not present for this action.]

4. APPROVAL OF CONSENT AGENDA

11. Request for approval of Professional Services Agreement with Hall Environmental Analysis Laboratory in the amount of $20,000 exclusive of NMGRT (Mackie Romero)

12. Request for approval to enter into a Professional Services Agreement with ALS Global to provide water quality analysis as called for in "The Removal

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of Efficiency and Assessment of Treatments (TREAT)" study for the amount of $30,000 exclusive of NMGRT (Mackie Romero)

COUNCILOR DOMINGUEZ: I'll move for approval on the Consent Agenda.

COUNCILOR IVES: Second.

CHAIR ROYBAL: Okay, we have a motion and a second on approval of the Consent Agenda.

The motion passed by unanimous 4-0 voice vote. [Member Fort was not present for this action and arrived shortly thereafter.]

5. REPORT ON JULY 5, 2017 FISCAL SERVICES AND AUDIT COMMITTEE

MACKIE ROMERO (BDD Financial Manager): Mr. Chair, members of the Board, a Fiscal Service and Audit Committee meeting was held on Wednesday, July 5th. In attendance was myself, BDD Financial Manager. We had Erik Aaboe from the County, Andrew Ederman from the City, Mary Chacon, from Las Campanas Cooperative, and Walt Shepherd from the Club. We discussed all the items on the agenda and there were no major concerns or issues with the items being presented. Are there any questions?

CHAIR ROYBAL: Do we have any questions from the Board?

COMMISSIONER HAMILTON: No, Mr. Chair.

CHAIR ROYBAL: Councilor Carmichael Dominguez.

COUNCILOR DOMINGUEZ: No real questions. I think they are going to be questions that are more specific to the budget, so I'll just hold off on that but thank you for the work on the visit.

MS. ROMERO: Thank you.

CHAIR ROYBAL: Thank you, Mackie.

INFORMATIONAL ITEMS

7. Monthly update on BDD Operations

MICHAEL DOZIER (Operations Manager): BDD operations during the month of June, we have an average A, B, C and D here. Raw water deliveries averaged 6.61 million gallons, drinking water deliveries were 5.36 million gallons, deliveries to Las Campanas, 1.7 and onsite treated and untreated storage was at .08 million gallons.

We provided approximately 45 percent of the water for the city and county for the month and you can see on the bottom here where in June we were averaging pretty close, it's maybe about half when the report was made.

Do you have any questions?

CHAIR ROYBAL: Do we have any questions from the Board? Councilor Ives.

COUNCILOR IVES: Just one question. It's really on the chart that's on page 2, which is the BDD year-to-date diversions. And I'm having trouble just

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understanding the chart slightly because it indicates the blue is the average monthly and then the red is the year to date. And so isn't it the actual total for each month, as opposed to an average monthly?

MR. DOZIER: So the average monthly is separated between all the years since we've stared to date. So we take that average and then the red will be actual year-to-date for what we're doing this year.

COUNCILOR IVES: Okay. Good. Thank you for that. That's what I was missing.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Does that actually make sense to you? Because that's what doesn't make sense to me. It's not – so what's shown in June is not 2017 year-to-date; it's the total for June 2017. Right?

MR. DOZIER: It would be to June 22, 2017, on the June one for the red.

COMMISSIONER HAMILTON: Okay, but May is all of May 2017.

MR. DOZIER: Yes, it was.

COMMISSIONER HAMILTON: Right.

MR. DOZIER: And we did produce less than the average this past year for May of this year.

COMMISSIONER HAMILTON: Right. And that's what I was going to ask about. Is that a reflection of the facility being down more? Or demand being down?

MR. DOZIER: It was a partial due to both. We did run less due to canyon was trying to run a little more for the fact that the runoff that they were getting. Their reservoirs were filling quicker. The other reason was the San Juan-Chama water was not – we were not able to request any San Juan-Chama water because they were in a flood stage condition that they were using the water flows to redefine the riverbeds. It's just a part of the sections that are figured into that San Juan-Chama agreement. So that also, when we can't order any San Juan-Chama water we're only using native, so we didn't want to overuse native because it is the County's native rights so we want to pay them back at the end of the year with San Juan-Chama water.

COMMISSIONER HAMILTON: Thanks.

CHAIR ROYBAL: Do we have any other questions from the Board? Comments? Councilor Ives.

COUNCILOR IVES: Thank you, Mr. Chair. Just one final question and this is in Section 5 on the Drought/Monsoon, Storage and the ESA Update, page 9 of the materials. It states that the City just received 100 percent delivery of full firm yield of San Juan-Chama project water. What is the – from what month do we begin that calculation to what month does it end? Is it July to June?

MR. DOZIER: The San Juan-Chama water I believe is January to December. Their numbers are on a calendar year, not a fiscal year.

COUNCILOR IVES: So when we say we've received 100 percent of full firm yield of San Juan-Chama project, we're already half-way through the year 2017, so are we saying we've received 100 percent of our 2017 allocation, or is this saying that back as of December 2016 we had received our –

MR. DOZIER: That one, I'm not completely sure, but Andrew, could you answer that question? Or –

KYLE HARWOOD (BDD Consulting Attorney): I help Rick Monitor this

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issue for the BDD and the way the Bureau is doing it these years is they are identifying that full allocation of San Juan-Chama water sits behind Heron. In past years when partial amounts are made available the Bureau does it monthly and so what they're doing is saying that the full City 5230 and the full County 375 is available for release from Heron now, which is remarkably earlier than in prior years, but it's back to the old way pre- the bad part of the drought.

COUNCILOR IVES: Got you. Thank you.

MR. HARWOOD: They're saying it's available for release.

COUNCILOR IVES: Thank you for that clarity. It wasn't – I was curious.

CHAIR ROYBAL: Okay, any other questions from the Board. Thank you for your presentation.

8. Overview Presentation on Rio Grande Water Quality Regulations

MR. HARWOOD: Good afternoon, Board members. My name's Karl Harwood with Nancy Long, your counsel on BDD matters and this has been a reoccurring topic, I think, through most of this year with various updates on the negotiations with LANL staff. Some of those folks are here today and Chuck will be reporting on the status of our MOU negotiations, but you've also had presentations by NMED and others through 2017. So this presentation is to just sort of give a regulatory overview for the whole Board. We haven't done one of these in a while. There's been a lot of turnover of various Board members and obviously passage of time and so the idea was just to provide a regulatory framework, not knowing exactly how much detail the Board would want at this point.

I suggested to Mr. Vokes as well as to several of the Board members that directed this topic that I just do a simple verbal presentation today, cover sort of the highpoints of the regulatory system as it relates to Rio Grande surface water quality issues and then if you would like written materials or a follow-up more in-depth presentation we can accommodate that based on your questions and your level of interest. And I should note that Board members Ives and Fort were very involved with preparing and directing the scope of this presentation. So unless there are any questions to start with I'll go ahead and jump in.

So one of the ways I thought it would be helpful to have a mental map of water quality regulation for the Buckman Direct Diversion project was actually to work essentially upstream in the water system and so what I've done is I've broken it into sections from the customer's taps to the BDD treatment plant, from the plant down to the river, from the river up to LA Pueblo Canyon and from that confluence up to the lab, just to sort of have a map of the regime in each of these areas. And I'm going to touch on some of this fairly quickly because you've heard of it from other presentations, from either Mr. Vokes or Ms. Bowman over the years. So just to go ahead and dive in.

So the water quality is regulated from the customer's tap back to the BDD and even if that's sort of downhill, so to speak, I'm thinking of it as upstream to the source, if you'll bear with that part of the analogy. And that's actually regulated by the Drinking Water Bureau of the New Mexico Environment Department under the Safe Drinking Water Act which sets water quality and requires testing for micro-organisms, chemicals, disinfectants, radionuclides, in the finished water of public drinking water systems. And

so as part of that, under the Safe Drinking Water Act, the BDD as part of the City of Santa Fe's reporting system prepares a consumer confidence report, and I know staff report to you on that on a regular basis. And that's testing for over 95 contaminants, and of course Ms. Bowman's here if you've got more detailed questions on that part of the program.

In addition to that, the Drinking Water Bureau administers the Source Water Protection Program that you've heard about it with a recent presentation from D& B Stevens and Associates??

So from the BDD treatment plant to the river, which is essentially regulating the raw water that's diverted out of the natural system of the Rio Grande, we've got Water Quality Control Commission plays a very important role in developing water quality standards and adopting regulations. Several of the Board members have extensive experience with those state entities and a responsibility for the administration and enforcement of those rules is assigned to the constituent agencies of the WQCC, which is primarily the New Mexico Environment Department.

So you have the federal Clean Water Act and the New Mexico Water Quality Act providing the basis of regulation of the surface waters in the state. Now, the surface water regulations are codified in what's called the New Mexico Administrative Code, Section 20.6.4, which has the standards for interstate and intrastate surface waters and here's one of the principles, sort of the three things I'd like you to take away from this presentation is that those regulations impose water quality standards based on what's called an anti-degradation policy. And they do that by designating surface waters for designated uses, and I'll in a moment talk about the designated uses for our particular segment, but just to sort of give you a sense, this is based on an anti-degradation policy generally and it's regulating through uses for segments of rivers. That's the construct.

And so we have the Upper Rio Grande segment, which is from the Cochiti Pueblo boundary upstream all the way to Taos. And this is Segment 114. Nancy and I spent a lot of time talking and writing and arguing about Segment 114 when we were involved in the triennial review back in 2009 on behalf of the BDD Board then, which I'll get to in a moment, which are the public disclosure monitoring standards. I think there were some questions posed to NMED and I'm not sure whether the answers were as clear as they could have been. I'm going to go ahead and review that again tonight a little bit, but the role of standards and regulation and monitoring as well as specifically the monitoring standards that we had the WQCC adopt in 2009 are really one of the pillars of water quality monitoring for this facility.

So Section 114 – again, from the upstream boundary of Cochiti Pueblo up to the Rio Pueblo de Taos. The specified uses in that segment are irrigation, livestock watering, wildlife habitat, marginal cold water aquatic life, primary contact, which is this case is swimming – warm water aquatic life, and, you'll be very interested to know, public water supply, which is consistent of course with our BDD use. Now the designation of public water supply includes the specific language that I referred to a moment ago from the 2009 triennial review, which is only for monitoring and public disclosure purposes. So this is a – I think it's fair to say this is a non-enforcement standard. So if you think of a standard as being a metric. It's I'm going to measure this thing against this ruler, so to speak, this standard is a non-enforcement standard. It is a monitoring and public disclosure standard.

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I can say 2009 seems an awfully long time ago in some ways but I can tell you that it was a very hardy debate with the folks up at LANL that we were working with at the time in front of the WQCC and some of the staff, many of whom are not here anymore, and the consultants working with LANL folks who are no longer actively involved with these issues, it was the wisdom of that group in advising the Board at that time that this was the goal we were seeking and when we reached this goal we shook hands and asked the WQCC to promulgate that rule and that is the outcome from that effort in 2009. That was immediately in the time period just before turning on the product.

So based on the designated uses for a surface water body, the Rio Grande, NMED will monitor and evaluate whether the surface water attains the criteria for the surface water quality associated with the designated use.

So then we can sort of move on to what's called the NPDES program – National Pollution Discharge Elimination System, one of the rather awkward federal acronyms that we get from the EPA and the Clean Water Act. NPDES permitting is really designed to address that which comes out of a point source, out of a pipe. The BDD needed to get a NPDES permit for the sediment return line that we run back to the Rio Grande, because that was a point source discharge. NPDES permitting is typically for – wastewater treatment plants are the classic example of regulating what comes out of wastewater treatment plants and also what's called municipal separate storm sewer systems, which makes the acronym MS4.

New Mexico is among a very small group of states that do not have NPDES primacy. We are one of four, which means that EPA does our permitting and the New Mexico Environment Department checks that EPA permit for consistency with New Mexico law. Perhaps Professor Fort wants to speak to why we're only one of the four. I don't know if you want to do that now or later.

MEMBER FORT: Steve Reynolds didn't want New Mexico to have primacy. [inaudible]

MR. HARWOOD: Some decades. So yes. And I think a lot of people have observed that perhaps we should and of course there's lots of current politics around what role the EPA is going to play in doing anything, frankly.

So let's see. EPA has proposed a NPDES permit for stormwater runoff from the Pajarito Plateau. I believe comments closed for that two years ago, June 15th of 2015 and I don't think there's a date for issuance of that by the EPA. So the New Mexico Water Quality Act establishes the WQCC, as I said, the Water Quality Control Commission and provides for the duties and responsibilities including the establishment of the standards as well as process for appealing decisions and rule making to New Mexico Court of Appeals. One of our colleagues, Mr. Bruce Frederick, over at the County has been very involved in a prior job in bringing these appeals. I'm sure he's available if you have specific questions about how that part of the process works.

So the Buckman Direct Diversion diverts water from the Upper Rio Grande stretch of the Rio Grande for drinking water as we all know, and the Upper Rio Grande is considered an impaired waterway under the Surface Water Quality Standards established for this reach. NMED produces what's called an integrated report and as described in the 2016 integrated report the stretch of the Upper Rio Grande from Cochiti to San Ildefonso containing the Buckman Direct Diversion includes the designated use for a public water

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system. This use, however, was not assessed in the 2016 integrated report because there are no specific water quality standards, criteria, for public water system use that have been defined in the regulations. So this is perhaps another big piece of the puzzle. Those standards – the public water supply enforcement standards have not been set for this designated use throughout the state. And I think that it's fair to say that – well, maybe I'll just leave it there. If you've got more questions after I get through the basic stuff we can talk about –

MEMBER FORT: Mr. Chair, would be appropriate – for clarification? Thank you. For what standards is that stretch impaired? For what uses, rather?

MR. HARWOOD: Yes, I'm getting – that's a little later. I'll make it to it.

MEMBER FORT: Okay.

MR. HARWOOD: Thank you. Since we've stopped, are there any other questions so far about what I've touched upon? I know Councilor Dominguez wants me to talk about the Treaty of Guadalupe Hidalgo at some point.

COUNCILOR DOMINGUEZ: You have to do it in Spanish.

MR. HARWOOD: I won't do that. So the 2016 integrated list Exhibit A, the designated uses established for the stretch are not supported and available data – well, here we're getting to another big piece of the jigsaw puzzle. Available data and/or information indicate that at least one designated or existing use is not supported. Additional data are necessary to verify the listing before TMDLs are scheduled. Now, TMDL is another wonderful acronym, which stands for total maximum daily load. So this metric, this ruler acknowledges that simply sampling for a contaminant, like a temperature, right, and finding out it's high or low, is not really the full picture when you're talking about water quality. What you really want to know is how much loading of the materials in the water. How pervasive it is and how much of this material is going in, because river systems have an incredible ability to break down contaminants and mix them and repurpose them, depending on temperature and pH and everything else so a lot of contaminants get managed based on loading.

And what the 2016 integrated report says for the following, which we'll get directly to Professor Fort's question, is that TMDLs will be set in 2017. So this is a timely update.

So irrigation, dissolved aluminum is not supported and a TMDL date is set for 2017. Ms. Bowman and I were just talking about whether we know the status of that and that's probably a follow-up topic with NMED staffers. Gross alpha was first listed in 2012 and has a TMDL date of 2017. PCB in fish, PCB in water column, selenium total recoverable, thallium dissolved in turbidity – all of these were sampled between 2012 and 2016. They all have an estimated 2017 TMDL date and then cyanide and I think I've mentioned – so these are non-supporting attainment, and then of course this particular page in the integrated table has a comment, which says the 2016 assessments were based primarily on stormwater data. It should be noted that the City of Santa Fe as the manager of the Buckman Direct Diversion has procedures in place that do not allow for public water supply withdrawal from the Buckman Diversion during significant storm events, which is really – there is a couple of other notes about PCBs and other things if you're interested but this is acknowledging that the MOU that we have with LANL, which we're going to talk about in a minute, with its early notification system, is sort of integrated with this regulatory scheme. And so in a sense these two are tied together. The Board's

obviously got an abiding interest in the MOU agreement and LANL staff have indicated their interest too in a new agreement going forward. So that's very important for us to get that agreement and how it's integrated with the NMED sampling and reporting.

So I hope I've answered part of your question, Professor, on that point. Daniela was just reminding me that Board Member Fort asked for a listing of the impaired uses and I'm just making sure – I'm cross-checking the codes here. So the non-supporting attainment for irrigation is one of the uses that is not supported. Do you want to come up here? Thank you. Livestock watering is the non-supported gross alpha. That's marginal cold water aquatic life not supporting for the PCB, selenium, thallium and turbidity. The primary contact was fully supported. Public water supply not assessed for the reasons I mentioned. Warm water aquatic life not supported for PCB in fish and water column and wildlife habitat not supported for cyanide and PCB in water column.

So it may be easier for me to give you this page. Someone unfortunately has to transcribe all of that, and I'm sorry I got thrown off a little bit by the acronyms that I was needing to find in my list. But are there any questions?

CHAIR ROYBAL: Do we have any questions from the Board? Member Fort.

MEMBER FORT: Mr. Chair, I just first want to thank Mr. Harwood, a fine graduate of the UNM School of Law and also the master of Water Resources program at UNM. And so one can just see how much an interdisciplinary education pays off, because there are probably some lawyers here who probably don't know how to write these chemical abbreviations, Mr. Ives. Selenium.

So my question, Mr. Chair, would be, just to clarify that primary contact is permitted but not livestock watering. That seems that – primary contact is supported, I thought he was saying. There's no –

MR. HARWOOD: Primary contact is fully supported and irrigation was not supported because of the dissolved aluminum.

MEMBER FORT: I would think one would want the clean water for swimming.

COMMISSIONER HAMILTON: The standards are different. The standards for primary contact have to do with what you can absorb more through the skin, not through drinking. It's not dosed through drinking and consumption. And so it also has to do with bacteria. That's why it's supported.

MEMBER FORT: Thank you. That's why I'm just a lawyer. So Mr. Chair, would this be the time to turn to enforcement questions?

CHAIR ROYBAL: Are we okay with –

MR. HARWOOD: I've just got one other piece. I want to make sure we're all on the same – well, actually, if I may, just two other pieces and then I will relinquish the mike. One is just to point out that there is an order on consent which addresses a lot of issues of concern. That was – there's a new 2016 compliance order on consent. It only applies to – it does not apply to contamination from radionuclides and only applies to the hazardous waste component of mixed waste. The order on consent is its own little universe. It's a thick document with a lot going on in it and it has largely been just outside of the orbit of the BDD. We're aware of the work that's been going on. It obviously helps with keeping and improving the general cleanliness of the environment up at LANL but it's never been a key issue for the BDD Board's concern about

stormwater.

In other words it hasn't been in our documents. It's been an incredibly important effort and one we've monitored from a distance. But there's a lot that can be talked about on the order of consent that I will not do today unless you have a specific set of questions.

I do want to mention the six radionuclides that are part of that public disclosure and monitoring only standard, so you've got them in your mind. americium 241, cesium 137, plutonium 239, plutonium 239/240, strontium 90, and tritium. And they are 12-month rolling averages. So that is the order on consent, which I will leave there unless you do have further questions.

And then lastly I did want to mention that there is this very significant federal act from 1954 called the Atomic Energy Act, which guided the development of the first MOU between the Buckman Direct Diversion and LANL National Nuclear Safety Administration. And the Atomic Energy Act of 1954, there's been a lot of writing, both by the Congressional Research Service as well as professors around the country on how the AEA informs states' regulation of nuclear facility. And it's a very significant act that, let's say points us, the BDD Board, in the direction of a cooperative memorandum of agreement, which is what we've done here at the Board with LANL for the last eight or nine years. And I can talk more about the AEA if you'd like, but I wanted to make sure that we at least covered all the major pillars of the regulatory structure that we operate in on water quality. This hopefully is – you've had presentations throughout 2017 on sort of specific pieces but I think what we noted is there wasn't kind of an overarching presentation. This was a bit of a challenge to try to figure out what piece to present to you tonight. I hope this has been helpful. If you want more information on one part or another of what I've talked about I'd be happy to prepare it. And of course if I've missed anything please let me know.

CHAIR ROYBAL: Thank you, Mr. Harwood. Commissioner Hamilton, and then I'm going to go to Member Fort.

COMMISSIONER HAMILTON: So TMDLs normally have a few pieces to the process. Once you get the TMDL you're presenting the load allocation and that has to do with identifying sources and manageable loads, and then you do an implementation plan. Often those things are years ahead. So until you actually get implementation and you start doing things to implement the TMDL – I know there's a lot of interest in enforcement. So is there an anticipated schedule for that?

MR. HARWOOD: I think that it is the years that you reference. I think that it's a very hard process to speed up.

COMMISSIONER HAMILTON: Because you mentioned the TMDL in 2017 but the implementation plan would be past that.

MR. HARWOOD: It would be years past that. And I think – I don't even know that the TMDL schedule is on schedule right now. It's one of those goals that – I think it's one of the things that we ought to check in on the current status of and bring back to you if you'd like. But I would not be surprised if it's delayed because things like this at the state, both at NMED and at the State Engineer's Office, all of these things are massively delayed, these efforts in general. And we may get an answer back that's surprising, which is they're on track and they're going to issue TMDLs this year, but even if that were the case it would be years before we had an implementation plan that

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would provide the enforcement structure.

COUNCILOR IVES: If I might on that point, the City is engaged in developing a new stormwater management plan and I believe –

COMMISSIONER HAMILTON: And that's separate. The County is cooperating on that. That's a separate – the MS4 process is – not that there's no relationship but it's a separate process.

COUNCILOR IVES: Yes. But I think the intent is to redo our MS4 as part of that plan and as part of that too we have $150,000 technical assistance grant from the EPA.

COMMISSIONER HAMILTON: Dollars as opposed to people.

COUNCILOR IVES: I think it may be people as opposed to dollars. And hopefully at least some of that will be done within the next 12 months. I think.

COMMISSIONER HAMILTON: Thanks. That makes sense.

CHAIR ROYBAL: Member Fort, did you have something else?

MEMBER FORT: I did have a couple of questions. So with respect to enforcement, when the Environment Department learned that the stream standards were being violated for these designated uses, what steps have they taken over what period of time to remedy the situation, if any?

MR. HARWOOD: I believe that that triggered the schedule to set the TMDL. So the non-attainment for the use in the designated – the non-attainment of the use in the stretch, which is the exceedence of a level, triggered then the schedule for setting a TMDL, which is the same process we were just speaking about now. So it's not a –

COMMISSIONER HAMILTON: Ridiculously slow.

MEMBER FORT: For how many years has the river been out of compliance with those designated uses?

MR. HARWOOD: Well, we have first listing in 2012, 2014 and 2016, then triggering a TMDL estimated date of creating the TMDL of 2017. So it's been between five to one years. They obviously had non-attainment on a number of things and then they picked a date to sort of do the segment, I think is how it's worked.

MEMBER FORT: And is the consent order – did that involve enforcement by the state for violations of the State Water Quality Standards?

MR. HARWOOD: No.

MEMBER FORT: So the State is not foreclosed from taking action by the whatever causes of action went into the consent order. That may be more than you know, but I just –

MR. HARWOOD: Yes, the order on consent – let's see if I can do this question justice. I've got Daniela whispering in my ear. Would you like to come up?

DANIELA BOWMAN (BDD Staff): The order on consent associated with Los Alamos National Lab refers to RCRA enforcement. That is a completely different act. So the water quality control standards do not apply. So different things apply. And the order on consent is usually not associated with surface water. We have groundwater, springs, soil, sediments and other things and as Kyle mentioned, if it involves only radionuclides then it does not cover such contaminants. Only if you have radionuclides mixed with hazwaste, which makes the entire contamination hazwaste, then the order on consent applies.

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MEMBER FORT: So my question then for Mr. Harwood would be then since the State has apparently not taken enforcement action with respect to the violation of these designated uses and non-attainment status for the designated uses, did you reach a conclusion as to whether or not there's anything – leaving out the AEA of 1954, with which I'm somewhat familiar, but leaving that aside, is there any barrier to the State taking enforcement action now, in addition to the TMDL action?

MS. BOWMAN: If I just may include something. Members of the Board, Mr. Chair, here, in this particular appendix if you notice, the source of contamination is listed as unknown. Until the State can confirm who has contaminated this reach they cannot take any actions. So if the source stays as unknown then practically there's nothing that they would do. It's just on that page. If you look at the page.

MEMBER FORT: Yes, it does. Thank you.

MR. HARWOOD: So I think one thing that we have not done yet but we could do, and I think this may answer your question more directly is if we can specify the exact contaminant concern and the issue we could bring back to you some suggestions and some work effort and schedule and likelihood of success sort of summary, like you would do for any sort of legal question on how to get from where we are to where we want to go. And that we have not done. I know now, as you ask the question again, I know you've asked it before so I'm sorry I didn't come prepared at this presentation to give a fuller answer but it is a complex question to map out all of the legal or regulatory options for addressing a particular problem and I think we would have to get pretty specific the issue and what our goal is in order to identify either the legal or regulatory paths to it. So again, I'm sorry I don't have a fuller answer tonight.

MEMBER FORT: Mr. Chair, I guess my suggestion at this time is that we consider a letter from the Board to the Director of the Environment Department asking them whether or not their position with respect to taking enforcement action for violation of these designated uses. So, and I agree with Mr. Harwood. It would be very nice for us to do the work in addition but I don't know what investment we want to make but a first step would be to tell the State that we're interested in seeing them acting now. I think another lawyer has a comment.

COUNCILOR IVES: Well, just on that point I'm trying to understand, based upon what Kyle has reported we have, as we said back whenever, a non-enforcement standard was adopted in 2009, so one that was for monitoring and public disclosure, presumably not for enforcement. And now we're saying that the fact that there are these impairments – I'll have a later question on whether public water, drinking supply is impaired or not. No. Good.

MR. HARWOOD: It's not impaired because there haven't been standards set for it.

COUNCILOR IVES: Okay. So I think one of the problems of asking for enforcement is we have monitoring standards but apparently no standards that are enforceable. Am I understanding that correctly?

MR. HARWOOD: Yes. A public water system use in our segment was not assessed because there are no standards set for the PWS – public water system – throughout the reg. And we had a discussion earlier about why that is and I think it's fair to observe that many water systems in the state are concerned about setting standards for their source water. And so it's not been a push by water providers to set standards and if

you think for a moment, a lot of water providers also run wastewater treatment plants you can understand that there's potentially a linkage there and if you start setting standards you now have the State telling you when you can and can't divert water even if you're confident that your plant can treat it. So there's a whole set of issues there around just asking for standards to be set where there are none now that I think need to be considered.

But certainly Professor Fort's point that we could enquire as to the nature of the current non-supporting attainment criteria for the uses that have been violated. Because obviously clean water for irrigation is a metric of whether it's clean water. Clean water for livestock watering is a measure of the health of the water, generally. And certainly we could enquire about these uses that have already been fully promulgated but I think we should be very careful before we ask for standards to be set for public water systems as predecessors have been.

COUNCILOR IVES: So what, if I might by way of follow-up, what enforcement would be possible in connection with the impaired uses?

MR. HARWOOD: Well, if you went through the TMDL process and the implementation plan would then identify sources and then you'd have an implementation plan there that would seek to manage the source and managing the source can run the gamut from education through to new regulatory regimes and fines and penalties for violating those regimes, but the act itself has a fairly broad set of nouns for the kinds of things that can go into those plans.

COUNCILOR IVES: And when you say TMDLs are to be set in 2017, is that TMDLs for all of the impaired uses?

MR. HARWOOD: Yes. So it's for all of these – they're called causes of the non-attainment for the use, so it's the aluminum, the alpha, the PCB, the selenium, that list of things, that's the TMDL that's supposed to be set in 2017, estimated.

COUNCILOR IVES: Thank you.

MEMBER FORT: Mr. Chair, if I would continue, so to be clear, the State could actually go in now and take enforcement action, assuming it knows the cause of contaminants which it may or may not. But if it does have a reason to believe it knows the sources of contamination it could enforce now under the State Water Quality Act directly against the entity that's causing non-attainment. And it could do it and we could have a role or any citizen attorney could have a role under the mandamus, probably, against the State to say time to get in there and take enforcement action against the entities causing non-attainment. So that's available to the State. And that would be my opinion because I'm pretty familiar with the State law. And the State has broader authority under the law than the EPA has under the NPDES program. We had the Water Quality Act before the Clean Water Act indeed.

So the State could take action and the purpose of my question would be to ask the State why it hasn't done so. TMDL is one route it could go for action but it's not the only route.

CHAIR ROYBAL: Okay. Thank you, Member Fort. Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. This discussion makes me wish I would have gone to law school.

MEMBER FORT: You still can.

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COUNCILOR DOMINGUEZ: And it's a good thing I paid attention in high school chemistry. But I was going to ask some of this during the budget discussion but let me ask you, Kyle. I guess I would be a little concerned about maybe fiscal impacts and what some of these – has there been any analysis about what some of these – because we're talking about not only public disclosure but we're talking about regulations and potential unfunded mandates. And I'd hate to put this Board in a position where we aren't prepared, necessarily, in looking forward to determining what some of those impacts might be. Have we done any of that?

MR. HARWOOD: We haven't, Board member. One way to approach this question is to come up with a set of recommendations for the Board to consider. And then when we have a little clearer sense, Councilor Dominguez, about exactly what recommendations the Board wants to adopt as a body then we could put some work effort in numbers to that. And I know the relatively straightforward matter that Board member Fort has mentioned, drafting a letter to enquire, that's not a major work effort but certainly, if we were to develop a set of recommendations I think it would be prudent to come back to you with a –

COUNCILOR DOMINGUEZ: But I guess, let me ask it a little bit more directly. You don't foresee anything happening in this fiscal year that would cause fiscal impact that we're not anticipating.

MR. HARWOOD: I think the answer is no. There's nothing I can really think of. We have the work effort that we're in the midst of now, which is budgeted for bringing you the MOU.

COUNCILOR DOMINGUEZ: Right.

MR. HARWOOD: Because that is an end of year effort and it's related to some of these topics and that I think we feel is a very high priority to have a new MOU in place before the end of the year, but on these bigger picture questions that some of these items have touched up, if the Board wants to get involved in the triennial review in a future round, obviously that would be a work effort and budget effort. But I think that Nancy and I are available to help map out a set of recommendations for you really on any topic.

COUNCILOR DOMINGUEZ: So when would we – I guess with all this discussion and there's this uncertainty. I know the State law, it is what it is, and when do you think that we would have to start anticipating some of those fiscal impacts? We're talking water quality regulations and –

MR. HARWOOD: I would urge the Board that we stay focused on getting a new memorandum of agreement with LANL for the next six months. We have a work plan that we'll be presenting in a moment for your consideration, because that's really a pillar of our relationship with our neighbors around stormwater management and what we've explained to the public is how we manage stormwater quality from the source water. And then I think as we bring that effort to a close, which we're targeting right now for the October Board meeting, then we could bring back to you some of the broader water quality topics and what a schedule and budget would look like for that. Am I answering your question?

COUNCILOR DOMINGUEZ: Yes. Yes, you are, because it was really – because that's the next item on the agenda is the LANL MOU. And I know that we had discussions in March about our budget and I think it was after that that we had

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discussions about water monitoring. It was around that time. And so I just want to make sure for all intents and purposes that we're prepared, that we're not – we're going to get this MOU and all of a sudden there's going to be this huge fiscal impact that we're not anticipating and that, really that the professionals have done their homework and that you guys have anticipated some of those things. I guess that's really it, Mr. Chair. I have other questions on the budget but I was going to ask that one during the budget discussion but it sounds like when we talk about required water sampling, testing, inspection, analysis – all those things that we've kind of talked about that are all taken care of and are all part of our operating budget. Okay. That's it. Thank you.

CHAIR ROYBAL: Thank you, Councilor. Commissioner Hamilton.

COMMISSIONER HAMILTON: My question was partly, maybe partly to both of you, Councilor Dominguez. I'm wondering what fiscal impact you're wondering about. Are we just concerned about – or are you thinking about that some of these impairments translate into sampling requirements or treatment requirements or whatever? Because clearly, BDD has been treating – part of the reason a lot of systems, as Mr. Harwood alluded to don't – system managers aren't rushing to put water quality standards on public water supply uses because the plans treat to it and it's regulated on the export side, on the output side. And so the BDD has been successfully treating, because we've been sampling. That's monitored. So it's treated water to Safe Drinking Water Act standards. So all these other standards, like some of the things that that reach is impaired for are important in terms of preserving the health of the river, but they probably, frankly, don't really impact the output quality of the BDD drinking water unless we actually identified a problem that was difficult to treat and became a pass-through. And there are concerns about that with like personal care products and certain fine organic pollutants and hormone mimics and that sort of thing. But –

COUNCILOR DOMINGUEZ: I can tell you I don't know enough of State law or water quality standards to make any kind of determination. I just want to make sure that, for instance, if we are going to mandate more monitoring than is required that we're prepared for those impacts. That's really –

COMMISSIONER HAMILTON: Maybe Mr. Harwood would want to chime in, but I suspect that some of the stuff Member Fort is referring to – and I do have a question about what the value of doing a letter would be, what the intent would be, but that would require somebody else to be monitoring, not the BDD, because we're not the source of the impairments.

COUNCILOR DOMINGUEZ: And to that issue, I just want to make sure that – how do they say? The road to hell is paved with good intentions.

COMMISSIONER HAMILTON: You make a good point. Yes.

COUNCILOR DOMINGUEZ: I just want to be cautious that we're not going to do something that's well intended, and rightfully so, but that has an unintended or uncalculated or –

COMMISSIONER HAMILTON: Exactly. And it's in that specific regard I wondered if you could comment on Member Fort's letter suggestion. What would, besides general environmental concerns, which I have just as a professional interest, what the BDD concerns might be served by such a letter?

MR. HARWOOD: Well, I think part of Board member Fort's – if I understood the reason for suggesting a letter, is to not only, number one, put it on the

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record, about what our Board concerns are, which we would need to work through as a consensus matter, but also then to elicit some kind of response. Right? To also get some kind of answer back on where they stand and what they're doing and what their workload is. We're sure to hear concerns about their budget and staffing, which are very real, as I think we all know.

What I'd like to suggest though, so we could perhaps move forward on this topic is that Daniela and I contact our counterparts at NMED, make sure we get nailed down, for example, whether this 2017 TMDL process is on track and get a little more detail on where things stand and then perhaps bring back a draft letter to you all to look at at the next Board meeting so you can see whether it's going in the direction you want to go. But if it's going to serve those two points of expressing the Board's interests and concerns on this topic generally, and then asking for a response, that I think is all sort of cricket among entities like the Board and NMED.

MEMBER FORT: May I, since this was my – just to clarify what my thought was. I think as a citizen of the city and county, in so far as we are taking water out of our river and insofar as the river is polluted, in effect, I am confident that the water is treated before it's served to the citizens but I'd hope that – this sounds wrong – I'd hope my elected officials, none of whom is directly from my district present in the room – I'd hope my elected officials – and I'm sure you do – care about the quality of the Santa Fe River. So I guess if this body didn't speak out about the quality of the river I'm not sure what body would speak out and so it's the Santa Fe River – I say Santa Fe River; I'm meaning Rio Grande as I speak. It's the Rio Grande from which we get our water. If the Rio Grande is polluted we should be concerned with water quality in it and I think most citizens would want to know that this body and elected officials from the City and the County are working to clean up the Rio Grande insofar as it's a source of drinking water, but we fish in it. Sometimes we just play around in I, the water whether we should or not.

So from that perspective, starting the process with the Environment Department says we care about water quality and if you care about water – we know they do – what steps have you taken to protect water quality in the Rio Grande? And there may be a good answer for that, but I don't know enough about what that answer is.

COUNCILOR DOMINGUEZ: Mr. Chair, I completely agree. I think if we're going to move in that direction the more information we have, the sooner the better. That way we can anticipate those potential fiscal impacts and we can prepare ratepayers or whomever to pay for those things. So I have not objection to that. I think that's an appropriate direction. Again, I don't know enough of water quality and all of the nuances of it all to say but I definitely care that we have a high water quality standard and if we're going to go above that that's even better. But we should all be wary of what the unintended consequences might be. So I have no problem with that.

CHAIR ROYBAL: Okay. Thank you for your comments. I don't think we have any other comments but I do want to make everybody aware that we need to be out of here by 6:00. So if we can move on to the next item. I think you're going to prepare some additional information for us at the next –

MR. HARWOOD: Certainly.

CHAIR ROYBAL: Thank you, Mr. Harwood. Councilor Ives.

COUNCILOR IVES: Mr. Chair, I think I would support the concept of

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posing a letter to ask the question because obviously the cleaner the water delivered to the BDD I think the better off all of us are. So I think we do have a vested interest on the quality of the water in asking the question or what the agency is doing is like a fair and reasonable thing to do. So I'd love to see us, maybe at the next meeting, review such a letter with the possibility of approving, sending it out.

CHAIR ROYBAL: I'd be in support of that. Is everybody –

COMMISSIONER HAMILTON: I'd be in support, especially given the discussion.

CHAIR ROYBAL: Okay. Thank you.

9. LANL MOU Update

CHARLES VOKES (BDD Facilities Manager): Mr. Chair, members of the Board, it's going to be a tough act to follow. I'm going to try and keep mine as simple as I possibly can. One of the things I would like to remind the Board is that the Board is currently funding a treatability study. It's a three-year study and that is in the budget. This will be our third year, to look at those pharmaceuticals and EDCs and the effectiveness of the BDD in treating those. So I believe we're doing all the right things. In meeting with our counterparts at LANL I believe that Mr. Hinze and Mr. Underwood and kind of the new folks at LANL have been very cooperative. They have an interest; they live here and there has not been any resistance to creating the new memo of understanding.

The BDD has and will continue to follow the policy upon notification of stormwater flow from the Los Alamos Canyon that we will suspend our diversion until that ceases. What I'm seeking and hoping that the Board will also go along with this is one, that absolutely we need to continue our early notification system. So we need to know when we have stormwater events that will impact the water quality at the river from flow from the canyons, that we absolutely have that early notification 100 percent of the time. So that's item one.

And then the second item that we are seeking is continuing the funding for the water quality surveillance monitoring. The purpose of this monitoring is simply to determine the continued presence or absence of elevated levels of contaminants within the region. And the last MOU that was in the form of a grant from the DOE to the BDD. This allowed us to tailor our program as we got results, changing the sampling frequencies and protocols as we got results. Those two items, the ENS and continuing the water quality monitoring program in principle, all of those that have been in the meeting, the Los Alamos folks and myself and Mr. Harwood, we feel like that's a good direction and they have agreed in principle that we can move forward with that.

So where we are in the MOU meeting is then taking those two items and having the attorneys, Mr. Harwood and Mr. Underwood representing LANL, sit down and start drafting. What does that look like? What are the actual responsibilities? So our goal in moving forward with that particular MOU is to have the attorneys start drafting, and then hopefully we have something that we can present to the Board to look at way before the October meeting. We're thinking we can get this done in the next month or two at the most.

And so that would be my recommendation is that the memo of understanding, we

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continue. We absolutely need the ENS system and we absolutely need the water quality surveillance program, just to continue to see what's going on out there. From there I can answer any questions or concerns that you have.

CHAIR ROYBAL: Is there any questions or concern from the Board? Councilor Ives.

COUNCILOR IVES: Thank you, Mr. Chair. If we're shooting for October, it would be great if we had at least drafts of the MOU to start reviewing at the next meeting in August. Because if we wait until September the opportunity to suggest changes, given the October deadline will be precious close. So if it's possible to have that for the next meeting, I would strongly encourage that.

CHAIR ROYBAL: Thank you, Councilor Ives. Any other questions from the Board? Mr. Harwood, did you have –

MR. VOKES: Mr. Chair, I wanted to clarify that the MOU expires the end of the year, so our deadline is actually December. We're shooting to be way before that. But we will be putting our best effort into getting something to the Board by the next meeting if we can.

CHAIR ROYBAL: Thank you, Mr. Vokes. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. So Mr. Vokes, we've had presentations on the sampling plan that is going into the MOU. Are we still talking about something consistent with that? Because it's modified a little from what has been done in the past, right? It's a little less extensive and whatever. But if I remember, it had some upstream and downstream monitoring and it was enough to at least cover the discharge questions. It had less constituent – less stations where there were constituent monitoring. Are you still happy with that plan or do feel like a need for the Board to look at that again or anything? Is that still on the table for modification?

MR. VOKES: Mr. Chair, Commissioner, I believe that our plan is part of the NMED plan and the Los Alamos monitoring plan, so when we create our annual reports we take what we see, what the NMED program sees, and also what the laboratory program sees, and roll that all into our report. And so what I think our report is is a verification and a participation with those other plans. There has been some language in the MOUs as far as we're going to understand everything that's going on so we're 100 percent sure that we can treat everything.

And as you know, many of these things are not regulated at all, not by EPA, not by NMED. There are some European Union standards on some of them but within the United States they're not regulated. And so the understanding of it, that's why I strongly agree with our program that says when we get flow we're not going to divert. Then certainly our treatability study will give us some indications of some of those other things – the pharmaceuticals and things like just caffeine that are within the environment that we see. How good are we at treating those? You all built a very robust plan as far as what it can and cannot treat.

And so that's what we're looking at, is if we can continue with the grant money that we have I feel like we have a program that we're comfortable with. We can look at those events. We can see what's going on. We can look at the Environment Department's sampling program and their results, and also the laboratory's programs, and then put them together in something that makes sense for the BDD.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Thank you, Mr. Vokes.

10. Report from the Executive Director

MR. VOKES: Thank you, Mr. Chair, members. The only item I have is a quick position vacancy report. One of the things I'm pleased to announce is that Michael Dozier, who represents the operations report is now officially the Operations Superintendent at the BDD. So we're very excited to have someone in that position. We've kind of been doing revolving roles in that, and so we're excited to have him in that position.

We've also filled our electrical position at the BDD. Both of these were internal candidates that we're moving into those positions, so that the number of vacant positions hasn't changed, unfortunately. But we have filled two key positions. So we have our fiscal administrative assistant and a couple of repairman positions and then we've now got an operator position. We are working on those. We are conducting interviews on three of those currently within the next week or two. So we will get there. So I did want to report on that.

Another item that I need to bring to the Board's attention is that we did do an emergency procurement. As you may recall, we have been in the process of purchasing a couple of VFD – variable frequency drives – that adjust the speed of the pumps, and those are the pumps that take the water from the conventional plant and pushes it through the advanced plant. We had two of those VFDs that had gone out and so we purchased those two. Unfortunately, the third one went out last week and so we did an emergency procurement. The two that we had purchased arrived in Albuquerque but the installation of those, we did use an emergency procurement to get those installed during the weekend before the Fourth of July. We were down to essentially one pump within the plant because of those VFD failures.

We feel like the new model, the brand that was bought, are going to be much more robust and they will last more than the five or six years that these have lasted. So Mackie will be bringing that to the Board down the road. And the amount on that was about $49,000 for the installation. The purchase of the two VFDs was about another $49,000. So it's about a $100,000 investment in that equipment. But I wanted to bring that to your attention.

The other thing that you will be seeing down the road is the purchase of an additional two more VFDs so that we have four new ones in place, because we have now two in place and we have one that's probably going to follow the way of the others. But we will be bringing that to the Board within the next few months. So questions, comments on anything?

CHAIR ROYBAL: Do we have any questions or comments from the Board? Okay. Thank you, Mr. Vokes.

DISCUSSION AND ACTION

13. Request formal adoption of the Fiscal Year 2018 Annual Operating Budget in the Amount of $8,284.536, Plus $626,706 in Contributions to the Major Repair and Replacement Fund

MS. ROMERO: Mr. Chair, members of the Board, we are here to request formal adoption of the BDD annual budget for fiscal year 2018. On March 2, 2017, the BDD Board approved the proposed annual operating budget and other fund contributions, and recommended the budget to be considered and approved by Santa Fe City Council and Santa Fe County Board of County Commissioners.

On April 26, 2017, the City of Santa Fe's Water Division's annual budget, which did include funding for BDD was approved by Santa Fe City Council. And on June 27th the Santa Fe County Public Utilities Department's annual, which did include funding for BDD, less $59,420 was also approved by Santa Fe County Board of Commissioners. Therefore based on the amounts requested and approved by our governing bodies the BDD is requesting formal adoption of $8,284,536, plus the annual contribution to our major repair and replacement fund for 626,706.

The formal adoption is $208,842 less than the amount that was requested and approved by the BDD Board. This reduction is due to the removal of a vehicle purchase and Santa Fe County has agreed to donate a comparable vehicle to BDD. So that has been removed from the adoption of the budget. Do you have any questions?

CHAIR ROYBAL: Do we have questions from the Board? Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. Actually, some of the questions were already asked, and just to clarify, Chuck, I had asked Mackie out in the hallway that the $626,706 was from the major repair and replacement fund and that's articulated on the last page of the budget.

MS. ROMERO: That is correct.

COUNCILOR DOMINGUEZ: Correct? Okay. And then I just want to go over vacancies again. I know that we're not balancing our budget based on vacancies but it looks like we're anticipating four vacancies at the close of the 17 fiscal year. Is that how I read that? And that's on page 6. It says with four vacant positions.

MS. ROMERO: Mr. Chair, members of the Board, that may have been as of when we took the budget for approval, but I'm sure that number has changed so I'll refer to Mr. Vokes to see where we're at.

COUNCILOR DOMINGUEZ: Well, let me just ask you this. This is based on the numbers that we had in March.

MS. ROMERO: The budget is based on filling all positions so we budget – so the four vacancies that we have here presented was just to explain where we thought we were going to end the fiscal year as far as expenditures in comparison to the budget request but our budget request does include funding for all BDD positions.

COUNCILOR DOMINGUEZ: Just that comment – I'm glad to see that we're not balancing the budget on these vacant positions and just to encourage you to keep trying to get these positions filled.

And then, I guess just another comment. There were no major discussions –

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correct me if I'm wrong, Councilor Ives – outside of what's been presented at the City Council level, or at the City Council.

COUNCILOR IVES: Not that I recall.

COUNCILOR DOMINGUEZ: And then on page 9, the compliance agreements, required water sampling, testing, inspection, analysis, that's the $181,000? What is – give me an example of what that – I mean that's an agreement.

MS. ROMERO: So Mr. Chair, members of the Board, that line item is actually a compilation of several compliance agreements. We have the $120,000 for our ALS, and that includes the federal grant funding of $96,000 in there, plus BDD's contribution. Then you have the TREAT study, which is done also from ALS and that was the approval on the Consent Agenda. That's about $30,000. And then we have Hall, which does some more additional sampling. That's another contract we do. We budgeted about $20,000 for that and that's roughly what makes up the compliance and water sampling testing and inspection and analysis. So it's a combination of compliance agreements.

COUNCILOR DOMINGUEZ: These compliance agreements – Chuck, maybe you can answer this better. Are these mandated compliance agreements? Or are these self-imposed, or a combination of both? I know that in the end it's for the better, but –

MR. VOKES: There are samples that we're required to do, there are samples that we're electing to do. The stormwater quality monitoring program which the majority of that is funded by the laboratory, I would say that is elected because we're going out and we're sampling the river and [inaudible] the TREAT study is another elected group of samples that we're doing, but then there are those that are regulated by the Environment Department and the EPA that we are required to do on a monthly, quarterly, even daily basis that's included in that.

COUNCILOR DOMINGUEZ: This captures all of that.

MR. VOKES: Yes.

COUNCILOR DOMINGUEZ: All of that operation. And I think that's all I had, Mr. Chair. there was – that's it. Thank you.

CHAIR ROYBAL: Thank you, Councilor Dominguez. Did we have any other questions from the Board? Councilor Ives.

COUNCILOR IVES: Thank you, Mr. Chair. I think one follow-up. We've been talking about the LANL MOU, which obviously involves sampling protocols. Is that item in those compliance agreements, and if not where is that reflected in the budget, if at all?

MR. VOKES: That's included in those amounts. It was offset.

COUNCILOR IVES: Yes.

MS. ROMERO: And Mr. Chair, members of the Board, you see the funding as part of the federal grant funding, is the $96,000. If you go to your last page you'll see that that is also part of the budget approval. You'll see federal funds are included in there for that agreement that's tied to the MOU.

CHAIR ROYBAL: Okay, any other questions from the Board? What's the pleasure of the Board?

COUNCILOR DOMINGUEZ: Move for approval.

CHAIR ROYBAL: We have a motion by Carmichael Dominguez.

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COMMISSIONER HAMILTON: Second.
CHAIR ROYBAL: And a second by Commissioner Hamilton.

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

14. Request approval of Award of Bid No. '17/36/B "BDD Water Treatment Plant Chemicals" to various vendors for fiscal year 2017/2018

CHAIR ROYBAL: I'd like to say congratulations to Mr. Dozier.

MR. DOZIER: Thank you, Mr. Chair. Mr. Chair, members of the Board, in May we issued a request for bid for several water treatment plant chemicals. In June we received all of the bids and went through everything. Listed below are the winning bids and we request approval of the bid documents listed in the next few pages.

CHAIR ROYBAL: Okay, do we have any questions from the Board? What's the pleasure of the Board?

COUNCILOR IVES: Move to approve.
COUNCILOR DOMINGUEZ: Second.
CHAIR ROYBAL: We have a motion and a second.

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

MATTERS FROM THE PUBLIC

CHAIR ROYBAL: Is there anybody here from the public today that would like to address the Board? Okay, seeing nobody here from the public to address the Board I'll go ahead and close Matters from the Public.

MATTERS FROM THE BOARD

CHAIR ROYBAL: Do we have Matters from the Board? Anybody from the Board have anything? Okay, I need to read into the record. I'll state for the record and our minutes that the only matters discussed during the executive session at our last regular Board meeting on June 1, 2017, as well as at our special meeting held on June 26, 2017 were the matters as stated in the motion to go into executive session and no action was taken.

I'm going to go ahead and close Matters from the Board.

NEXT REGULAR MEETING: Thursday, August 3, 2017@ 4:15pm

ADJOURNMENT

Having completed the agenda, Chair Roybal declared this meeting adjourned at approximately 5:45 p.m.

Approved by:

Henry Roybal, Board Chair

Respectfully submitted:

Karen Farrell for Wordswork

Debbie Doyle, Wordswork

ATTEST TO:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

SFC CLERK RECORDED 11/08/2017

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 27

I Hereby Certify That This Instrument Was Filed for Record On The 8TH Day Of November, 2017 at 09:26:55 AM And Was Duly Recorded as Instrument # 1840912 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy A. Laura Hernandez County Clerk, Santa Fe, NM

EXHIBIT 1

Buckman Direct Diversion

CITY CLERK'S OFFICE
DATE 6/28/17 TIME 2:00
SERVED BY Shekinah Lopez
RECEIVED BY

AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, JULY 6, 2017
4:15 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 LINCOLN

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE JUNE 1, 2017 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. REPORT ON JULY 3, 2017 FISCAL SERVICES AUDIT COMMITTEE (FSAC)

INFORMATIONAL ITEMS

7. Monthly Update on BDD operations. (Michael Dozier)
8. Overview Presentation on Rio Grande Water Quality Regulations. (Kyle Harwood, BDD Counsel) **VERBAL**
9. LANL MOU Update. (Charles Vokes) **VERBAL**
10. Report from the Executive Director. (Charles Vokes) **VERBAL**

SFC CLERK RECORDED 11/28/2017

CONSENT AGENDA

11. Request for approval of Professional Services Agreement with Hall Environmental Analysis Laboratory in the amount of $20,000 exclusive of NMGRT. (Mackie Romero)

12. Request for approval to enter into a Professional Services Agreement with ALS Global to provide water quality analysis as called for in "The Removal of Efficiency and Assessment of Treatments (TREAT)" study for the amount of $30,000 exclusive of NMGRT. (Mackie Romero)

DISCUSSION AND ACTION

13. Request formal adoption of the Fiscal Year 2018 Annual Operating Budget in the amount of $8,284.536 plus $626,706 in contributions to the Major Repair and Replacement Fund. (Mackie Romero)

14. Request approval of Award of Bid No. '17/36/B "BDD Water Treatment Plant Chemicals" to various vendors for fiscal year 2017/2018. (Michael Dozier)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT REGULAR MEETING: Thursday, August 3, 2017 @ 4:15pm

ADJOURN

Executive Session

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding threatened or pending litigation in which the BDDB is, or may become a participant, including without limitation: Discussion regarding Diversion Structure issues. (Nancy R. Long)

End of Executive Session

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE

CLERK RECORDED 11/28/2017