Buckman Direct Diversion

AGENDA

The City of Santa Fe
And
Santa Fe County

CITY CLERK'S OFFICE
DATE 9/28/17 TIME 9:20 AM
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Buckman Direct Diversion Board Meeting

THURSDAY, OCTOBER 5, 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 SEPTEMBER 7, 2017 BUCKMAN DIRECT DIVERSION BOARD MEETING

INFORMATIONAL ITEMS

6. Monthly Update on BDD operations. (Michael Dozier)
7. Report from the Executive Director. (Charles Vokes) **VERBAL**

CONSENT AGENDA

8. Request for approval of the Letter of Support for the FY 2018 Water Trust Board Application for the 4 Million Gallon Finished Water Storage Tank Project. (Charles Vokes and Allan Hook)

DISCUSSION AND ACTION

9. Discussion and possible action on BDD Board letter to New Mexico Environment Department regarding Rio Grande Water Quality regulations. (Kyle Harwood and Charles Vokes)

10. Discussion and possible action on a new and revised BDD Board LANL MOU regarding RG Water Quality. (Kyle Harwood and Charles Vokes)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT REGULAR MEETING: Thursday, November 2, 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. (Kyle Harwood)

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

11. Request for approval of Procurement of Water Service Connection Equipment, Water Meters and Supplies for the Transmission and Distribution Section from Baker Utility Supply Corp., Albuquerque Winnelson, HD Supply Waterworks AKA Core main LTD, Ferguson Water Works and Water Meters of New Mexico via State Price Agreements 60-000-15-00030, 60-000-16-00067 and 50-000-1500052. (Mike Moya)

    Public Utilities Committee – 10/4/2017
    Finance Committee – 10/16/2017
    City Council – 10/25/2017

12. Request for approval of procurement of replacement Carpet and Tile for the main Water Division Building on San Mateo from Coronado Paint and Decorating via State Price Agreement 60-000-16-00065 for the total amount of $62,580.39. (Stephanie Lopez)

    Public Utilities Committee – 10/4/2017
    Finance Committee – 10/16/2017
    City Council – 10/25/2017

13. Request for approval of procurement of repairs and equipment from Pete's Equipment Repair, Inc. for the Wastewater Management Division over $50,000 exclusive of NMGRT. (Jerry Tapia)

    Public Utilities Committee – 10/4/2017
    Finance Committee – 10/16/2017
    City Council – 10/25/2017

14. Request for approval of a Budget Amendment/Increase FY 2017/2018 for the amount of $55,465 for UCS Operating budget and $223,773 for Water Operating budget to continue to fund open purchase orders for Council approved on-going contracts in the Operating Budgets of each division; various vendors. (Shannon Jones)

    Finance Committee – 9/18/2017
    Public Utilities Committee – 10/4/2017
    City Council – 10/11/2017

MATTERS FROM THE PUBLIC
MATTERS FROM THE CITY ATTORNEY
MATTERS FROM STAFF
MATTERS FROM THE COMMITTEE
NEXT MEETING: Wednesday, November 1, 2017 @ 5:00pm
ADJOURN

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.

MINUTES OF THE

THE CITY OF SANTA FE & SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

October 5, 2017

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Peter Ives, Vice 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 a quorum was present with the following members present:

BDD Board Members Present:
Councilor Peter Ives
Councilor Carmichael Dominguez
Commissioner Anna Hansen [County alternate]
Commissioner Anna Hamilton
Mr. J.C. Helms [Citizen Alternate]

Member(s) Excused:
Commissioner Henry Roybal, Chair
Ms. Denise Fort, Citizen Member

BDD Board Alternate Members Present:
Mr. T. Engelhoff [non-voting]
Councilor Michael Harris [Alternate for City]
Ginny Selvin [Las Campanas non-voting alternate]

Others Present:
Charles Vokes, BDD Facilities Manager
Kyle Harwood, BDD Consulting Attorney
Mackie Romero, BDD Finance Manager
Bernardine Padilla, BDD Public Relations Coordinator
Michael Dozier, BDD Operations Supervisor
Christi Manzanares, BDD Administrative Assistant
Debra Harris-Garmendia, BDD Fiscal Administrator
Stephanie Lopez, City of Santa Fe Utilities
Erika Lovato, Santa Fe County Finance
Alan Hook, City Water Resources
Marcos Martinez, Assistant City Attorney
Greg Shaffer, County Attorney
Kelley Brennan, City Attorney
Bill Schneider, City of Santa Fe
John Dupuis, Santa Fe County

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Michael Kelley, Santa Fe County
Rick Carpenter, City of Santa Fe
Steven Horan, DOE EM-LA
Doug Hintze, DOE EM-LA
Cheryl Vokes, Citizen

3. APPROVAL OF AGENDA

Councilor Dominguez moved approval as published. His motion was seconded by Commissioner Hamilton and passed by unanimous [5-0] voice vote.

4. APPROVAL OF CONSENT AGENDA

With no changes offered, Councilor Dominguez moved to approve. His motion was seconded by Commissioner Hansen and passed by unanimous [5-0] voice vote.

The motion passed by unanimous voice vote.

5. APPROVAL OF MINUTES: September 7, 2017

COUNCILOR IVES: Any changes from staff?
CHUCK VOKES (Facilities Manager): Mr. Chair, no changes from staff.
COUNCILOR IVES: Very good. Any changes from the Board?
COMMISSIONER HANSEN: Yes.
COUNCILOR IVES: Commissioner.
COMMISSIONER HANSEN: On page 10, on the seventh paragraph down at the end of Councilor Dominguez, it says, "So I guess as the representative of the public, thank you very much for, much for finding ways to make that happen." Then it says, "Thank you Commissioner Hansen." I believe that that was stated by Commissioner Hamilton. And then it goes to Commissioner Hansen.

Then over on page 11, the last paragraph, Councilor Harris, it says, "and I know that the MOU expires and December of this year," I think it should be, I think that's not what you said but you can correct me, Councilor Harris. I know that the MOU expires "in" December of this year; do you accept that?

COUNCILOR HARRIS: Yes.
COMMISSIONER HANSEN: Okay, and I believe that is all the changes I found.
COUNCILOR DOMINGUEZ: So moved for approval with those changes.
COMMISSIONER HANSEN: Second.
COUNCILOR IVES: We have a motion and a second. Any further discussion? All those in favor signify by saying "aye." Any opposed? Any abstentions?

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

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INFORMATIONAL ITEMS

7. Monthly Update on BDD Operations

MICHAEL DOZIER (BDD Operations Superintendent): Mr. Chair, members of the Board, total average million gallons a day in September for BDD are as follows: raw water diversions were 7.76 million gallons; driving water deliveries through Booster Station 4 and 5A were 6.61 million gallons; raw water deliveries through Las Campanas were .85 million gallons and total treated and non-treated water storage at the plant was .31 million gallons. The BDD was providing approximately 57 percent of the water supply for City and the County last month. And if you'll look down at the graph, at the end of the month of September we did 206 million gallons which was about 40 million gallons above average for last month. I stand for any questions.

COUNCILOR IVES: Questions from the Board? Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, is that September or August?

MR. DOZIER: September. Well, September is final because the report is built halfway into September so I like to give the end of the month total just so it actually looks like we did quite a bit there at the middle of the month but it ended up being 206 million gallons total for September.

COUNCILOR DOMINGUEZ: So in August we were way above the average.

MR. DOZIER: Yes we were. We've been that way for six out of the nine months shown.

COUNCILOR DOMINGUEZ: So just given the rainfall that we've had this year, have you seen any impact on the operation?

MR. DOZIER: So we have. We are just doing a little bit different operation style to where as soon as we have a plant where we can start diverting again, we're starting all the pumps up at the river again. Whenever we have to shut down we're making sure that we have plenty of stock at the plant, plenty of raw water to treat to try and segue away from turning off 4A and 5A.

COUNCILOR DOMINGUEZ: Okay. So, Chuck, I don't even though if this is a fair question to ask, if it is even something that can be measured but are you seeing any impact in the amount of chemicals or any of the other supplies that you need for the facility?

MR. VOKES: Mr. Chair, Councilor Dominguez, it pretty much tracks the amount of water that we make. Again, with higher turbidities we use more chemicals but it is relative to that amount that we make. There is slight decreases when the water is cleaner and of course increases when it is dirty but I just say it would track and that's pretty much what you see, Mike.

MR. DOZIER: Yeah, it pretty much does. That's the only thing that we can really track on it is while localizing the turbidity and making sure that we're settling enough in our pre-seds. On the average in the summer we do use more just for the fact of the way the river is but during the winter we tend to use less.

COUNCILOR DOMINGUEZ: So you order supplies based on the trends that you have.

MR. DOZIER: Based on that, based on time – we'll want to keep our

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stock full as possible just so that we don't have any issues. Along with the rain we can get issues with deliveries because we can't be delivering from the outside into our building during a rainstorm and things of that nature.

COUNCILOR DOMINGUEZ: Okay, thank you.

COUNCILOR IVES: Commissioner.

COMMISSIONER HAMILTON: Can you talk a little bit about why you think August and September were higher than average.

MR. DOZIER: One of the largest reasons we're higher than average during actually July, August and September was because of the flood flow conditions that were done from February to May. So during that time we couldn't be drawing – we couldn't request rights from the SJC water, it was only native water that was being used. So part of that situation was that we're calculating a payback to compensate any native water that was used during that time. Also, on top of that, there's been just a large demand this year. When we have had the rain it is more localized and it's only for a weekend or a few days. So temperatures and all have raised up the demand in Santa Fe.

COMMISSIONER HAMILTON: That's not what I would have expected. It's the first year since they've been doing drought records that the whole state has been out of drought for a month which – I mean, timing and location tells the important picture so I know that there's that consideration but it was just that I was a little surprised that demand would be off under the circumstances.

MR. DOZIER: A lot of the rainstorms have all been in the nights that we've been getting a lot of the rains so that also adds to it. If the day is nice and warm the whole day, people still have on air conditioners or washing vehicles and things like that. But if it rains at night it tends to settle a lot better into the land around us.

COMMISSIONER HAMILTON: Thanks.

COUNCILOR IVES: Commissioner.

COMMISSIONER HANSEN: Thanks. What I'm wondering is the Canyon Road Plant and the Buckman, so if our flow is higher is the Canyon Road Plant producing less?

MR. DOZIER: Usually that is the case. I mean if we're both in an exact percentage of 50 percent either one, that would mean no other wells or anything else would be running. So that also adds into it because we have more sources than just the both plants.

COMMISSIONER HANSEN: Are we using the wells?

MR. DOZIER: To my knowledge, we're using a few wells in the City wells not Buckman wells.

COMMISSIONER HANSEN: Okay, City wells. Okay, and I don't know if this is under your purview but the amount of capacity at Nichols and McClure is that –

MR. DOZIER: -- I don't really know much about that.

COMMISSIONER HANSEN: Okay, somebody else can answer that, okay. I'll leave it there for now.

COUNCILOR IVES: Any other questions by anybody? The one question I had was on the graph which is on the first page of the memorandum, it obviously list averages and then 2017; what is the average based on?

MR. DOZIER: The average is based on since day one what we've done in that month. So, everything other than 2017, 2016 back to 2011 would be what the

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September average would be based on.

COUNCILOR IVES: Very good. I just wasn't sure if it was a limited period or all the way back to the beginning, thank you.

Any other questions? If not, thank you for the report. Much appreciated.

MR. DOZIER: Thank you.

7. Report from the Executive Director

MR. VOKES: Mr. Chair, members of the Board, I have a brief report. I would like to begin my update by introducing our new fiscal administrator, Debra Harris-Garmendia, and I would like for Debra to come to the podium and just introduce herself and give you a brief description of who she is and where she came from. She is going to be one of our key members of the BDD team so I'm very excited to have her start. Debra.

DEBRA HARRIS-GARMENDIA: Hello, Welcome. I'm Debra Harris-Garmendia. I'm from Florida, originally growing up there and then I moved out to Santa Fe and then I went back. And so now I'm back again. I came out during the Hurricane Irma evacuation, so that was an event to remember, trying to move during all of that. Prior to that, I was a NASA contractor working out at Kennedy Space Center for six years.

My background is in finance, accounting, managerial accounting. I am a Florida CPA. I also have forensic auditing and internal controls as my background. And I have also been a private business owner and a financial analyst. So I think I bring all of that to BDD and I am very glad to be here. I'll take any questions if you have any.

COUNCILOR IVES: I would merely say, welcome. It's great to have you on board and we look forward to your in-depth reporting on what's happening out there.

MS. HARRIS-GARMENDIA: Thank you, nice to meet you.

COUNCILOR DOMINGUEZ: You'll probably see more water in Florida than we have in the whole state of New Mexico.

COMMISSIONER HANSEN: Welcome. We're glad you're here. We have other refugees from Florida and so we look forward to working with you so thank you very much.

MS. HARRIS-GARMENDIA: Thank you.

COUNCILOR IVES: Thank you.

MR. VOKES: Thank you. Okay, so big picture vacancies we still are at three as our magic number. We have two advanced water treatment operator positions opened and a BDD repairman. I believe we'll start the interviews for those during this month. They have been advertised and the applications are in so with any luck maybe by the end of the year we'll hit the magic zero number: that would be great. At this point, that's all I have to report. I'll take any questions or if anyone needs any information.

COUNCILOR IVES: Questions? In that case, thank you for your report and we will continue moving right along.

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DISCUSSION AND ACTION

9. Discussion and Possible Action on the BDD Board letter to New Mexico Environment Department regarding Rio Grande Water Quality Regulations

COUNCILOR IVES: Kyle, if you want to handle this that would be great.

KYLE HARWOOD (BDD Counsel: Thank you, Mr. Chair. Good evening Board members. As you may remember in prior months particularly Board member Fort had asked that we draft a letter to the New Mexico Environment Department requesting a meeting and an opportunity to talk with them about water quality exceedances in the Rio Grande as well as creating standards for the public water supply use in the standard which are currently undeveloped. So I drafted this letter for your consideration. I think as you know Board member Fort is not here this evening, she did ask me to tell the Board that she and I have discussed this letter and she is comfortable with this version, just for your information. And I stand for any questions that you may have.

COUNCILOR IVES: Questions. Is everybody pretty clear on the regulatory challenge, maybe challenge is the wrong word, but status I suppose in terms of trying to establish water quality standards, the TMDL. Commission.

COMMISSIONER HANSEN: Thank you, Kyle, for writing this letter.

MR. HARWOOD: You're welcome.

COMMISSIONER HANSEN: And as long as Ms. Fort, Member Fort is okay with this, then I am also good with this. It was her suggestion so I just wanted to make sure that she was good with this also.

MR. HARWOOD: Yes, she indicated the same to me and she also indicated that she would like to come to the meeting that the staff sets up so hopefully that is okay also with the Board. Given her background and having run the (NMED) department in its earlier incarnation it would be very helpful, I think, to have her present at this conversation.

We do – I'm sorry, I should have mentioned this at the beginning, Mr. Chair, we should figure out whether we just want a Chair signature here or if there are members who want to individually sign, the signature line is to be determined.

COMMISSIONER HAMILTON: I just wanted to mention for the record that Ms. Fort planned on being here but she texted that she had a family situation –

COUNCILOR IVES: Good. Councilor.

COUNCILOR HARRIS: Thank you, Chair. So, Mr. Harwood, public water supply criteria had not been developed under the rulemaking authority. I'm not sure what all is behind that statement but it seems like that would be a fairly significant undertaking. Is there some reason why that has not occurred in the past or did it occur and just got put on the shelf? Can you give us a little brief history of that?

MR. HARWOOD: Yes, I attempted to explain my understanding of that at a prior board meeting and my general sense is that the utilities that divert surface water for drinking water purposes they have to meet the Safe Drinking Water Act requirements on the backend of the water that they supply and so that tends to be the main regulatory driver for the technology that is used and how facilities area constructed and how they are operated. My working understanding is that there has been a kind of (process) where the utilities as a group in the state have wanted to keep their focus and some concern about addressing

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source water quality as being a whole other regulatory system that would require action and staffing , planning and funding. I know that when I gave that explanation a couple of months ago I was then catching grenades for a little while so I don't know that that's the only answer or even a complete one. But that is my general understanding. What particularly Board member Fort wanted to do was to visit with NMED about confirming whether that's the case, whether there are other things that we ought to be aware of and then to press them to consider creating those standards and ask them to respond.

COUNCILOR HARRIS: All right. Well, thanks for the reminder. So it's not even a matter that it is underway, it's been discussed, but it's not been initiated in any formal way.

MR. HARWOOD: That's my understanding. I don't want to ascribe a very high level of confidence to that but that's my understanding. I think generally speaking the Environment Department is working really hard on their core functions and creating new standards for use category is probably not part of their current functions , I suspect.

COUNCILOR HARRIS: Thank you, sir. Thank you, Chair.

COUNCILOR IVES: Councilor.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. I was going to ask a question somewhat similar to that. The letter is fine I think, I am in support of it. And you know those folks there at the state better than I do but do you think that this letter articulates a sense of urgency or maybe using really strong lawyer language to make sure that we're sincere about this.

MR. HARWOOD: The current drafting of it does not scream emergency but I think after this is delivered we can follow up appropriately in person and by phone to make sure that the staff there knows it is a priority for this group, and if we don't get a response that we're going to ask them to come here, perhaps, and speak to us. So I think we can make it urgent – we can increase the urgency if we don't get a response that meets your needs.

COUNCILOR DOMINGUEZ: So what does that timeline look like because we're getting in a whole political season. There's going to be a lot of changes – maybe not, I don't know. But I'm just wondering if this is going to be one of those things that just gets put to the bottom of the stack.

MR. HARWOOD: I will do everything I can to make sure it doesn't go to the bottom of the stack and if it does I'll report back so we can evaluate additional options.

COUNCILOR DOMINGUEZ: Okay, very good. Thank you, Mr. Chair.

COUNCILOR IVES: Commissioner.

COMMISSIONER HAMILTON: Mr. Harwood, you mentioned things that would be discussed with NMED and this is pertinent to a question about what these criteria mean. Like what the process is and in a different state so it may or may not be applicable here, one of the concerns about setting up criteria is what you do if they're broken. Part of what you have to consider is what the actions will be if criteria exceeded. So for other designated uses when they're exceeded there is a whole EPA process and they get listed, and then there are mitigation things or blah blah. So I think in another place it raises the issue of whether if the source water, if you have specific criteria and source waters exceed and you do have to stop withdrawing water even though there is also treatment – so it gets – well, that might be something that can be added to the discussion list.

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MR. HARWOOD: That's a very good point. I didn't get into that level of detail but depending on how the criteria are set and where they're set and whether exceedances occur how those exceedances are handled is obviously a major issue.

COMMISSIONER HANSEN: Do other states have this water quality supply criteria?

MR. HARWOOD: Yes.

COMMISSIONER HANSEN: Like Colorado?

MR. HARWOOD: Yes, I believe –

COMMISSIONER HANSEN: And so with the Colorado is it mostly adjudicated in that way with public water supply criteria?

MR. HARWOOD: Yes, my understanding is that there are a number of other western states that do have public water supply criteria established but their regulatory systems tend to differ from ours as well in some manner.

COMMISSIONER HANSEN: And since the Rio Grande is considered an endangered river – is that its official –

MR. HARWOOD: That is its official designation according to American Rivers, a non-profit.

COMMISSIONER HANSEN: Right. So being an endangered river does that bring the criteria higher to the top of the list of something that needs to be done?

MR. HARWOOD: No I don't think those two are tied. We have endangered species in the Rio Grande. But the endangered river designation from the American Rivers advocacy group was to bring attention and media, I believe, and funding and a lot of policy attention to the Rio Grande. I don't see that carrying over into the regulatory environment directly.

COMMISSIONER HANSEN: Okay, and who would be the regulatory environment at NMED that we would be dealing with?

MR. HARWOOD: Surface Water Quality Bureau.

COMMISSIONER HANSEN: Okay.

MR. HARWOOD: Yes, ma'am.

COUNCILOR IVES: Councilor.

COUNCILOR HARRIS: Thank you, Chair. And this may be a question for you, Mr. Vokes and this is just, I'm curious, it kind of follows up on Commissioner Hamilton's question. But if for instance there was an issue at the City of Española's plant, an exceedance of some sort or out of compliance, do we ever receive notification? Is that just part of any standard protocol?

MR. VOKES: Mr. Chair, Councilor, I don't know the answer to that question. It certainly is something that I can find out. In the time that I have been here I have never seen that happen. So, again, we can find out but I don't know the answer.

COUNCILOR HARRIS: Yeah, as time allows if you would and I assume if there was an issue that it gets reported to some bureau within the Environment Department. So I would just be curious if, in fact, that has happened and if it does is there any kind of notification. Seemingly none is required. I would be curious.

COUNCILOR IVES: Just on that point, my recollection is when we were talking about the water studies of the different systems that were being done there was mention of a 10 miles sort of look upstream and so Española would exceed that so that may explain why although we did ask questions about other various potential point sources.

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COUNCILOR HARRIS: It seems like it would almost be professional courtesy if there's an issue to those downstream.

COMMISSIONER HAMILTON: Just as a point of interest in that regard, there are other places like on the Mississippi River but it's a network. It's a voluntary network. It's a consortium and they do real time notification so it is similar to the early notification system, although ours is entirely internal, very site specific for exceedances because the regulatory pathway is much longer, there are delays. So it's not relevant to operations for withdrawal and that sort of thing. So if there is interest, there is at least that one model that I know about.

COUNCILOR IVES: Anything else.

COUNCILOR DOMINGUEZ: Mr. Chair, I move for approval.

COUNCILOR IVES: Very good.

COMMISSIONER HAMILTON: Second.

COUNCILOR IVES: We have a motion and a second.

MR. HARWOOD: We'll be sure to bring back an update after the meeting has occurred and if no meeting has occurred, I'll certainly do it at the December meeting. And we'll go ahead and prepare it for the Chair's signature if that's all right and explain that it has the endorsement of the Board.

COUNCILOR IVES: Very good. All those in favor signify by saying "aye." All those opposed. Any abstentions? Very good the matter carries and that moves us on.

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

10. Discussion and Possible Action on a new and revised BDD Board LANL MOU regarding Rio Grande Water Quality.

MR. HARWOOD: Thank you, Mr. Chair and Board. This is an item that we have brought to you a couple of times here in calendar year 17 ahead of the December 1st termination of what we call the 2015 MOU. Just by way of background I think you all know that on the fourth paragraph on the first page under background describes briefly the history of this Board's engagement. At first it was a difficult path, I'll be honest, there were repeated requests in '07 and then the state legislature passed resolutions in 2009 and 2010 ultimately resulting in the 2010 MOU and we've had a good strong working relationship with LANL staff since that time. It has not always been without some continued efforts and some challenges that happen along the way like they do with any intergovernmental relationship but it has been a positive one and it is one that has yielded a lot of data over the years. And so the 2010 MOU was succeeded with the 2015 MOU and that is the one that is expiring on December 1st of this year.

This MOU seeks to sort of simplify and streamline the core elements of our relationship with LANL. It provides funding for some very important sampling in the Rio Grande, sampling program that Mr. Vokes' staff implements and provides the structure for that grant funding which has successfully come through to the Board regularly under the current MOU and then it also describes the early notification system which I think you all know is a key part of our relationship right now allowing Mr. Vokes's operators to decrease diversions and eliminate or stop diversions actually when

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there is flow in LA Pueblo Canyon.

This is the staff recommended MOU that comes as a result of the meetings with LANL staff this year. It is an MOU. It is not a contract. It does not result from a settlement agreement. It is a written document that evidences a cooperative agreement by the National Nuclear Safety Administration to work with this intergovernmental board on these issues of common interest and it's, of course, been a very important relationship since – for the last seven or eight years.

I'm sure there will be additional questions. We do want to reemphasize what I've already mentioned which is the current MOU expires December 1st. We've been working to bring this to you before the expiration of that current MOU. Chuck, did you want to add anything? We do have two members of the LANL team here this evening. If you have questions directly for them and I'll – and I don't know if there are questions for them but I'll introduce them to the podium if you do.

COUNCILOR IVES: Why don't we in light of their being here, see if they would like to address any comments on the MOU? Welcome.

DOUG HINTZE: Mr. Chair, Board members, my name is Doug Hintze. I am the manager of the Department of Energy's Environmental Management Los Alamos Field Office. As Kyle said, we've been working together with BDD for the last seven years. I came in 2015 when we signed the previous version, the version we are under, and we've been working for probably six or eight meetings on this draft MOU. I think it's a very good document as far as how it talks about the relationship; we have to meet both organizations' needs.

MR. HARWOOD: Thank you, Doug.

COUNCILOR IVES: Why don't we open it up for questions, Commissioner?

COMMISSIONER HANSEN: I have a number of things. I actually have a few edits that I think would add to this agreement. I don't think they are substantial in any way they're just kind of small items but on line 17, it says that –

COUNCILOR IVES: Which page?

COMMISSIONER HANSEN: Page 1 lines 17, "The Los Alamos National Laboratory is owned and operated by DOE and is located on the –

COUNCILOR DOMINGUEZ: Pajarito Plateau.

COMMISSIONER HANSEN: And then down on line 23, it could also say, "...has been investigated under the 2005 (as revised) and superseded by the 2016 Compliance Order..." They are kind of minor things: I have a few more. After reading over this a number of times, you know, I have expressed my concern. I feel that this is kind of a weak document but it is only an MOU so that's what we get.

But one of my big concerns is sampling and the commitment to the grant and making the grant money committed to be in on time and assured that it is received on time. Those are issues that I feel – I really didn't like taking the sampling out of this MOU and also I am really concerned about upstream sampling besides just in the Rio Grande. I would like to see sampling also like in the canyon, in the LA Canyon and at the early warning systems. I think that it is important to know what's coming off of the plateau and because the Rio Grande has so many contaminants in it – but I don't know if there's money for that because we're limited in the amount of money that we're getting. So those are some of my big concerns is the sampling.

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And then on page where we're talking about Agreement Principles and the memorandum of agreement and protocols between the DOE and the Pueblo de San Ildefonso, I don't know how that is completely working but I know that there's an early warning station and I think it's a kind of critical early warning station for us and so I'd kind of like some more detail about how that is working if that's possible.

I was thinking that I had some more edits but I don't think that they're completely, I mean, I don't think that they're going to change this document. They're more editorial, like I just said in the last time.

Under the TREAT Study on page – I know that I'm kind of jumping around and I apologize – I guess the E.5, Treat Study, it says, "will continue to examine" on line 108. And then on 109, "respect to LANL L-A-N-L contaminants…" Yeah, I – Kyle, how do you feel about this? Am I making substantial changes or I'm just adding details? I think I'm adding details.

MR. HARWOOD: I think you are as well. I've got three questions so far. LA Pueblo Canyon sampling, I think we can give you a little more detail right now on what's going on right there. The San I coordination I think we can say something about that. And I think it would be valuable for Mr. Vokes to speak to the TREAT Study and kind of where it is and maybe that background will help refine whether you have any changes to this paragraph. Should we do those three?

COMMISSIONER HANSEN: Yeah, let's do those three and then we'll move on to some more items.

MR. HARWOOD: Okay. Do you want to describe the Treat?

MR. VOKES: Yes. Mr. Chair, members, Commissioner, the Treat Study was a study begun to really examine the microconstituents that re in the Rio Grande. We are looking at parts per billion, parts per trillion. Things like if there's caffeine in the water, other things, and how effectively the BDD treats those out of the water, hence the name.

The Board has funded I believe it is $30,000 each year for us to do that study. That equates to two different samples and so we have done five samples over the last three years. We have one remaining this year that we will be taking. As a result of that sampling our intent is to look at things like the dosage of ozone that we're feeding and does that impact the effectiveness of those removals. Also, can we do anything with our biofilters as far as making them more productive in order to influence the removal.

So that's the base of that study is to look at those constituents that are coming down the Rio Grande and see really how effective our advanced processes are. Most of the things that we're looking at aren't even regulated in the United States. Some of them are regulated in the EU but not in the US. But I think the fact that we have this advanced treatment facility that we should do everything in our power to ensure that we're making the best water that we possibly can and this will give feedback to the operations staff, perhaps we are backwashing the biofilters too often or not often enough or not vigorously enough and again the impact of the ozone doses. There's other studies out there that have experimented with even fertilizing the biofilters or shifting the biology of the biofilters to be more effective in these removals. So that was the design of the study and it is our intent to continue looking at these results. We have not put together an initial report. We are waiting for the last sampling event to see how we're doing and how effective it is and then we will look at our results, look at what others are doing in the industry and then see

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how we can improve our processes. Does that help y'all to understand what we're doing with the TREAT Study?

COMMISSIONER HANSEN: Definitely, maybe with regard to that on line 109 I suggested with respect to LANL contaminants but it seems like you might be talking about more than just LANL contaminants so, you know, we can delete that. But maybe leave "will continue to examine the treatment efficiency." And, thank you, I appreciate that very much. Okay, next.

MR. HARWOOD: I think one of the other two items you mentioned was with respect to the coordination with Pueblo de San Ildefonso and I think you had the most recent interactions with them, Chuck.

MR. VOKES: Certainly. You asked about I believe the station is called 1099 or 110, the station that was taken out by the flood. When that event occurred the BDD staff went and talked to San I and arranged for us to put a station there. We have a station there that has a radar unit on it that measures the velocity of the water coming through there. We have also within the last couple of months added a flow monitoring system to that and both of those are in service and we are getting results. We are fine-tuning our interpretation of those results but we are using that as an indication of flows in that lower part of the canyon. It's a very simple station. It was not that expensive and it's relatively easy to maintain.

One of the last flow events it was either last week or the week before I went out there to look at the station and to see how the flow and – this kind of speaks to your next question – the Environment Department was out there collecting the samples that they take from that station and so that's part of a bigger program where the Environment Department and the Laboratory continue to do sampling all over those canyons. I can say with regard to the BDD sampling program that we receive the grant from, one of the things that we do a couple of times during each year is do a base flow where we're monitoring just water coming through the river not coming out of the canyon so that we have a baseline to compare the canyon events to versus what is just coming down the river. So that's part of our monitoring too, is we do do a couple of baselines, we have the funding to be able to measure those baselines and then measure the LANL events at the BDD and then there's a bigger pictures, more sampling going on by the Environment Department and also by the Laboratory. And I believe that those programs are published where you can see what they're sampling for and when they're sampling and all of that data is then loaded into the Intelius database and, in fact, when Daniela Bowman who is our regulatory compliance person puts out her annual report, she uses not only our sampling but also the Environment Department's data and Los Alamos data to compile that into one report so that we have a big picture view of what's happening as it impacts the BDD.

COMMISSIONER HANSEN: So how often does the New Mexico Environment Department do sampling up there and do they share those samplings with you directly or is it only on this Intelius database?

MR. VOKES: I believe and I'm not certain, but I believe that their program involves whenever there is flow, that's where their stations are set up. And they have, again, flow detectors and when they receive a significant flow it turns on their samplers. Those results are loaded into Intelius directly and that's part of Ms. Bowman's job is to dig those numbers out and put them in our annual report.

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COMMISSIONER HANSEN: That makes me feel better. So we have a station at San I, it's simple but it's effective. Okay. And okay, I'll take a break and let somebody else have some questions.

COUNCILOR IVES: Councilor.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. First of all, thank you to staff for the work that you've done on this. I know that it wasn't easy and timing is somewhat of the essence. I have just one wordsmithing kind of issue and this is under the Agreement Principles part, line 62, page 2 of 8.

COMMISSIONER HANSEN: What page?

COUNCILOR DOMINGUEZ: Two of eight.

MR. HARWOOD: It is either 2 or 8 at the top or page 4 in the packet numbering.

COUNCILOR DOMINGUEZ: It's part of the Agreement Principles and I'm not sure if you addressed this already, Chuck, but it says on lines 62 and 63, "DOE will consult with the Pueblo as necessary regarding the use of information gathered pursuant to this MOU," can we throw some language in there that just says the BDD is going to be notified about those consultations?

MR. HARWOOD: Certainly, Councilor. Can I suggest that we put a comma at the end of the sentence and say ", and provide an update to BDD project staff."

COUNCILOR DOMINGUEZ: That's fine. That's fine. I just think that the BDD – we don't necessarily need to be a part of it but we need to know about what's going on.

MR. VOKES: Mr. Chair and Councilor, one of the requirements of the MOU has been for us to have meetings twice a year with the Los Alamos staff and at those meetings it's my intent that we continue those meetings and at those meetings we share information as to those types of interactions, what the sampling program looks like, how many we've sampled, how many times they're sampling. So those biannual meetings would be the appropriate forum for us to receive the updates and so I wanted to make you aware that we are having those meetings.

COUNCILOR DOMINGUEZ: Maybe we can get that memorialized and everyone can agree to it and we'll move forward.

So some of the questions that I have really have to around the financing of some of this. This would be page 5 or 3 of 8, lines 87 through 89. It talks about giving the DOE some prerogative there on the most effective and technologically advanced techniques to provide BDD with equivalent flow data. I imagine that staff will be able to determine whether or not we're getting the supreme or the deluxe, right, or just the good old plain pepperoni and cheese pizza.

MR. VOKES: I guess there's a question in there. I can say that the Laboratory, their sampling stations are advanced techniques, in fact, I went on a tour with them recently in the last six weeks or so, and one of the things that they mentioned that they're replacing their monitoring with the radar similar to what we're using and it's apparently what USGS has gone too. So they are staying up with the times and their stations are not just stagnant dinosaurs out there. They do take very good care of them and they are using the latest technology. In fact, they are very interested in the success of our radar station. I brought in a consultant who is an expert on radar and they were having discussions and trading business cards so, again, the relationship is a good

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relationship and I see nothing but that going forward.

COUNCILOR DOMINGUEZ: I don't want to put such strong language in there that would require some concurrence by the BDD, but if you feel like this language is strong enough that we're going to, you know, trust that even though they're going to have the prerogative we're going to be making sure that they're actually making sure that they are getting the highest quality kind of product.

MR. VOKES: The agreement states that they are going to provide us those results and, for example, when they have problems with their stations where it is not feeding to BDD they have gone to a secondary system where we get emails from them as to what's going on. So they have been very cooperative and – again, things happen out there and stations go down but they have been very, very responsive to taking care of those stations and getting us the results that we need. I can assure the Board of that.

COUNCILOR DOMINGUEZ: So two or three other questions. Same page lines 99 through 104, "DOE shall pay up to $96,000 in sampling and analytical costs per year of the three years under this MOU…" So I guess the first is, $96,000 how did we – what is that number based on?

MR. HARWOOD: It's the same number as the current MOU.

COUNCILOR DOMINGUEZ: It will be the same next year and –

MR. HARWOOD: If you're asking how we came up with the number for the current MOU, it was a negotiation. We started high and they started low and we ended up at 96,000.

COUNCILOR DOMINGUEZ: Did we renegotiate that for this MOU?

MR. HARWOOD: Staff recommendation is to continue with the same number.

COUNCILOR DOMINGUEZ: I know what the recommendation is but what did – did we negotiate? Did we say, Hey, make it 97,000?

MR. VOKES: Councilor, I can say that this amount has been an effective amount for us to do the sampling that we need to do. In fact, this year up to the recent rains we haven't had any events to spend the money on. So there are some years where, yes, you will have a lot of events and again we have to pick and choose, maybe not sample every event but maybe every other event. But in most years this has been a sufficient amount for us to do a wide suite of samples looking at a lot of different compounds. And the fact that we get to choose when we sample and what compounds we sample for has been very significant to our program because that allows us the flexibility if we see something new or if something changes then we can change the program without going and getting permission to do that. So we will be very responsive to it.

COUNCILOR DOMINGUEZ: You all are the experts on that. I would have no idea whether you needed another thousand or not but – so do we get to if we don't spend it, if we only spend 90,000, do we get to bank that other 6,000?

MR. VOKES: No.

COUNCILOR DOMINGUEZ: I'm trying to find money. I'm just trying to find money. The ratepayers are the ones that are paying for this so let's –

COUNCILOR IVES: Councilor, on that particular point, would you mind if I asked a follow up question?

COUNCILOR DOMINGUEZ: Sure, sure.

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COUNCILOR IVES: I know it says and I'm looking at line 94, "The purpose is to provide both base-flow and event-based sampling of the Rio Grande when triggered by notification of flows in Los Alamos…," I think it would be very helpful if we actually had some exhibit that actually described the protocols. So just – you know, are we talking that we do four base-flow samples throughout the year; on what basis are those done and then really how many events do we anticipate and what's the cost for a sampling round. Really, just to get a sense of what that $96,000 is intended to accomplish. I think that would be helpful for anybody looking at this agreement to really understand the protocols involved that we're following for purposes of that sampling.

COUNCILOR DOMINGUEZ: So just two more questions. But on that same page, that same paragraph, lines 103 through 104, "DOE will seek funding via a grant to the BDD Board for the sampling and analytical costs," can we require them to notify when they are actually seeking that funding?

MR. VOKES: Wouldn't that be within Doug's process as to how that works?

MR. HARWOOD: Yeah, is your concern that they let us know if that funding request is successful or is there another condition?

COUNCILOR DOMINGUEZ: I just want to know they're trying.

MR. HARWOOD: If I might suggest the same edit that you asked for in the San I B.1 section and to add, "and provide an update to the BDD project staff." Then we can let you know at a Board meeting whether there's any of that update to Chuck is appropriate for their report.

COUNCILOR DOMINGUEZ: Fair enough. Then one last thing, the dispute resolution paragraph this is page 6 of 8. Page 8 of the packet. I know that – well, I guess I am a little, I don't know if concern or – I trust lawyers, I guess. And I trust at least for today and as we're talking about this paragraph. But lines 188 and 189, it says, "These representatives shall use efforts such as negotiations, facilitation, and mediation to resolve the dispute." And I imagine that that's probably true with the relationships that exist today. But who knows what the future holds. It may be a better relationship, it may be worse. And I'm just curious and wondering what your opinion is, Kyle, if we need to be more specific about what comes first and what puts us in the better position to truly negotiation and try to remedy without having to, you know, start paying for mediation and all that other kind of crazy stuff that comes with lawyers.

MR. HARWOOD: I really like the beginning of your prior statement before you modified it. [laughter]

But what I can say is in the past seven or eight years we have had – we have been able to resolve all of the issues that have come up through negotiation. There times when it has been heated. There are times when I think that people took their ties off because it got that heated but we have never had to go to facilitation or even mediation to resolve a dispute arising under this agreement. So if we had had a different experience to date, I would have some solutions to recommend but I feel that this language has served us well and it's our duty to bring back to this Board any material problem with this agreement. This is an important agreement. This is an important topic for the function of BDD and to assure the public that was very vocal when we were permitting this project about the proximity to the lab, so we will, as we have, bring anything that cannot be resolved at the staff level to your attention. And then this provision allows us to invoke facilitation or

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mediation if that becomes appropriate. But we have been able to resolve everything through either a little "n" negotiation or a capital "N" negotiation.

COUNCILOR DOMINGUEZ: That's usually always the first step anyways.

MR. HARWOOD: Yes.

COUNCILOR DOMINGUEZ: I just want – I want to protect the Board in insuring that that will be the first step, that a negotiation or whatever language you want to use will be the first step and that we're not going to just say that we've been down this road before so let's just jump into some sort of facilitation or mediation because those can cost money and – Okay, that's all I have.

COMMISSIONER HANSEN: Councilor, I have one thing, Councilor Dominguez, on just what you were talking about. I have some editorial words that could possibly be added which were, "Alternative Dispute Resolution," could be added in to the last sentence. I hadn't gotten that far.

MR. HARWOOD: So this is an addition to line 188 on page 6 of 8 on the MOU?

COMMISSIONER HANSEN: Line 188, yeah, you could add, "Alternative Dispute Resolution."

MR. HARWOOD: Okay.

COMMISSIONER HANSEN: I don't know if that helps us or – but I was just thinking it might be another legal term or another legal alternative that we could pursue if things got too heated.

MR. HARWOOD: I can't imagine adding in that language is a problem. In my experience, ADR includes mediation and there's other things I think that you're referring to in addition to mediation as part of alternative dispute resolution. It can't hurt to have that language in here and we can – and again, we've never had to go beyond negotiation but having reference to these other mechanisms if they are needed is helpful.

COMMISSIONER HANSEN: Do you, Councilor Dominguez, is that –

COUNCILOR DOMINGUEZ: That's fine.

COMMISSIONER HANSEN: I just wanted to make sure. For right now that's it.

COUNCILOR IVES: Other questions? Councilor.

COUNCILOR HARRIS: Thank you, Chair. This may be a question for Mr. Hintze, I'm not sure. I am just curious, we have been reading the recent report, I understand it has been around for awhile now but the recent reports about the plume that has several parts per billion higher than perhaps what would be expected. So there's been some movement on that and it's not really clear to me. It seemed like it's further north, those canyons north of where we sample for instance, but what kind of consideration has been given when you consider this MOU to that plume which is not expected to be cleared up and fully under control until 2048? Has there been any kind of discussion on that, Mr. Harwood?

MR. HARWOOD: Councilor, generally speaking this MOU has addressed surface water issues and that plume is, of course, a groundwater question. But, Mr. Hintze, would you like to perhaps answer the question behind the question.

MR. HINTZE: Mr. Chair, Board members, the chromium plume, there's been a lot of press lately about the plume. In reality, the expectations are in line with

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what we were anticipating. And the reason I say that is because we didn't do a very good job over the last couple of years of describing the modeling that we are using. When you're looking at trying to look at a groundwater plume that is down 1,000 feet at the aquifer, we've been putting out in all of our presentations a well defined shape that folks seem to think it's like if you're walking around a lake up here in the surface. The fact of the matter is that you're looking down 1,000 feet onto the top of an aquifer and there's about a dozen wells that are defining that plume. What we just recently had was another well that was drilled and that gave us that indication. We has already had modeling that would indicate that there would have been that sort of mode out in the direction because of what our understanding of the geology.

So really we did a poor job because folks were focused in thinking that you have a complete picture of what that plume looks like. So, no, it is not outside of what our expectations were it is just not what we had been showing on modeling.

Going back to how this affects the MOU here, again, just like Kyle said, that's a groundwater plume down on the aquifer, sitting down roughly 1,000 feet down below the surface, rough estimates is it's about a mile long and half mile wide, 20 to 50 feet that sits on top of the aquifer. The date about cleanup in 2048, I don't know where that came from. Our internal measures here and the big issue is that it is migrating to the south, southeast toward San Ildefonso Pueblo land so we put in an interim pump and treat system that we're starting, we started up about six months which is putting a hydrologic barricade or barrier that it is holding that plume up onto Laboratory property. In the meantime for the next two or three years we'll be coming up with a final remedy because pump and treat is not the answer. And so it will have some sort of either a chemical and/or right now another solution is potentially molasses and what that does in either case, chemical or molasses is to convert the chromium 6 to chromium. Chromium 3 is immobile and it's also in your multivitamins and so that's what the ultimate answer is and we expect that final solution to go out to the public stakeholders through New Mexico Environment Department here in about the 2021, 2022 timeframe.

So, again, in reality not connected with the MOU surface water versus groundwater but I just want to give you a little bit of update of where we stand with all the publicity over the last couple of weeks.

COUNCILOR HARRIS: Right, and I mean I assume that others and you mentioned the Environment Department really has a principal jurisdiction in terms of working with the Lab and DOE on this matter so I'm sure we'll all be kind of curious about how it develops and obviously sooner rather than later in terms of getting it under control.

MR. HINTZE: And I'll just make – one of the points is, the way we do business is there's three things that we focus on. One is safety. Second thing is efficiency and the third thing is transparency. We have nothing that is classified in our work and I have yet to find someone who does not agree that cleaning up and disposing of waste is good. So we're available at any time. We have given presentations on chromium, I testified before the New Mexico Committee on Radioactive and Hazardous Materials Citizens' Advisory Board. So we're available at any time to talk to anyone about what we're doing up there and how we're doing it.

COUNCILOR HARRIS: Okay, very good. Thank you, Chair.

COUNCILOR IVES: Other questions? Before you go, Doug, and I think

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this gets to a host of questions that we've heard which is, okay, so this will cover sampling basically by BDD – in proximity to its diversion but there's perhaps a thirst for the knowledge of the other sampling that is being done. And it sounds like there are two entities that are doing their own sampling. LANL is doing it and I don't know if that falls under your jurisdiction up there. And then NMED is doing sampling as well and at an earlier meeting we of course got a little ENS and sampling locations sheet that at least depicts the current NMED sampling locations. And I presume all samples that are collected then are loaded up to the Intelius system and are available to the public or anybody dialing in to that location.

Would it be possible to get something that explains again the protocols that LANL uses for its sampling program and then the same from NMED so that those could potentially – and what I'm looking at is maybe some paragraph that says, other sampling that is being performed by other parties. And simply have – I would love to see just as an exhibition those protocols and then a reference to the website to where the Intelius information is so that again folks that aren't trying to go to twelve different places to try and figure out what is known about the Rio Grande. So if we have references to that here I think it strengthens what we're doing here without creating any additional burden on anybody or cost for anybody in connection with this MOU. So I am not trying to change those fundamental aspects of it but it really goes a step towards trying to build that third leg of the stool, the transparency side, because those points are something that I don't think any of us were necessarily totally clear on until the last few months as we've been having these discussions. So, that would be the major change that I would propose that folks might want to look at in connection with this document because that really expands, again, public awareness of all the sampling that is being done and let's folks who are interested go and find it. Do you think that would be possible?

MR. HINTZE: Sure, I don't think it's any problem. We can work with Kyle and Chuck to put in some background information that just kind of makes it a more comprehensive picture of the sampling that is going on.

COUNCILOR IVES: Thank you. I just wanted to just make that point before coming back to you, Commissioner.

MR. HARWOOD: Councilor, can I just be clear.

COUNCILOR IVES: Yes.

MR. HARWOOD: So that is information we can bring you without changes to the MOU; is that right?

COUNCILOR IVES: Well, I'd love to see it just be in the MOU or have the protocols. It doesn't require any additional independent reporting. It simply says, Here are some other sampling protocols that are being engaged in, as an information piece to people who are interested in this and those people who are probably passionately interested in this already are likely going to the site to pull that information in any event, but really an effort to just sort of make it more transparent at the BDD level.

MR. HARWOOD: Very good, thank you.

MR. VOKES: If I may. By including the protocols I would like to make it clear that these are examples of the protocols but they are subject to adaptation as we need to because that was one of the issues that we ran into with the first MOU, is we had the protocols in black and white and we couldn't change them. So if that's acceptable that this is a sample of the current protocols but they may be subject to change.

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COUNCILOR IVES: I presume that you're referring to the BDD protocols at this point in time.

MR. VOKES: Right, right.

COUNCILOR IVES: I think that is perfectly fine. And if it's an attachment simply add in any change as an attachment to the document so that it is clear what those changes were over time as an easy way to capture the information and let folks know what has changed and anybody can go and look at it.

COMMISSIONER HAMILTON: Mr. Chair, just about that, it's very specific. Now I'm a little confused. Are you saying that specific sampling protocols like SOPs be specified in here? Because when you first started talking I thought you were suggesting like having pointers to programs that would be related, other sampling programs be pointed to here and references to the appropriate websites be included. And that would be good information but at a deeper level of detail I would think that that is so subject to change that it might not be useful.

COUNCILOR IVES: If those protocols exist on a website somewhere having a reference to the website, again, so folks can satisfy themselves and understand them is really the objective here.

MR. HARWOOD: I'd like to suggest that we bring back some locations and sampling process description including perhaps a list of the analytes and see if that answers the question because when you get to SOPs you've got analytical methods and that's a level of detail – but I think, if I understand the question, let us bring back some of that information perhaps at the December Board meeting and if that suffices we can leave it at that or if there's further questions we can pursue that.

COUNCILOR IVES: Works for me.

COUNCILOR DOMINGUEZ: So just for clarification, Mr. Chair, does that mean that we're going to not take action on this today and come back for a second reading?

MR. HARWOOD: I guess that is up to the Board. I was personally hoping that that's information that we can bring to you in parallel. It's up to the Board. If you're comfortable with the MOU as it stands now but I'm hoping that descriptions of LANL and NMED's sampling programs that are in the landscape around this MOU is hopefully something that we can bring you in parallel not edits to the MOU, but I don't know what your intent was.

COUNCILOR IVES: I think from my perspective that would be fine.

COMMISSIONER HAMILTON: Good.

COUNCILOR DOMINGUEZ: What would be fine?

COUNCILOR IVES: So we could move ahead with action on this today.

COUNCILOR DOMINGUEZ: That's fine. I would just make a –

COMMISSIONER HANSEN: I'm not done.

COUNCILOR DOMINGUEZ: Sorry, I would just make a real quick comment though, the next time one of these comes before us if we could get the strike-out language that would be a little bit better. I meant to ask you that earlier but I just never got around to it. Thank you.

MR. HARWOOD: Yes, sir.

COUNCILOR IVES: Commissioner.

COMMISSIONER HANSEN: Okay. So, pardon me, but the plume is

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frightening to me and when you talk about it being on top of an aquifer – it's just scary to know that hexavalent chromium is above an aquifer of that water that we're drinking is close to. And so I can't be the only one that is actually traumatized by that thought. I mean, this is a very scary thought. So more assurances from LANL of cleaning up that plume would be more than welcome. It's frightening to me.

At the last meeting I did also mention that I was interested in putting clean up in this MOU, but I recognized that reports on cleanup might not be the right place to put this. So what I would like in our next conversation after we finish with this is talk about possibly a letter from the BDD talking about cleanup and having you come on a semiannual, maybe four times, regular intervals reporting to us about the plume and that's something that we can talk about in a moment because I do have another, one more change that I want to add to the MOU. But I just wanted to express that while you were at the podium how frightening it is to think that this plume is above an aquifer and you know, or is in the aquifer and how damaging – my uncle lived in Hinkley, California. I understand what hexavalent chromium does to people and how it affects their lives. If you want more of a personal story I can even go in further, so, you know, he committed suicide because of being exposed to that. So it is frightening to me and so I want to see it cleaned up as fast as possible.

MR. HINTZE: And we agree with you. We need to do as much as we can as soon as we can to take care of the hazard.

COMMISSIONER HANSEN: Okay, thank you very, very much.

Then I have one other small thing. I think we're at line 82, it says, "Secondary flow indication at all stations will consist of either a visual" so I'm wondering if we can define secondary flow indicating or verification?

MR. HARWOOD: Do you want to answer that Chuck?

COMMISSIONER HANSEN: Do you want me to read that again?

MR. HARWOOD: No, I think the intent – this is line 83 on page 3 of 8: "Secondary flow indication at all stations…" yes, I think this is describing that there is a primary flow – Do you want to go ahead?

MR. VOKES: Yeah. Mr. Chair, Commissioner, I think it's referring to the system shall be able to trigger the low flow of 5 cfs. These other stations indicate flow visually so there's not measurement at some of the stations there is simply a camera there that is an indication of flow. So that is what it is referring to. The main two stations, 50 and 60, have flow monitoring where the other ones have visually monitoring that there is flow in there.

COMMISSIONER HANSEN: Okay. And then, okay, I think that might be it for me at the moment.

COUNCILOR IVES: Other questions from anybody on the Board? If not, what is the pleasure of the Board.

COUNCILOR DOMINGUEZ: I'll move for approval with the – what's that?

MR. HARWOOD: Five edits.

COUNCILOR DOMINGUEZ: With the five edits that Kyle has notated.

COMMISSIONER HANSEN: I only gave you five edits?

MR. HARWOOD: I have five edits very clearly marked. Should I go through them?

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COUNCILOR DOMINGUEZ: Yes, please.

MR. HARWOOD: Okay. So I have two edits from Commissioner Hansen on page one that were the initial comments and then one edit from Councilor Dominguez adding text on line 63, page 2 of 8 about providing updates to the BDD Board and then a parallel edit to line 104 on page 3 of 8 also adding for – so this is both on the San I relationship and also on the grant process. And then the fifth edit I have is adding language regarding alternative dispute resolution. We had – and the sixth edit is to add "continue" to exam to line 108 as well. Excuse me, I missed that. So I believe those are the six edits that we have specifically discussed in addition to some of the other work that we have described outside of the MOU.

COMMISSIONER HANSEN: Okay, all right.

COMMISSIONER HAMILTON: I'll second.

COMMISSIONER HANSEN: Discussion.

COUNCILOR IVES: Further discussion.

COMMISSIONER HANSEN: One of the other things I asked about was the commitment of grant money to flow on time, to be received on time. So is there any way we can put anything like that in this agreement that the money that Chuck and the BDD need will be assured to be received on time and that there won't be problems with sampling, you know, because they don't have the money.

MR. HARWOOD: Commissioner, I believe that the edit to line 104 which has us bringing you back any update in a failure to receive the grant money will accomplish that and then we can transmit either informally or formally any concerns with the timing of the grant money.

COMMISSIONER HANSEN: Okay.

COUNCILOR IVES: Very good, in that case all those in favor signify by saying "aye."

MR. HELMS: I would like to have that motion stated so I know what we're voting on.

COUNCILOR IVES: The motion was to approve the MOU with the six edits that Mr. Harwood reviewed. And then there was a second made by – Councilor Dominguez and then Commissioner Hamilton seconded.

COUNCILOR DOMINGUEZ: So just in terms of a process, what comes next?

MR. HARWOOD: If the Board approves the MOU then I'll create a clean version based on my notes and Karen's notes and we'll circulate that to you. We'll work with Mr. Hintze on whether these edits meet his concurrence and at that time we'll circulate it for signature and bring you an update at the next Board meeting.

COUNCILOR IVES: So all those in favor signify by saying "aye." Any opposed? Any abstentions?

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

COUNCILOR IVES: Very good our MOU as amended is approved at this point in time.

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MATTERS FROM THE PUBLIC

None were presented.

MATTERS FROM THE BOARD

COMMISSIONER HANSEN: Okay, I would like to ask if the Board would be agreeable to having a letter written to LANL in regard to having a regular report on cleanup at the Lab concerning the plume, concerning, you know, what processes, how much waste is being cleaned up and I have to admit that Mr. Harwood asked me if I had a wish of something that I would like and my wish is that we have of the 35 sites that we have that are hot spots if we do one of those and do a sampling and see how much it cost and how long it takes to get that one hot spot so we would know what the other 35 hot spots possibly might cost. I don't know if that's possible but I'm interested in seeing what we have to deal with and these hot spots up on the Lab. And my main concern is that I strongly do not believe in cap and cover and especially in an aquifer that has a plateau that earthquakes and has – is a permeable surface and so I would like some feedback on that as a possibility of something. But mostly having a regular updated report about cleanup because I feel like that surface water that is running off of the Lab is – there are plenty of contaminants and I would like to see that cleanup report.

COUNCILOR IVES: Commissioner.

COMMISSIONER HAMILTON: Maybe we should get some feedback from and what I'm thinking specifically is that I think we're maybe making some reference to different types of contaminations. There's hot spots, there's legacy soil contamination that would be relevant to our surface water and then to the BDD's concern of diversion from that same surface water and this while it is very dramatic and it's an issue in its own right the groundwater aquifer contamination probably is not directly related to BDD concerns. And that's what I wonder if you might –

COUNCILOR IVES: Before you go there let me just say, I think is actually a much longer discussion than the nine minutes before we have to be out of this room. What I would propose is that we put it as an agenda item for our next meeting so that we can dig into that because I think there are questions of surface water, groundwater and if BDD starts discussing or tracking the entirety of LANL cleanup we have work cut out for us.

COMMISSIONER HANSEN: I do agree with you that it is a bigger discussion then we have in seven minutes. But at the same time I would like to hear some feedback from the Lab, LANL.

MR. HINTZE: Mr. Chair and Board members, as I said before, we do everything in a transparent manner so we would be thrilled to come down and discuss any aspect of the cleanup program up there and the waste management. I would also invite anyone who would want to to come to the Citizens Advisory Board which is the public board that is sponsored by Environmental Management. I speak at the Regional Coalition for the LANL community and so just like you were saying, it is not a short period of time so we can go into as much depth as you want to. We can have individual meetings outside of the board meetings. But we welcome the opportunity to discuss what

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we're doing up there.

COUNCILOR IVES: Thank you. So if we can all agree to have it on the agenda for the next meeting.

COMMISSIONER HANSEN: Councilor Ives, I agree with that. I am supportive of that. But, thank you for allowing it to be discussed further.

COUNCILOR IVES: Other matters from the Board?

COUNCILOR DOMINGUEZ: Just two things, Mr. Chair. One is my apologies to the recorder for not turning my microphone on sometimes.

Second just on behalf of the Chair of the Board I will state for the record and our minutes that the only matter discussed during executive session of our last Board meeting on September 7, 2017 was the matter as stated in the motion to go into executive session and no action was taken. The executive session concluded at approximately 6:30 p.m. Thank you.

COUNCILOR IVES: Very good, thank you as well. Mr. Harwood, do we need to anything else in connection with that?

MR. HARWOOD: Nothing with respect to the last executive session. If you are done with your agenda –

COUNCILOR IVES: Let me just make sure; any other matters from the Board? If not, yes, please.

NEXT REGULAR MEETING: Thursday, November 2, 2017@ 4:15pm

EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978 Section 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

MR. HARWOOD: Thank you, Mr. Chair and members of the Board, at this point I would ask for a motion to adjourn and to go into executive session in accordance with the New Mexico Open Meetings Act NMSA 1978 Section 10-15-1(H)(7), for the purpose as stated on the agenda.

COUNCILOR DOMINGUEZ: So moved.

COMMISSIONER HAMILTON: Second.

COUNCILOR IVES: We have a motion and a second to move into executive session. Any further discussion?

The motion to go into executive session passed by unanimous [5-0] voice vote with the following BDD Board members voting in the affirmative: Councilor Ives, Councilor Dominguez, Commissioner Hamilton, Board Member Helms and Commissioner Hansen.

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ADJOURNMENT

Having completed the agenda, Councilor Ives declared this meeting adjourned at approximately 5:55 p.m.

Approved by:

Henry Roybal, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 26

I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of November, 2017 at 02:37:21 PM And Was Duly Recorded as Instrument # 1842508 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy _____ County Clerk, Santa Fe, NM

Buckman Direct Diversion

EXHIBIT 1

AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, OCTOBER 5, 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 SEPTEMBER 7, 2017 BUCKMAN DIRECT DIVERSION BOARD MEETING

INFORMATIONAL ITEMS

6. Monthly Update on BDD operations. (Michael Dozier)
7. Report from the Executive Director. (Charles Vokes) **VERBAL**

CONSENT AGENDA

8. Request for approval of the Letter of Support for the FY 2018 Water Trust Board Application for the 4 Million Gallon Finished Water Storage Tank Project. (Charles Vokes and Allan Hook)

DISCUSSION AND ACTION

9. Discussion and possible action on BDD Board letter to New Mexico Environment Department regarding Rio Grande Water Quality regulations. (Kyle Harwood and Charles Vokes)

10. Discussion and possible action on a new and revised BDD Board LANL MOU regarding RG Water Quality. (Kyle Harwood and Charles Vokes)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT REGULAR MEETING: Thursday, November 2, 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. (Kyle Harwood)

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