City of Santa Fe



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PUBLIC UTILITIES COMMITTEE **MEETING** CITY COUNCIL CHAMBERS WEDNESDAY, JULY 18, 2007 5:15 PM

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF AGENDA
- APPROVAL OF CONSENT AGENDA 4.
- 5. APPROVAL OF MINUTES FOR THE JUNE 20, 2007 PUBLIC UTILITIES COMMITTEE MEETING

INFORMATIONAL ITEMS

- 6. Update on Current Water Supply Status. (Michael Gonzales)
- 7. Update on Solid Waste Division (Bill DeGrande)
- Report on Water Update 1st Quarter 2007. (Alan Hook and Claudia 8. Borchert)
- Report on Buckman Water Quality Issues Arsenic. (Robert Gallegos) 9.
- Update on Water Conservation Staff Work Activities. (Dan Ransom) 10.
- Report on Buckman Water Quality Issues Related to LANL Contaminants. 11. (Rick Carpenter)

CONSENT CALENDAR

12. Request for Approval of the Collection Agreement between the Buckman Direct Diversion Board and the U.S. Forest Service for \$100,431 Exclusive of NMGRT. (Rick Carpenter)

- 13. Request for Approval of Amendment No. 1 to the Professional Services Contract with CDM for \$9,400 Exclusive of NMGRT for Groundwater Modeling for Water Right Permit Compliance. (Claudia Borchert)
- 14. Request for Approval of Amendment No. 7 to the Legal Services Contract with Rodey, Dickason, Sloan, Akin & Robb, PA for \$50,000 for Environmental and Water Rights Legal Services. (Claudia Borchert and Dale Lyons)
- 15. Request for Approval of Amendment No. 3 to the Legal Services Agreement between the Buckman Direct Diversion Board and Hawkins Delafield and Wood, LLC for the Amount of \$198,000 Exclusive of NMGRT (Rick Carpenter)

MATTERS FROM THE CITY ATTORNEY

ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE:

1. Discussion of Water Budget Initiatives. (Councilor Heldmeyer)

NEXT MEETING: August 1, 2007

ADJOURN

. 1

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MINUTES OF THE CITY OF SANTA FE PUBLIC UTILITIES COMMITTEE July 18, 2007

1. CALL TO ORDER.

A meeting of the Public Utilities Committee was called to order by Councilor Miguel Chavez, Chair, at approximately 5:15 p.m., on July 18, 2007, in the Council Chambers, City Hall, Santa Fe, New Mexico.

2. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT

Councilor Miguel Chavez, Chair Councilor Patti J. Bushee Councilor Carmichael A. Dominguez Councilor Karen Heldmeyer Councilor Ronald S. Trujillo

OTHERS ATTENDING

Galen Buller, City Manager Vivian Martinez, Public Utilities Melessia Helberg, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference. The original Committee packet is on file in the Public Utilities Department.

3. APPROVAL OF AGENDA

Councilor Heldmeyer asked to hear Item #11 after Item #9 because they are on similar topics.

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to approve the agenda as amended.

VOTE: The motion was approved unanimously on a voice vote.

4. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Heldmeyer moved, seconded by Councilor Dominguez to approve the Consent Calendar as published.

VOTE: The motion was approved unanimously on a voice vote.

5. APPROVAL OF MINUTES FOR THE JUNE 20, 2007 PUBLIC UTILITIES COMMITTEE MEETING.

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to approve the minutes of the meeting of June 20, 2007, as presented.

VOTE: The motion was approved on a voice vote with Councilors Dominguez and Heldmeyer abstaining.

INFORMATIONAL ITEMS

6. UPDATE ON CURRENT WATER SUPPLY STATUS (Michael Gonzales)

A copy of the Weekly Water Report for the week ending July 1, 2007, is incorporated herewith to these minutes as Exhibit "1."

Mr. Gonzales reviewed the information in Exhibit "1."

7. UPDATE ON SOLID WASTE DIVISION (BILL DEGRANDE)

A copy of a Memorandum dated July 18, 2007, to the Public Utilities Committee from William DeGrande, Solid Waste Management Division Director, is incorporated herewith to these minutes as Exhibit "2."

Bill DeGrande presented information from his Memorandum [Exhibit "2"].

Mr. DeGrande noted that O'Keeffe did the signs for recycling during that event.

Chair Chavez asked if the bins were clearly marked for content.

Mr. DeGrande said they were, noting that the ones on the plaza were not as well signed as they could have been, reiterating that O'Keeffe did the signs. He said recycling containers were placed on the Museum Hill for the Festival, and only four carts were available, but every one was contaminated.

Councilor Heldmeyer said she had a question from her constituents to Chandra with regard to recycling of cans that have plastic linings. Chandra said those can't be recycled because that causes contamination. She suggested to Chandra to circulate this information more widely if this is true. She said people want to do the right thing, but they have to know about this.

Mr. DeGrande said he has not talked to Chandra recently, but he will discuss it with her. He noted that the recycling guide was handed out during bag distribution, and they intend to do some other things to get information to the public.

Chair Chavez commented that Mr. DeGrande has initiated the informational campaign, noting the card which was distributed was very instructional with regard to recycling.

Mr. DeGrande said bag distribution was an effective way to get this information in the public's hands.

Councilor Bushee asked about the hit at the Paseo de Vista Landfill.

Mr. DeGrande said the element which was found is manganese, which is over the groundwater quality standards, but not much. However, any time something is over the standards, the general procedure from the Environment Department is to ask the City to run a Table 2 parameter on that particular well, but they haven't yet told us what they want us to do.

Councilor Bushee asked if this is a naturally occurring element.

Mr. DeGrande said it is, and there is room to negotiate with them on that. He will report to the Committee as soon as he hears from ENMD.

Responding to the Chair, Mr. DeGrande said it is in the soil and the landfill may or may not impact that. He said ENMD will ask the City to do something, but it is not always remediation. He said we already have to monitor those wells for 26 more years anyway.

Responding to Councilor Bushee, Mr. DeGrande said it is anticipated to begin weekly pickup in January 2008, but that is only curbside. He also intends to bring volume based on line in January, and he will report to the Committee on these.

Councilor Bushee wants to know if people are picking up the bags, noting lots of seniors don't know they can call and get the bags delivered if they are incapacitated.

Mr. DeGrande said he will speak to Laura Banish about getting information out about this. People can pick up bags from now until June 30, 2008.

Councilor Bushee asked how the vacancies are affecting service.

Mr. DeGrande said the vacancies are impacting staffing, noting this is just a bad time of the year because everybody takes vacations, and there have been absences because of injury, bereavement leave and such.

Councilor Trujillo thanked Mr. DeGrande for getting the trucks to the DPS auction.

8. REPORT ON WATER UPDATE – 1st QUARTER 2007. (Alan Hook and Claudia Borchert

A copy of a Memorandum dated July 18, 2007, to the Public Utilities Committee, from Alan G. Hook, Water Resources Analyst, regarding Water Update, is incorporated herewith to these minutes as Exhibit "3."

Rick Carpenter introduced Alan Hook, Water Resources Analyst.

Alan Hook presented information from the "Water Update, City of Santa Fe, 1st Quarter 2007," which is in the packet. He then reviewed his Memorandum of July 18, 2007 [Exhibit "3"].

Responding to the Chair, Mr. Martinez said the Canyon Treatment plant is running 8-9 million gallons a day. The peak capacity is designed for 8 million per day, but, with tweaking, it is running at almost 9 million.

Chair Chavez said the Water Service Agreement in this document speaks only to those within the City limits, and asked about any agreements outside the City, and if all those customers become County customers or are some still City customers.

Mr. Hook understands these are in service within the City, but there are some customers serviced in the County, and that is incorporated in the County data.

Ms. Borchert clarified that the data isn't strictly within the City limits, and the very first line needs to come out because that is an error.

Councilor Heldmeyer noted there is a four-month lag between data and when we see it, and asked if this will be consistent.

Mr. Hook said no, and he is hoping to be caught up by August.

Councilor Heldmeyer asked where are the Kopy Kaps, noting she has had calls from constituents who are unhappy that they don't have these so they can monitor their water usage.

Councilor Heldmeyer said per capita consumption is a good number to look at, but she would also like to look at overall consumption. She noted on page 14, there is room in the graph to show overall consumption, because it is important to know what the City has to supply. She said even if people are frugal, if everyone turns on the water at the same time, there could be a problem.

Councilor Heldmeyer said there is a lot of estimating of use, but at some point we really should have some hard empirical data. We are at the point where we really need to back up these estimates, and somebody should be doing this. She understands two different contracts were awarded, one of which fell by the wayside, the other she never heard about again. She said we need to be putting our money "where our mouth is," and substantiate these estimates.

Councilor Heldmeyer said the water audit will be redone soon, and asked if this water audit includes going out and looking for people who are off the billing system entirely. She asked if staff can do this, or if the City can hire a consultant to find those people, pointing out that some people are getting a free ride at the expense of others.

Mr. Hook said he is unsure, and would have to get back to her about this.

Councilor Heldmeyer would like to have this as a report for a later meeting.

Councilor Bushee asked who gets the Fireflies, saying some people are worried about the wireless issue.

Mr. Ortega said the Project Manager, with the contractor, determines where it is feasible to install Fireflies, noting as of March 31st staff has installed almost 20,000 Fireflies.

Councilor Bushee asked if there is anything in the water bills about this. Mr. Ortega said no, but he will do that soon.

Councilor Bushee asked him also to advise people when they aren't going to get them, and why.

Mr. Ortega said the project is moving forward faster than anticipated, and the contractors are installing about 800 to 1,000 per week.

Mr. Buller said this is another item which could be put in the comments box on the bill, and on the Bulletin Board on Channel 2.

Councilor Bushee asked if we monitor the City's water consumption, and if the City is billed when it goes over, and what do we do if the City is the water waster.

Mr. Ortega said the Department/Division is billed accordingly for overages.

Responding to Councilor Bushee, Mr. Ransom said staff will notify the Department/ Division and try to get consumption reduced.

Councilor Bushee said she would like to see some of the billings and the notices.

Mr. Ransom said staff contacts them directly by telephone where there is a problem such as for a leak, or fugitive water. If staff observes it personally, staff takes pictures and offers those pictures. He said the departments/division will get Kopy Kaps. He noted that he is working with the company on the Kopy Kaps, and as soon as the changes are made to the device, he will be getting two new ones for further testing.

9. REPORT ON BUCKMAN WATER QUALITY ISSUES – ARSENIC. (ROBERT GALLEGOS)

Robert Gallegos reviewed his memorandum of July 13, 2007, which is in the Committee packet.

Councilor Heldmeyer said the new Buckman wells have higher arsenic levels, and asked if this is due to the geographic location, or age, or what.

Mr. Gallegos said he believes it is an effect of the geographic locations. Responding to Councilor Heldmeyer, Mr. Gallegos said data from the river indicates that the levels are about a microgram.

Councilor Heldmeyer asked if not pumping the wells so much makes a difference in the arsenic concentration, or will it be there forever.

Mr. Gallegos does not believe pumping the wells will change the geochemistry of the area, but it will allow the Division greater flexibility not to be pumping.

11. REPORT ON BUCKMAN WATER QUALITY ISSUES RELATED TO LANL CONTAMINANTS. (Rick Carpenter)

A copy of "Buckman Water Quality Issues Related to LANL Contaminants, Presentation to the City of Santa Fe, Public Utilities Committee," dated July 17, 2007, is incorporated herewith to these minutes as Exhibit "4."

A copy of "What are Radioactive Transuranic Wastes and Radionuclides," is incorporated herewith to these minutes as Exhibit "5."

Rick Carpenter presented information regarding contaminants from Exhibits "4" and "5." Please see these handouts for specifics of this presentation. Mr. Carpenter said he also will be making a presentation to the Buckman Direct Diversion Board.

Councilor Heldmeyer asked Mr. Carpenter if he is speaking of atmospheric fallout which is related to a specific site, or general background atmospheric. Mr. Carpenter said he is speaking of the testing which was done in the 40s, 50s and 60s which has fallen out of the atmosphere and is positive in very low levels.

Councilor Bushee asked, when the City chose to put the facility next to the Buckman wells, if we were aware of the particulars of the buried sites next to BDD.

Mr. Carpenter said the buried sites of plutonium is something which has come up very recently. Core testing was done by NMED and brought to our attention during the EIS comment period.

Councilor Bushee asked if this didn't concern him, and suggested perhaps we should have gone with galleries up north, noting it was because of costs that we came back to this site.

Mr. Carpenter said these kinds of plutonium, as we understand them, are not of concern as long as they stay buried and in place. He said there were comments which came out of the City's discussions with the Fish & Wildlife Service in what is called the coordination act report, which cited some literature and these core samples.

Councilor Bushee asked if we expect any more surprises, and what kind of due diligence we will do.

Mr. Carpenter said the due diligence will be recognizing that it is an issue which will be properly dealt with, taking additional core samples to understand exactly what the limits will be, and there will be cost sharing.

Councilor Bushee asked who reported this, commenting if we're worrying about monitoring magnesium at an old landfill in Santa Fe, there should be a map somewhere indicating where this stuff was dumped.

Mr. Carpenter said a lot of data has been produced by a lot of different groups, and some people say the data is good, others that it is not good. It is very difficult to interpret the data. The key is to be aware of this and deal with it the best we can, which is the process we are going through right now, and it is an open dialogue, more than has been in the past with LANL, NMED and with concerned groups. We have to make sure we avail ourselves of all of the data.

Councilor Bushee asked if NMED is putting in monitoring wells nearby this area.

Mr. Carpenter said we are in the process of identifying what type of monitoring needs to

be done, noting we don't have the answers right now, as well as figuring out who pays for the monitoring devices. These are issues we will have to be working through.

Councilor Bushee said there are the obvious health concerns, as well as the costs.

Responding to Councilor Bushee, Mr. Carpenter said we certainly would not be diverting water during these times, nor diverting water with a lot of sediment because we don't want to have to deal with the sediment in general whether or not contaminated, and pay the extra costs.

Councilor Bushee believes the federal and State government should be paying to deal with some of these issues.

Mr. Carpenter said he believes we will get support from NMED which will be very aggressive on this issue, and staff will talk to LANL about this and what will be done with regard to associated costs.

Councilor Bushee said Mr. Carpenter mentioned the plume moving toward Buckman, and asked his biggest concern.

Mr. Carpenter said we are concerned about all three categories. He said what we can do now is Plan 1 and monitor and deal with it as we deem appropriate, keeping communication channels open with LANL and the NMED. He said staff has been talking extensively to the permitting agencies about these issues, and they will require us to do this. He said there is additional leverage by being required to do these things by the federal permitting agencies.

Councilor Bushee asked if there are additional things which the agencies can do to determine whether these were false positive results.

Mr. Carpenter said additional testing will be done.

Councilor Heldmeyer said she is more concerned about the environment. The Lab just saw this as a temporary site, and in some cases there are maps and in some cases there are not. She said the plant has always been designed to turn off if there was too much sediment, just because we didn't want to deal with this level of sediment.

Mr. Carpenter said this is correct. He said it wasn't scoped at the time of EIS in 2001. This issue was looked at, and not determined by the federal agency to be significant enough at that time to have extensive analysis done in the EIS, but that doesn't mean we won't analyze it further now.

Councilor Heldmeyer said one of the problems is, as we get better at detecting smaller and smaller amounts, then the question becomes whether we are really looking at an amount which will have negative impacts, or if it is just that we're better at detecting smaller amounts, and so, therefore start to worry about it. She said cities nationwide have had to deal with the

arsenic issues in significant amounts. In this case, we are right on borderline in technology about can it be detected.

Mr. Carpenter said at such low levels of plutonium, in particular, it is hard to determine whether it is false positive, background, or if it is there at all. He reiterated that this is at extremely low levels, and well below the contaminant level for federal drinking water standards.

Councilor Heldmeyer said it appears we are less worried about the transuranics which hook onto the sediment, than we are about things such as tritium which might get into the groundwater.

Mr. Carpenter said this is correct, noting tritium moves readily underground, while plutonium does not.

Councilor Heldmeyer said the idea of the plume moving has been around for a long time. Mr. Carpenter said this is correct. Councilor Heldmeyer said when he says its moving toward the Buckman Well Field, what is the timeline for that movement.

Mr. Carpenter said that depends on whom you ask. LANL said it is 100 years or hundreds or years, while people from CCS will say it is tomorrow or 20 years, and everybody has data to back it up. He reiterated the data is very complex, and it is all a matter of interpretation.

Councilor Heldmeyer asked if there is agreement as to whether the extent to which we pump the wells accelerates the plume.

Ms. Borchert said at this point the plume is more in a recharge area, and has been modeled and is moving with recharge materials. She said it is correct to say that directionally it is moving toward the well, because groundwater flows in that direction from west to east. She said it is a question about the rate at which this will drive the plume toward the river and toward the Buckman Well Field and vice versa.

Chair Chavez said we will deal with the sediment in some fashion, but we don't know exactly how yet, and asked if the added contamination will cause problems in dealing with that sediment.

Mr. Carpenter said we are still working through this issue, and we don't know if the sediment will be returned to the river, or if we can get the permit. If it has to go to the local landfill, we have been talking with landfill personnel, and at this point there is no reason to believe the sediment would require special handling. At the landfill, it will be used for daily coverage.

Responding to Chair Chavez, Mr. Carpenter said plutonium has a very long half life, but at this time, the good news is that it is stuck to something and buried.

10. UPDATE ON WATER CONSERVATION STAFF WORK ACTIVITIES. (DAN RANSOM)

A copy of "City of Santa Fe, Sangre de Cristo Water Division, Water Conservation Program Overview," dated July 18, 2007, is incorporated herewith to these minutes as Exhibit "6."

Dan Ransom reviewed the materials in Exhibit "6."

Responding to Councilor Bushee, Mr. Ransom said part of the evaluations are involved with the Water Conservation Committee, and before any new programs are instituted, the water savings are evaluated and programs will be put in place which have better savings for the water level.

Responding to Councilor Bushee, Mr. Ransom said staff is looking for new ways to save water on something which has not been done, and what to do next. He said water recycling is a new technology, more for commercial, to allow a commercial laundromat to recycle all of its water. He said, with regard to recycling pumps, staff will be using the new software to reevaluate existing programs, and see which ones are working the best, and replace them with something which works better.

Responding to Councilor Bushee, he said, with regard to the experimental garden, they will try different plants periodically and see what works, and will use that information to inform the public. He said the establishment period is one year, which has already started.

Councilor Chavez said with regard to potential rebates, he can see how a laundromat would be indoor, but it is debatable as to whether a car wash is indoor or outdoor. However, the carwashes we are looking to do more recycling are the drive through, and not the self serve. Mr. Ransom said this is correct.

Councilor Chavez asked about checking with the self serve car washes to see if the wands are the latest technology, noting that in the winter they are left running to keep them from freezing. He asked if this would be considered fugitive water, saying he believes there should be some way to keep them from freezing overnight.

Councilor Trujillo asked what has happened about laying effluent lines for future use, and asked why not do this now while the roads are torn up.

Mr. Buller said he spoke with Costy who told him they have money for design, but have received no money for the infrastructure, but he is hoping to get construction funds from the next Legislature.

Chair Chavez said he has requested that the first phase of the line from the wastewater treatment plant to Tierra Contenta be placed on the CIP list for next year, and hopes we can get

this funded. He said he has been working on this for 5-6 years, and it has just fallen through the cracks. He said the Legislature hasn't really been interested in this project.

Councilor Trujillo said it makes sense to lay these lines now during construction, rather than tearing up the road in the future to do this.

Mr. Buller believes it is on the ICIP list for the State, but he will double check on this.

CONSENT CALENDAR

- 12. REQUEST FOR APPROVAL OF THE COLLECTION AGREEMENT BETWEEN THE BUCKMAN DIRECT DIVERSION BOARD AND THE U.S. FOREST SERVICE FOR \$100,431 EXCLUSIVE OF NMGRT. (RICK CARPENTER)
- 13. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH CDM FOR \$9,400, EXCLUSIVE OF NMGRT FOR GROUNDWATER MODELING FOR WATER RIGHTS PERMIT COMPLIANCE. (CLAUDIA BORCHERT)
- 14. REQUEST FOR APPROVAL OF AMENDMENT NO. 7 TO THE LEGAL SERVICES CONTRACT WITH RODEY, DICKASON, SLOAN, AKIN & ROBB, PA, FOR \$50,000, FOR ENVIRONMENTAL AND WATER RIGHTS LEGAL SERVICES. CLAUDIA BORCHERT AND DALE LYONS)
- 15. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE

MATTERS FROM THE CITY ATTORNEY

None

ITEMS FROM STAFF

None

MATTERS FROM THE COMMITTEE

Mr. Martinez said Michael Gonzales has been selected to fill the position which he vacated, and spoke about Mr. Gonzales' expertise and years of experience.

Discussion of Water Budget Initiatives

Councilor Bushee said we are going to put 1,000 afy into the River, and wants to know when we will be discussing this.

Chair Chavez said he would like to get a report on the check-off for the living River to look at the interest which has been expressed.

Councilor Bushee wants to be sure we have all the water issues covered with the State Engineer, reiterating that we have 1,000 afy of unappropriated water and she wants to claim that.

[Mr. Buller's response here is inaudible on both tapes.]

Responding to the Chair, Ms. Trujillo said she doesn't know what Councilor Heldmeyer has in mind with regard to this agenda item.

Chair Chavez suggested we postpone this item, and bring it back to the next meeting, along with Councilor Bushee's questions on the living River, and how the 1,000 afy would be acquired and how it would be appropriated.

NEXT MEETING: Wednesday, August 1, 2007.

ADJOURN

There being no further business to come before the Committee, and the Committee having completed its agenda, the meeting was adjourned at 7:00 p.m.

Miguel Chavez, Chair

Melessia Helberg, Stenographer