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

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

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

A P P E A R A N C E S

- COUNCILLOR KEN SANCHEZ, Chairman
- COMMISSIONER WAYNE A. JOHNSON, Vice Chairman
- MAYOR RICHARD BERRY, Member (Excused)
- COUNCILLOR REY GARDUNO, Member
- COMMISSIONER ART DE LA CRUZ, Member
- COUNCILLOR TRUDY E. JONES, Member
- COMMISSION MAGGIE HART STEBBINS, Member
- TRUSTEE PABLO RAEL, Ex-officio Member
- MR. ROB PERRY, Admin. Officer, Alternate Member

1           CHAIRMAN SANCHEZ: I call this October 17, 2012,  
2 meeting of the Albuquerque Bernalillo County Water  
3 Utility Authority to order. At this time we will have  
4 a silent invocation, followed by the Pledge of  
5 Allegiance, which will be led by our legal staff, Nan  
6 Winter.

7           (Whereupon, there was a moment of silence.)

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

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

12           Our next item on the agenda is approval of  
13 the minutes. I make a motion to approve the September  
14 19th, 2012 minutes.

15          COMMISSIONER DE LA CRUZ: Second.

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

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

20          ALL MEMBERS: Yes.

21          CHAIRMAN SANCHEZ: Opposed, no.

22           That motion carries.

23           (6-0 vote. Agenda Item 3 approved.)

24          CHAIRMAN SANCHEZ: Our next item is  
25 proclamations and awards. And I'd like the following

1 individuals that are here this evening to please come  
2 to the front and then I will read a script on the  
3 awards you're receiving.

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

8 Let's start with Clifford, Abebe and Peter.  
9 By working closely with federal authorities over  
10 several months during a painstaking audit process,  
11 these individuals saved the water authority  
12 \$2 million, money that the federal government wished  
13 to disallow from a FEMA emergency grant made back in  
14 2004.

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

17 Dean Brush, David Montgomery, Joseph Barrios  
18 and Steve Magee, these individuals were charged with a  
19 critical upgrade to our radio communication system  
20 mandated by the Federal Communications Commission.  
21 Their hard work and diligence resulted in completion  
22 of the project three months ahead of schedule and  
23 \$100,000 under budget, in spite of numerous challenges  
24 and setback.

25 Thank you for your work.

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

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

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

14           You may come up and greet the committee.

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

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

19           MS. JENKINS: Eleven.

20           CHAIRMAN SANCHEZ: There are 11 individuals.  
21   Each of you will have two minutes to speak, with a  
22   warning bell at one and a half minutes. And once your  
23   name has been called, we have seating up in the front,  
24   be prepared -- come to the front and then be prepared  
25   to speak.

1           Ms. Jenkins, do you want to go ahead and  
2 announce the first three speakers.

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

5           CHAIRMAN SANCHEZ: Welcome, Ms. Cowell.

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

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

23           The WPAB was recently presented with some  
24 salient concerns from members of the public and  
25 environmental advocacy group, Our Endangered Aquifer

1 Working Group, regarding the status and adequacy of  
2 funding for the lab's environmental restoration  
3 projects.

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

11 And my friend Carol Benson will continue.  
12 Thank you.

13 CHAIRMAN SANCHEZ: Thank you, Judy.

14 Go ahead and proceed, Carol.

15 MS. BENSON: Hello. DOENNSA is requesting 5  
16 million in its -- I guess that's funding 2013  
17 congressional budget proposal or SNL's environmental  
18 restoration programs, which is approximately  
19 66 percent more than its current enacted funding.  
20 Increased funding will be used for additional soil  
21 vapor and groundwater characterization activities at  
22 designated areas, including the TAV site.

23 The protection authority board respectfully  
24 requests that WUA governing board consider OEAWG's  
25 concerns enclosed with this letter and take formal

1 action towards encouraging the New Mexico  
2 congressional delegation to support the increased  
3 funding for the environmental restoration and  
4 monitoring of the sites, the sites that threaten our  
5 drinking water supply, by including this critical  
6 funding issue in your federal legislative priorities.

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

11 CHAIRMAN SANCHEZ: You still have 30 seconds.

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

14 CHAIRMAN SANCHEZ: Welcome, Valerie.

15 MS. SMITH: Hi. I don't normally come to events  
16 like this. I'm not as familiar with the procedures.  
17 But I'm a resident of one of the areas that's going to  
18 be affected; I'm a parent here. And just in my  
19 conversations with my neighbors, you know, we talked a  
20 lot about the price that we've already paid, like as  
21 taxpayers paying for millions of gallons of fuel that  
22 nobody noticed missing. And now we're going to be  
23 paying for, you know, lower property values, perhaps  
24 health issues. You know, we're going to be paying for  
25 a long time. The genie is out of the bottle and

1 there's no putting it back.

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

9 CHAIRMAN SANCHEZ: Thank you for are coming  
10 down.

11 Next three speakers.

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

14 MR. SCHRADER: Twenty-four million gallons of  
15 cancer-causing poison closing in on our city's wells.  
16 If China had caused this massive threat to  
17 Albuquerque's water, would you take a strong public  
18 stand to stop it? If Al Qaida were responsible, would  
19 you take a strong public stand now to prevent the  
20 catastrophe? If Russia had created this underground  
21 river of poison to wage chemical warfare against us,  
22 would you take a strong public stand to protect our  
23 water? Are you afraid to stand up to our own U.S.  
24 government? Are you afraid of offending KAFB? Are  
25 you afraid of being branded unpatriotic and extremist?

1           Twenty-four million gallons of  
2 cancer-causing poison. Deliberate or accidental, from  
3 foreign nations, terrorist groups or the U.S.  
4 government, the severe danger is the same. You are  
5 charged with protecting the water supply of more than  
6 a half million people now and possibly millions more  
7 into the future.

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

11           CHAIRMAN SANCHEZ: Thank you.

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

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

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

1 consequences.

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

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

13           CHAIRMAN SANCHEZ: Thank you, Judith.

14           Next speaker.

15           MS. JENKINS: Floy Barrett.

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

19           I urge you, as Judith has, to pass both the  
20 resolutions before the board tonight. I have been  
21 working with several groups in Albuquerque for years  
22 on the endangered aquifer. And we have done  
23 everything we know how to prevent that aquifer from  
24 being further endangered. So I would ask you now to  
25 ask our congressional delegation to support the

1 increased funding for the environmental restoration  
2 and monitoring of the sites that threaten our drinking  
3 water by including critical funding in your federal  
4 legislative priorities. That's to go to -- for you to  
5 ask the New Mexico congressional delegation, the  
6 Technical Area 5 and Technical Area 3 as within a mile  
7 of the city well. The Kirtland jet fuel spill is  
8 within a fourth of a mile from Eubank wells, and five  
9 Ridgecrest wells are threatened by that.

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

13 CHAIRMAN SANCHEZ: Thank you.

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

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

21 Not since the Love Canal, Cuyahoga River,  
22 Cleveland, has a city's water supply been under  
23 assault, intentional or accidental. And you're on the  
24 point you have to take action and you have to be  
25 involved all the way or this thing is going to get out

1 of hand.

2           They're still cleaning up the mess down  
3 there in the South Valley from several years ago. It  
4 almost brings to mind the classic story of the Pied  
5 Piper of Hameline and the rats which poisoned the  
6 city, another plague. He got rid of the rats, but  
7 then nobody wanted to pay him, if you remember the  
8 tale, and the city lost its children as a result.

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

16           CHAIRMAN SANCHEZ: Thank you.

17           MR. MCCOY: Good evening. Dave McCoy, Citizen  
18 Action. I support the resolutions. I support the  
19 protection advisory board letter. There's two further  
20 things that I think that you could do. One is the  
21 water utility authority should call on Paul Hommert,  
22 CEO of Sandia Labs, to come and speak to the water  
23 utility authority about why it is unwilling to clean  
24 up the mixed-waste dump that has 119 barrels of  
25 plutonium-laced waste that will remain hazardous to

1 Albuquerque forever. This is something that can be  
2 cleaned up now. That should be done.

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

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

25 So, please, request these two agencies to

1 come down and let's find out what they have to say for  
2 themselves, ask them a few questions. Thank you.

3 CHAIRMAN SANCHEZ: Thank you, David.

4 Next speaker.

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

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

14 We have successfully cleaned up 278 out of  
15 314 solid waste management units. During that time,  
16 we've been fully funded for programs, and we  
17 anticipate having full funding for the continuation of  
18 the rest of the work that we have to do.

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

25 CHAIRMAN SANCHEZ: Thank you, David.

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

4           CHAIRMAN SANCHEZ: Councillor Garduno.

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

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

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

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

21          MR. MILLER: Thank you.

22          COUNCILLOR GARDUNO: Thank you.

23                 Thank you, Mr. Chair.

24          CHAIRMAN SANCHEZ: Thank you, Mr. Miller, for  
25 coming down and representing Sandia on this issue.

1 MR. MILLER: Thank you.

2 CHAIRMAN SANCHEZ: Appreciate it.

3 Next speaker.

4 MS. JENKINS: Jim McKay.

5 CHAIRMAN SANCHEZ: Welcome, Jim.

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

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

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

25 It was the delayed ten years in court while

1 they tried to argue whether somebody in the federal  
2 government or Department of Defense was actually  
3 responsible for the cleanup.

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

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

21 At the very least --

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

24 That concludes our public comments.

25 The next item on the agenda is announcements

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

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

11 Next item on the agenda are approvals.  
12 First item is WUA R-12-13.

13 Commissioner De La Cruz.

14 COMMISSIONER DE LA CRUZ: Thank you, Mr.  
15 Chairman. I'd like to defer this item. The water  
16 authority is working on an agreement with the base,  
17 and I think it would be premature at this point, at  
18 least for me, to move forward with my resolution.  
19 Thank you.

20 CHAIRMAN SANCHEZ: We have a motion and a second  
21 to defer R-12-13. Are there any questions?

22 All those in favor, signify by saying yes.

23 ALL MEMBERS: Opposed, no.

24 That carries unanimously.

25 (7-0 vote. Agenda Item 9A deferred.)

1           CHAIRMAN SANCHEZ: Next item is WUA R-12-14, and  
2 that is Councillor Garduno.

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

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

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

21           CHAIRMAN SANCHEZ: Go ahead and continue to  
22 proceed.

23           COUNCILLOR GARDUNO: I just would urge refer us  
24 to pass this because I think it's a starting point for  
25 all of us. And I respect Commissioner De La Cruz's

1 wanting to wait for more information, and I think  
2 that's a prerogative he has, and it's good for him to  
3 do that. But I think that the resolution I presented  
4 is something that has a certainly level of immediacy  
5 and I would like to move forward with it. I urge your  
6 support.

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

20 COUNCILLOR GARDUNO: Mr. Chair, as you recall,  
21 in fact WUA R-12-13 is a floor substitute, so that's  
22 been changed somewhat. But I feel like R-14 is asking  
23 for immediate action, and that's what I'm concerned  
24 about, that we don't most postpone things too long.  
25 And as I say, if there's new information, then it has

1 to be incorporated. I'd be glad to entertain an  
2 amendment or present an amendment myself. But at this  
3 point, it feels like we need to go forward.

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

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

8 COMMISSIONER HART STEBBINS: Second.

9 CHAIRMAN SANCHEZ: We have a motion and a  
10 second.

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

13 COMMISSIONER DE LA CRUZ: Second.

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

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

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

24 MR. SANCHEZ: Mr. Chairman, Members of the  
25 Board, I was hopeful it would be by this meeting.

1 Unfortunately, it was not. Dealing with the Air Force  
2 and the federal government takes a little bit more  
3 time because much of what they have to do  
4 unfortunately has to go up the chain of command to  
5 Washington. I'm hopeful it could be by the November  
6 meeting. That's at least our goal.

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

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

24           So we're trying to work through some of  
25 those deals. That's pretty much where we are.

1           CHAIRMAN SANCHEZ: Commissioner.

2           COMMISSIONER HART STEBBINS: Thank you, Mr.  
3 Chairman.

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

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

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

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

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

23          MR. SANCHEZ: Mr. Chairman, Commissioner  
24 Stebbins, I can only tell you that the base command  
25 and, to some extent, those that have been involved

1 have suggested that the board adopt the contingency  
2 plan as part of a policy document. That's not to say  
3 this resolution or another, but that's what they've  
4 suggested and that's kind of what we've represented we  
5 would bring forward.

6 CHAIRMAN SANCHEZ: Thank you, Commissioner.  
7 Councillor Garduno.

8 COUNCILLOR GARDUNO: Thank you, Mr. Chair.

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

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

24 So in the interest of cooperation and  
25 getting folks to realize how dire this is, that I

1 would like to then entertain the thought of  
2 incorporating not only what is on here but the  
3 agreement as part of the resolution to make sure that  
4 agreement has essentially teeth, and that would be  
5 something that I would direct the staff to do, and not  
6 an agreement that just says we agree with you and  
7 everything you say is fine. But rather than we do our  
8 own conscience of effort to make sure that things that  
9 are being said by both resolutions, actually, that  
10 they're looked at in a really precise way so that we  
11 come forward with a recommendation and an agreement  
12 that not only says, yes, we agree with you, but rather  
13 this part of the agreement means that you have to  
14 start moving on not only the technologies, but all of  
15 the things that are asked for in the resolution.

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

19 CHAIRMAN SANCHEZ: Thank you, Councillor  
20 Garduno.

21 Commissioner Johnson.

22 COMMISSIONER JOHNSON: Thank you, Mr. Chair.

23 Mr. Sanchez, I'm thinking county procedure,  
24 so I don't know whether this is the water utility  
25 authority procedures or not. The agreement that

1 you're working on right now with the Air Force, would  
2 that have to come back to us for approval?

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

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

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

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

1 agree to provide funding for to carry it out.

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

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

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

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

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

23 Thank you.

24 CHAIRMAN SANCHEZ: Commissioner De La Cruz, and  
25 then we'll go back to Councillor Garduno.

1           COMMISSIONER DE LA CRUZ: Thank you, Mr.  
2 Chairman.

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

10           So I just want the public to be aware that  
11 this is a very, very important matter to us. At the  
12 same time, Kirtland is an important matter to us as  
13 well. They're an important part of this community, a  
14 necessary part of this community. And so I appreciate  
15 the fact that while this is a big problem that they've  
16 created, they've also accepted the responsibility for  
17 having created it and have already dedicated  
18 \$50 million -- is that correct, Executive Director?  
19 -- \$50 million to study, to monitor, to try to get to  
20 a point where we have a full understanding of this  
21 plume and what it will take to mitigate and clean up  
22 this situation.

23           These resolutions are important because they  
24 let the public know -- which we have members of the  
25 public that show up at every meeting and encourage us

1 and push us towards a strong stance in this regard.  
2 At the end of the day, there isn't a whole lot that we  
3 can do, because, as the executive director, Mark  
4 Sanchez, said a little while ago, the jurisdiction for  
5 monitoring -- for overseeing and enforcing its cleanup  
6 really lies with the state environment health section  
7 or wing. And so, consequently, what we do here is  
8 largely symbolic.

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

17 We are trying to work out a more concrete  
18 agreement. I think at the end of the day, that's what  
19 the public wants to see. They want to see that  
20 there's an agreement, that there's a timeline and that  
21 there's resolution to this matter by a cleanup. And  
22 so at this juncture, only because there is that  
23 ongoing communication between the water authority  
24 staff and the base, I would rather that we try to get  
25 some language in place that gives meaning to the

1 resolution. Otherwise, it just is words. And that's  
2 okay, because it does go a long way and I agree that  
3 we need to do some of that. But I'd rather that we  
4 give it a little bit of time, let those discussions  
5 bear some fruit and some both concrete language that  
6 is both from the water authority staff, which they  
7 represent us as a board, as well as the base, which  
8 represents the federal government. So that's why.

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

13 Thank you, Mr. Chairman.

14 CHAIRMAN SANCHEZ: Thank you.

15 Councillor Garduno.

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

23 And, Commissioner De La Cruz, I also agree  
24 that it's a very dire issue, an issue that I've been  
25 involved with for the last three and a half years, my

1 whole tenure almost on the council. So it is not  
2 something that was brought to my attention, you know,  
3 just a few days ago.

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

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

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

22           It's one thing to have a commander who --  
23 heaven knows where he is now. One of the commanders  
24 is now or was head of Homeland Security for the State.  
25 Another one left and I think is somewhere in Guam or

1 somewhere. And Kubinec I think is ready to leave his  
2 command here. So I don't know how definite those  
3 assurances are. And this asks for those assurances.

4 And I guess in the spirit of cooperation and  
5 the spirit of wanting to get these things done so we  
6 don't scuttle them just because there's a difference  
7 on this panel on verbiage, that we go forward -- or we  
8 defer this for a month, very specifically, for a  
9 month, with an agreement that's in place that we all  
10 can bring forward. And, again, make sure that the  
11 public is protected, but even more so, that we have  
12 done our due diligence as a board that is charged with  
13 making our water safe. That is our only charge. But  
14 that being the charge, we have full authority to make  
15 anyone who has contaminated it, make sure that they  
16 clean it up.

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

19 CHAIRMAN SANCHEZ: Thank you, Councillor  
20 Garduno.

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

23 All those in favor, signify by saying yes.

24 ALL MEMBERS: Yes.

25 CHAIRMAN SANCHEZ: Opposed, no.

1           That carries unanimously.

2           (7-0 vote. Agenda Item 9B deferred.)

3           CHAIRMAN SANCHEZ: That takes care of approvals.

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

8           COUNCILLOR JONES: Second.

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

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

13           ALL MEMBERS: Yes.

14           CHAIRMAN SANCHEZ: Opposed, no.

15           That carries unanimously.

16           (7-0 vote. Agenda Item 10A approved.)

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

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

24           This first slide shows you a map of New  
25 Mexico. The dark mustard color that encompasses

1 Bernalillo County indicates severe drought. And with  
2 tomorrow's release, we will actually see the severe  
3 drought conditions extend farther into western New  
4 Mexico. That's not very typical for the fall; usually  
5 we see an easing of drought at this time of year.

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

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

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

24 And this is that graph that we look at every  
25 month that shows the temperatures in the equatorial

1 Pacific, which tend to drive us entering the El Nino  
2 or La Nina conditions. Up above that middle black  
3 line are the El Nino conditions. All of the colored  
4 lines represent different model runs to show what they  
5 think the temperatures are going to do in the  
6 equatorial Pacific. The average of those model runs  
7 is a thick yellow line that runs kind of through the  
8 middle of all of those lines.

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

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

24           Our customers are really to be applauded for  
25 their efforts. We may use up those savings just

1 because it's been a very dry fall and will continue to  
2 be dry. But even if we finish up this year using the  
3 same amount of water as we have for the past two  
4 years, that's a real achievement, given the drying  
5 conditions we're experiencing.

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

8 CHAIRMAN SANCHEZ: Are there any questions?  
9 Councillor Garduno.

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

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

22 COUNCILLOR GARDUNO: And what are we now?

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

25 COUNCILLOR GARDUNO: That is very impressive.

1 And this is because of users cutting back, primarily?

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

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

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

12 COUNCILLOR GARDUNO: I'll tell my wife that.  
13 Thanks.

14 CHAIRMAN SANCHEZ: Thank you, Katherine.

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

18 Welcome, Rick.

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

21 Tonight is -- my presentation is just  
22 intended to be sort of an administrative overview of  
23 what the water protection advisory board has been  
24 deliberating on over the last few months regarding DOE  
25 environmental restoration operations and more recently

1 mixed-waste landfill.

2           Presentation, obviously my purpose is to  
3 tell you -- summarize the presentations we've received  
4 by the Our Endangered Aqua Working Group, by Sandia  
5 National Labs Environmental Restoration Group, and  
6 some public comments made by Citizen Action. Also the  
7 letter was read to you earlier by a member of the  
8 public. But also to summarize the letter to this  
9 board endorsing support for Sandia Labs request for  
10 increase funding for environment restoration  
11 activities in FY -- in 2013.

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

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

24           Mixed-waste fill has come up and is 2.6 acre  
25 landfill, and this is a picture of what it looks like

1 at this point in time. It has an irrigated -- a  
2 currently irrigated top so the vegetation could take  
3 route during this dry season. It was operated from  
4 '59 to 1988 and contains classified and unclassified  
5 -- well classified waste, and this is certainly a  
6 short list, which many other items in it includes  
7 tritium, plutonium, volatile organic compounds.  
8 According to Sandia Labs and the environment  
9 department, there's evidence of impact to the regional  
10 aquifer. And the cap you're seeing on this landfill  
11 was constructed in 2009.

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

21 They did present to us the insufficient  
22 funding to adequately investigate unknown impacts to  
23 the regional aquifer. And they were requesting that a  
24 public hearing be added to the calendar for this  
25 mixed-waste landfill and their long term maintenance

1 and management of plan was actually presenting last  
2 night at a public meeting by the environment  
3 department.

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

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

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

24           2012, we have listened to presentations  
25 regarding the status and the environmental advocacy

1 concerns, we wrote this August 10th letter, which has  
2 been referred to earlier. And currently we're  
3 considering the appropriateness of a public hearing to  
4 request for the mixed-waste landfill long term  
5 maintenance management plan.

6 Are there any other questions -- any  
7 questions?

8 CHAIRMAN SANCHEZ: Any questions?

9 Commissioner Stebbins.

10 COMMISSIONER HART STEBBINS: Thank you, Mr.  
11 Chairman.

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

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

22 COMMISSIONER HART STEBBINS: And I guess my  
23 question is specifically the first one, covering the  
24 mixed-waste landfill. Was that done, not done, do you  
25 know?

1 MR. SHEAN: That was completed in 2009, yes.

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

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

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

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

23 COMMISSIONER HART STEBBINS: Who holds that? Is  
24 it -- who's in charge of putting together this public  
25 hearing request? It doesn't really identify what a

1 relevant agency or entity is.

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

5 COMMISSIONER HART STEBBINS: Thank you, Mr.  
6 Chairman.

7 Thank you, Rick.

8 CHAIRMAN SANCHEZ: Thank you.

9 MR. SHEAN: Any other questions?

10 CHAIRMAN SANCHEZ: Councillor Garduno.

11 COUNCILLOR GARDUNO: Thank you, Mr. Chair.

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

22 So I would suggest, Mr. Chair, that we do go  
23 to our federal delegation and see how they can help  
24 the labs to accomplish some money to take care of  
25 these issues.

1 CHAIRMAN SANCHEZ: Okay. I think we can maybe  
2 look at making that a legislative priority.

3 COUNCILLOR GARDUNO: Thank you.

4 CHAIRMAN SANCHEZ: Thank you.

5 Thank you, Rick.

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

9 Welcome, John.

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

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

1 drought.

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

10           MRCOG, which is the local irrigation  
11 supplies, ran out, and so they were relying on San  
12 Juan Chama water to meet that flow target at Central  
13 Avenue gauge. And because of that, we ended up  
14 shutting down because we were not able to meet the  
15 minimum flow requirements. So in 2011, you can see,  
16 had we been able to continue to divert, if it wasn't  
17 for the drought, we probably would have been about  
18 75 percent of our total demand.

19           And the same thing for 2012, this year. We  
20 shut down the plant about the second week in August.  
21 I know that would you've read some stories in the  
22 Journal. I think John Fleck has covered this a lot in  
23 terms of the conditions that have been faced because  
24 of a lack of snow-melt, lack of rain. Well, it does  
25 affect our ability to divert, so it has an effect of

1 the drinking water project. So rather than being a  
2 very large percentage of our supply this year and last  
3 year, it's been about 50/50. About half of it's come  
4 from surface water, half of it from the groundwater.

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

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

18 So right we're sort of projecting what's  
19 going to happen this year and next year -- or what's  
20 going to happen next year is going to happen the same  
21 thing that happened this year, which is, the  
22 irrigation, MRGCD will have a certain amount of flow.  
23 Their supplies will last somewhere till July and  
24 August, and then we'll end up probably shutting down  
25 again. Now, there are conditions that could be better

1 than that, where they may get more water than that.  
2 But at least right now, the projects are they're going  
3 to have a limited supply just like they did this year,  
4 which means they'll have a difficult time meeting  
5 those low flow targets, which has an impact on the  
6 Endangered Species Act issues, which I'll talk a  
7 little bit about in a minute.

8 Agency roles in water management. The  
9 Middle Rio Grande is very heavily regulated. The  
10 state engineer's office issues permits for use. The  
11 Interstate Stream Commission, which is a State agency,  
12 manages compact delivery, so that is the Middle Rio  
13 Grande, which is one part of the Rio Grande, which is  
14 separated between Colorado, New Mexico, Texas and the  
15 Republic of Mexico. They administer those various  
16 supplies to make sure that the State is in compliance  
17 with the compact. We have the federal agencies, which  
18 is the bureau of reclamation. They operate the San  
19 Juan Chama Project, which we have a large supply. And  
20 they also operate other reclamation projects -- I'm  
21 sorry. They also work with MRGCD in operation of El  
22 Vado. The Corp of Engineers works primarily in  
23 federal storage, flood control storage, but they also  
24 have and operate Abiquiu Dam, which is where we store  
25 a large percentage of our San Juan Chama. And then

1 fish and wildlife service for, they're the regulators  
2 for the Endangered Species Act. They're the ones that  
3 issue the permits to allow federal agencies and  
4 nonfederal agencies, like ourselves, to continue to go  
5 operate where endangered species are present.

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

17           So storage. Heron Reservoir the highest  
18 reservoir that we have on the Rio Chama. It has a  
19 capacity of 400,000 acre feet. You can see there's  
20 about 190 in there, so it's about half full. Ti  
21 delivers about 100,000 acre feet a year, so if we  
22 didn't get any snow melt this year, Heron Reservoir  
23 would essentially have two years worth of storage and  
24 would be empty. El Vado Reservoir is the district,  
25 MRGCD, Middle Rio Grande Conservancy District

1 Reservoir. It has a capacity of 194,000 acre feet.  
2 It has about 30,000 or so in there as of last week.  
3 Most of that is prior and paramount water and some  
4 carryover native water storage, but essentially, for  
5 the most part, it's basically empty. They're hoping  
6 to get better snow-melt this year. We'll have to talk  
7 a little bit about that.

8 Abiquiu stores San Juan-Chama water  
9 primarily. We have a contract for 170,900 out of  
10 200,000, and we're basically full on the amount of  
11 water that we have in Abiquiu.

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

22 It's a long-standing problem with water  
23 supply in the Middle Grande when we've had droughts.  
24 So what's happened this year -- well, today, this  
25 year, as I speaker here, in 2012 we had something that

1 happened for the first time ever this year. In 2012,  
2 there was a period of time starting about the second  
3 week of June that the only water that was in the river  
4 in the Albuquerque stretch was San Juan-Chama water.  
5 There was no native water that was coming down the  
6 stream system. What little amount was there was being  
7 diverted by MRGCD at Angostura. So we only had  
8 imported Colorado River water keeping the river wet in  
9 the section of the Middle Rio Grande.

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

19 The storage in 2012 improve as it related to  
20 the droughts. And the forecast for 2012, as Katherine  
21 has said, and it's been publicized, is, again, not  
22 very good. We do have to have 400,000 acre feet of  
23 storage in Elephant Butte Reservoir for MRGCD to store  
24 native water, and there may be a short period of time,  
25 depending on the run-off scenarios, that they will be

1 able to store when Elephant Butte begins to fill up if  
2 we some snow-melt that they'll be able to store.

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

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

16           In a below average year, MRGCD will have  
17 some storage and they'll be out again probably in July  
18 or August and will shut down again at that time. Of  
19 course we're not hoping for that to happen, but if  
20 that happens this year and a potentially low flow year  
21 next year, the water authority may be the only entity  
22 in the Middle Rio Grande that has any water stored at  
23 all. And I think that's going to be a scary scenario  
24 in the sense that the irrigators and the endangered  
25 species issues are going to be heavily focused on this

1 board in terms of our ability to help others, and what  
2 is the authority willing to help in that circumstance.

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

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

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

20 There was a biological opinion that was  
21 approved back in 2003. Congress protected that  
22 biological opinion for ten years; it expires in March  
23 of 2013, next year. So there is a potential that with  
24 low flows that we will have a scenario which we have  
25 very little water in the Middle Rio Grande. The SA

1 Collaborative Program now is subject to potential  
2 litigation, and so we could be back in federal court  
3 as we were back in early 2000 arguing over this issue  
4 of what water is available for the fish and how do we  
5 meet those flow targets given the drought conditions  
6 that we've been in.

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

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

19           It may need -- we may need to evaluate  
20 whether or not there's some additional storage that  
21 may be necessary in Albuquerque or somewhere around  
22 Albuquerque. We used to store water in the dam on  
23 Santa Ana Pueblo. Unfortunately it leaks a lot, so it  
24 was very difficult to do, but because of the heavy  
25 losses that are coming down, we may be faced with a

1 situation where it may be significantly more  
2 beneficial for us to have a large storage of water  
3 somewhere here in Albuquerque to be able to use that  
4 water, but also to be able to deliver water downstream  
5 quicker to the lower stretches of the river if that's  
6 needed.

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

20 We do have an aquifer storage and recovery  
21 permit, which are one of the few in the state, which  
22 was issued for Bear Canyon. And in terms of aquifer  
23 storage and recovery, we are trying to move forward  
24 with getting a full permit for the Bear Canyon  
25 project, to be able to continue to operate that, even

1     though it provides very little benefit in terms of the  
2     total amount of storage, we think it's still a great  
3     opportunity for us to continue that.

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

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

19            CHAIRMAN SANCHEZ: Are there any questions?

20            Commissioner Hart Stebbins.

21            COMMISSIONER HART STEBBINS: Thank you, Mr.  
22    Chairman.

23            John, on the slide of 2013 projected use, it  
24    looks like the reuse water is staying pretty flat,  
25    really starting in about 2004. When is the Southside

1 Reuse facility going to be fully operational.

2 MR. STOMP: Well, the Southside Reuse Project is  
3 actually included in that. You can see a slight  
4 increase there. We are going to be making the  
5 connections this wintertime. The project is complete.  
6 We're going to be making the connections accordingly  
7 with the city and Bernalillo County as we make those  
8 connections.

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

16 COMMISSIONER HART STEBBINS: And when it's fully  
17 operational, what will the change be? Do you have an  
18 estimate on how many additional gallons are going to  
19 be reused versus 2012?

20 MR. STOMP: I do. I think the estimate is  
21 somewhere around 2,000 acre feet, so that would be  
22 about six million gallons a year, I believe. Don't  
23 hold me to that multiplication right here but, I know  
24 2,000 acre feet is correct. It will represent an  
25 additional 2 or 3 percent of our demand. So in terms

1 of reuse right now, about 3 percent of our total  
2 demand, and that's in comprehensive, is reuse. When  
3 the Southside reuse comes on board, it will be about  
4 twice that amount.

5 COMMISSIONER HART STEBBINS: Thank you, Mr.  
6 Chairman.

7 CHAIRMAN SANCHEZ: Thank you.

8 Councillor Garduno.

9 COUNCILLOR GARDUNO: Very quickly, because  
10 everybody wants to go home, I know. But El Vado,  
11 30,000 acre feet, and you said run the risk of it  
12 going dry; is that right?

13 MR. STOMP: Mr. Chairman, Councillor Garduno,  
14 right now 30,000 acre feet in a sense of the location  
15 of the outlet structure, it's basically is dry.

16 The 20,000 is there, but it's difficult to  
17 access that 20,000 because of the way the outlet is  
18 designed. So for all intents and purposes, it's  
19 empty.

20 COUNCILLOR GARDUNO: And we have how much there?

21 MR. STOMP: Mr. Chairman and Councillor Garduno,  
22 we don't store actually in El Vado. We store either  
23 in Heron Reservoir, which is undelivered San  
24 Juan-Chama water, or Abiquiu reservoir, of which we  
25 have about 160,000 acre feet.

1 COUNCILLOR GARDUNO: So El Vado doesn't effect  
2 was correctly?

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

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

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

21 MR. STOMP: Mr. Chair and Councillor Garduno, I  
22 think that there's possibly going to be a challenge  
23 with respect to the conditions that are placed on the  
24 federal agencies and nonfederal agencies as to whether  
25 that's enough to protect the fish.

1           In terms of next year, I think there will be  
2 plenty enough water to be able to supplement the flows  
3 to be able to meet the targets for next year and even  
4 following that. I think the real challenge is going  
5 to be -- if it is litigated, it's going to whether or  
6 not the federal agencies have proposed enough  
7 mitigation measures to offset the impacts from  
8 continuing operation of the project. And I think that  
9 will be debated.

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

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

24           And, again, we've worked very closely with  
25 them, and I say, "we," this board has been very

1 proactive in supporting those efforts. And I believe  
2 that you probably -- given the circumstances that  
3 we're in, I think that the staff would recommend that  
4 we would continue to do that.

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

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

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

20 MR. STOMP: Thank you.

21 COUNCILLOR GARDUNO: Thank you, Mr. Chair.

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

25 (Proceedings adjourned at 6:21 p.m.)

1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO

3

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5 REPORTER'S CERTIFICATE

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

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