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Meeting Date: November 17, 2021  
Staff Contact: Mark S. Sanchez, Executive Director

**TITLE: C-21-31 – 2022 Federal Legislative Priorities**

**ACTION: Recommend Approval**

**SUMMARY:**

The 2022 Federal Legislative Priorities for the Water Authority are summarized below. The Legislative Priorities are consistent with the prior year requests with modifications to reflect funding and updated status reports.

**Funding Request**

**1. Water Reclamation and Recycling Program**

Under Policy B of the water resources plan (Water 2120: Securing our Water Future), the Water Authority should utilize all excess wastewater effluent as part of a reuse and recycling plan which includes aquifer storage and recovery. The following projects could be eligible for State Revolving Fund (SRF) funding from the United States Environmental Protection Agency (EPA) and/or Title XVI funding from the Bureau of Reclamation (BOR). The Water Authority intends to seek multiple forms of Federal and State funding for completion of these projects.

- A. Bosque Reuse Project. The Water Authority has secured the land for the construction and operation of the new wastewater treatment plant and has also completed the feasibility study required by the Bureau of Reclamation (BOR) under the Title XVI requirements. The feasibility study was approved by the BOR and is eligible to move forward towards NEPA with this authorization. This project will provide 3 to 5 million gallons per day (3,000 – 7,000 acre-feet per year) of non-potable reuse water for the westside of Albuquerque including parks, golf courses and potentially for industrial uses. The facility is planned as part of the Water Authority's 100-year water plan and will consist of a new completely enclosed wastewater reuse plant, reservoir to store the water and pipelines to distribute the non-potable water to the various irrigation and industrial sites. In the winter when water demands are lower, the purified effluent will be discharged to the Rio Grande. The new wastewater reuse plant will be located on Water Authority property just north of the Bosque High School and education will be a central part of the facility.

The Water Authority received funding from the NM State Legislature and is proceeding with design of this project. A feasibility study was completed for this project in 2012, which estimated the total project cost to be approximately

\$120,000,000. The first phase, which is underway, includes finalizing the layouts for the facility (conceptual design) and submission of a NPDES permit to discharge to the Rio Grande south of Montano Road. The second phase consists design. The third phase would be the construction of the facility and subsequent smaller phases could complete extension of the pipelines to the irrigation sites throughout the west side of Albuquerque. The Water Authority will seek funding for as many phases as becomes available in the calendar year.

- B. *South-to-North Reuse Pipeline*. This project would plan, design and construct a pipeline that would connect the Water Authority's two existing non-potable water systems, allowing reclaimed wastewater effluent from the Southside Water Reclamation Plant (SWRP) to be used to irrigate turf throughout a much larger portion of the service area on the east side of the Rio Grande. This pipeline would also enable the Water Authority to store significantly more water from the Alameda subsurface river diversion using aquifer storage and recovery at the existing Bear Canyon surface infiltration gallery. This project aligns with Water 2120, the Water Authority's 100-year water resources management strategy. It provides drought resiliency and improves sustainability, maximizing water reuse which reduces energy consumption, reduces the need to pump groundwater, and reserves high quality drinking water for other uses. A technical memorandum was prepared in 2021 for this project and identified the total project cost to be approximately \$30,000,000. This capital outlay request is anticipated to take the project through final design.

## **2. Support Annual Appropriations for Kirtland AFB's Bulk Fuel Facility Spill Corrective Action**

The Water Authority supports any efforts by the U.S. Air Force to allocate funding for continued investigation, risk assessment, interim measures, and remediation activities at the KAFB Bulk Fuel Facility (BFF) site, being performed by KAFB to come into conformance to their Resource Conservation and Recovery Act (RCRA) permit. The past two fiscal years have shown a minimal allocated budget compared to previous years and the Water Authority supports maintaining, if not increasing, funding to prevent further decreases.

In 2014, the Water Authority identified the need for a groundwater monitoring well at depth in the northern end of the known ethylene dibromide (EDB) groundwater contamination for BFF site. The Air Force has not installed this well and the Water Authority received funding from the NM State Legislature to drill, install, and test this data gap well. If EDB is detected, additional monitoring wells will be necessary. This well will allow the Water Authority to determine with confidence that the EDB is not present at depth, potentially migrating towards Water Authority supply wells. Additionally, the Water Authority has numerous concerns and questions with the groundwater conceptual model that could impact the understanding of the full-extent of EDB at the site. Without fully determining EDB at depth, it is possible that the Air Force will design and build a final remedy that does not address all EDB in groundwater and therefore the risk to Water Authority wells will persist into the indefinite future. The Water Authority supports the allocation of resources to site, design, and install groundwater monitoring well(s) to fill

this critical data gap at the BFF site and complete the groundwater conceptual model in support of designing and selecting a final remedy for the site.

In December 2019, the Air Force submitted to the U.S. House of Representatives a “Bulk Fuels Facility Engagement Plan” as required in House Resolution (H.R.) 2500 as required by the National Defense Authorization Act (NDAA) of 2020. As part of NDAA and the submitted engagement plan, the Air Force is directed to include in their plan “coordination with the local water utility authority.” The Water Authority expects continued participation as a consulted stakeholder in the decision-making in accordance with the requirements in NDAA and the Air Force’s engagement plan for the site. This includes technical working group meetings and technical input on project scoping activities, including interim measures and other corrective action activities to ensure the safety and security of the aquifer and drinking water supply for the citizens of Albuquerque and Bernalillo County remains safe and secure.

Additionally, in the Bulk Fuels Facility Engagement Plan, the Air Force makes a commitment to expand the level of “outreach and coordination with community residents, the Water Authority, and applicable state environmental agencies” (Page 12; Air Force, 2019). To promote transparency and confidence, the Water Authority recommends regular updates to our board on the status of the project, planning activities, as well as budget allocations. The Water Authority supports full implementation of the Air Force’s engagement plan (December 2019) which would largely address concerns around stakeholder engagement, budget allocations and reporting, and confidence in cleanup progress at the site. The Water Authority urges an aggressive and active remediation strategy, including cleanup of the source area (including both soil and fuel floating or submerged) and the dissolved-phase contamination plume, in order to return the aquifer back to “pre-spill” conditions.

### **3. Support FY18 and FY19 Appropriations for the Sandia National Laboratory’s Environmental Restoration Activities and the Mixed Waste Landfill and other groundwater contamination sites**

The Water Authority maintains a status of groundwater protection and monitoring activities at the lab’s former operational areas, including the Mixed Waste Landfill, which is one of the solid waste management units covered under Sandia National Labs’ (SNL) RCRA permit. The Water Authority wants to ensure that sufficient funding for long-term monitoring and maintenance of the mixed Waste Landfill is secured by the Department of Energy National Nuclear Security Administration (DOE-NNSA), and that regular status reports are provided to the Water Authority Governing Board on an annual basis.

In addition, the Water Authority supports the funding for interim measure activities at other groundwater contamination sites on the SNL, including, but not limited to the Tijeras Arroyo Contamination Site, the Burn Site, and the Technical Area – V Groundwater Area of Concern.

## **Legislative Request**

### **4. San Juan-Chama and Native Storage in Abiquiu Reservoir (Policy I-1, Water 2120: Securing our Water Future)**

The policy of the Water Authority Board is to complete the necessary permitting to store native water in Abiquiu including other water entities in the basin. Storage of native water is critically important for the future success for both Rio Grande Compact Compliance, Endangered Species Act (ESA) Collaborative Program, and implementation of the Water Resources Development Act (WRDA) of 2020. The Water Authority continues to work diligently towards gaining the necessary permits and permanent easements needed to modify its existing contract with the U.S. Corps of Engineers (Corps). In addition, the Water Authority will also be submitting a State Engineer's application for temporary native water storage this fiscal year, in pursuance of WRDA Implementation and the modification of the Corps; Water Control Manual, a requirement of WRDA. Water Authority is requesting assistance from the Congressional Delegation with ensuring that its Federal partners are working in good faith to implement WRDA for the benefit of all New Mexicans in the Rio Grande basin.

## **Status Reports**

### **1. Water Operations and the Endangered Species Act Collaborative Program**

A new Biological Opinion (BO) was issued for water operations in the Middle Rio Grande (MRG) in December 2016 to provide ongoing ESA coverage for the State of New Mexico, Middle Rio Grande Conservancy District (MRGCD) and the BOR (collectively the "Biological Assessment (BA) Partners and the BOR"). There has been a tremendous amount of work completed in 2020 for the ESA Collaborative Program. A new organizational structure was approved and we are finalizing the adaptive management and long-term plans. The long-term plan is needed to assist with the U.S. Corps of Engineers efforts to secure additional funding for the environmental programs that are critical for the program. The new Science and Adaptive Management committee was formed and will take the place of multiple committees.