



Meeting Date: April 17, 2024
Staff Contact: Diane Agnew, Water Rights Program Manager

TITLE: **R-24-6 – Authorizing the Executive Director to Enter into a Memorandum of Agreement with the Office of Natural Resources Trustee for Funds for the Southside Water Reclamation Plant (SWRP) Outfall Restoration Project**

ACTION: **Introduction and Immediate Action Requested**

SUMMARY:

The New Mexico Office of Natural Resources Trustee (ONRT) has identified the Albuquerque Bernalillo County Water Utility (Water Authority) Southside Water Reclamation Plant (SWRP) Outfall Restoration project to receive settlement funding in the amount of \$566,000.00 for the planting of native riparian vegetation. The State of New Mexico, acting through ONRT, conducted a natural resource damage assessment for the Atchison Topeka and Santa Fe (ATSF) Tie-Treater and South Valley Superfund Sites to identify natural resource injuries and plan restoration. Restoration plans were developed and implemented in the early 2000s. After implementation of those projects, ONRT determined that \$566,000 in restoration funding remained for improvements to groundwater. The funding is being allocated to the SWRP Outfall Restoration project under an addendum Restoration Plan.

Under the Memorandum of Agreement, ONRT settlement funds will be applied to the planting of native riparian vegetation as part of the broader scope of the SWRP Outfall Restoration project to create floodplain terrace habitat, increase water quality, and provide community access to the bosque. Improvement of water quality, both surface water and groundwater, is a primary objective for the SWRP Outfall Restoration project. Establishment of a native, riparian floodplain is integral to achieving that goal.

FISCAL IMPACT:

None

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-24-6

RESOLUTION

2 AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A MEMORANDUM OF
3 AGREEMENT WITH THE OFFICE NATURAL RESOURCES TRUSTEE FOR FUNDS FOR
4 THE SOUTHSIDE WATER RECLAMATION PLANT (SWRP) OUTFALL RESTORATION
5 PROJECT

6 WHEREAS, the Albuquerque Bernalillo County Water Utility Authority (Water
7 Authority) is owner and operator of the Southside Water Reclamation Plant (SWRP)
8 Outfall Restoration Project, hereinafter referred to as the "Project," located at and
9 around the SWRP effluent outfall into the Rio Grande: and

10 WHEREAS, the Agreement, except as otherwise stated herein is exempt from
11 the provisions of the procurement code in accordance with NMSA 1978, § 13-1-98(A);
12 and

13 WHEREAS, ONRT and the Water Authority desire to enter into this Agreement to
14 accomplish the Project in the most cost-effective and administratively efficient manner;
15 and

16 WHEREAS, the Water Authority is constructing and operating the site in
17 compliance with requirements associated with Project permitting, including Endangered
18 Species Act, Clean Water Act, Middle Rio Grande Conservancy District licensing, and
19 Rio Grande State Park rules; and

20 WHEREAS, the Water Authority has enacted policies through its water resources
21 management strategy, Water 2120, that state "The Water Authority should work with the
22 City, Middle Rio Grande Conservancy District and others to protect and enhance the
23 Rio Grande State Park and the Bosque.": and

24 WHEREAS, the Water Authority has enacted policies through its water resources
25 management strategy, Water 2120, that state "The Water Authority should continue to
26 participate in the Endangered Species Collaborative Program and Recovery

1 Implementation Efforts for multiple species in the MRG." And the project will benefit
2 multiple endangered species; and

3

4 WHEREAS, ONRT is authorized by NMSA 1978, § 75-7-5(B) to enter into this
5 Agreement for the purpose of restoring, replacing, or acquiring natural resources in an
6 area where natural resources have been injured, destroyed, or lost; and

7 WHEREAS, ONRT funding in the amount of \$566,000 will be utilized for planting
8 of native riparian species over 10.4 acres as part of the Project.

9 BE IT RESOLVED BY THE WATER AUTHORITY:

10 The Executive Director is authorized to sign an agreement whereby ONRT settlement
11 funds in the amount of \$566,000 will be applied to the planting of native riparian
12 vegetation at the Project. The Executive Director is also authorized to act on behalf of
13 the Water Authority to sign the Memorandum of Agreement for ONRT settlement funds.



New Mexico Office of Natural Resources Trustee

Southside Water Reclamation Plant Outfall Restoration Project

April 17, 2024



Office of the Natural Resources Trustee

Mission: restore natural resources when injured by hazardous substances

Goal: return natural resources to pre-spill condition



Following a Release of Hazardous Substances into New Mexico's Environment, Responsibility is Shared:

NMED: Remediation

NMED Requires Responsible Party to:

- Identify and characterize the release(s) and
- Clean up contamination to protect public health and the environment



ONRT: Restoration

ONRT uses the NRDAR Process to Require Responsible Party to:

- Restore injured natural resources to pre-release condition
- compensate public for harm that has occurred over time
- replace or acquire the equivalent of injured resources



Settlements Since 2000 - \$43,341,226



- Gold King Mine Spill - \$13 million
 - US EPA Contractors \$2,000,000 (Dec 2022)
 - United States EPA \$10,000,000 (June 2022)
 - Kinross Gold: \$1,000,000 (Jan 2021)
- Ft Wingate Army Depot \$1,451,069 (March 2022)
- Fronk Oil/Cimarron River: \$150,000 (Dec 2020)
- Freeport-McMoRan Groundwater: Chino, Cobre, and Tyrone Mines (\$12,794,308)
- Freeport-McMoRan Wildlife and Wildlife Habitat: Chino, Cobre, and Tyrone Mines (\$5,500,000)
- AT&SF: Albuquerque's South Valley Tie Treater Facility (\$989,417)
- South Valley Superfund Site: Various Parties in Albuquerque's South Valley (\$4,857,548)
- Sparton Technology: Albuquerque Facility (\$1,000,000)
- SOHIO Western Mining L-Bar: Tailings Facility near Moquino, (\$29,830)
- AT&SF: Clovis Rail Yard (\$404,456)
- Van Waters & Rogers: Albuquerque's South Valley Facility (\$135,000)
- ASARCO (Five Facilities): Blackhawk Mine near Hanover, (\$1,029,598)
- Chevron Mining: Chevron Mine in Questa, (\$4,000,000)

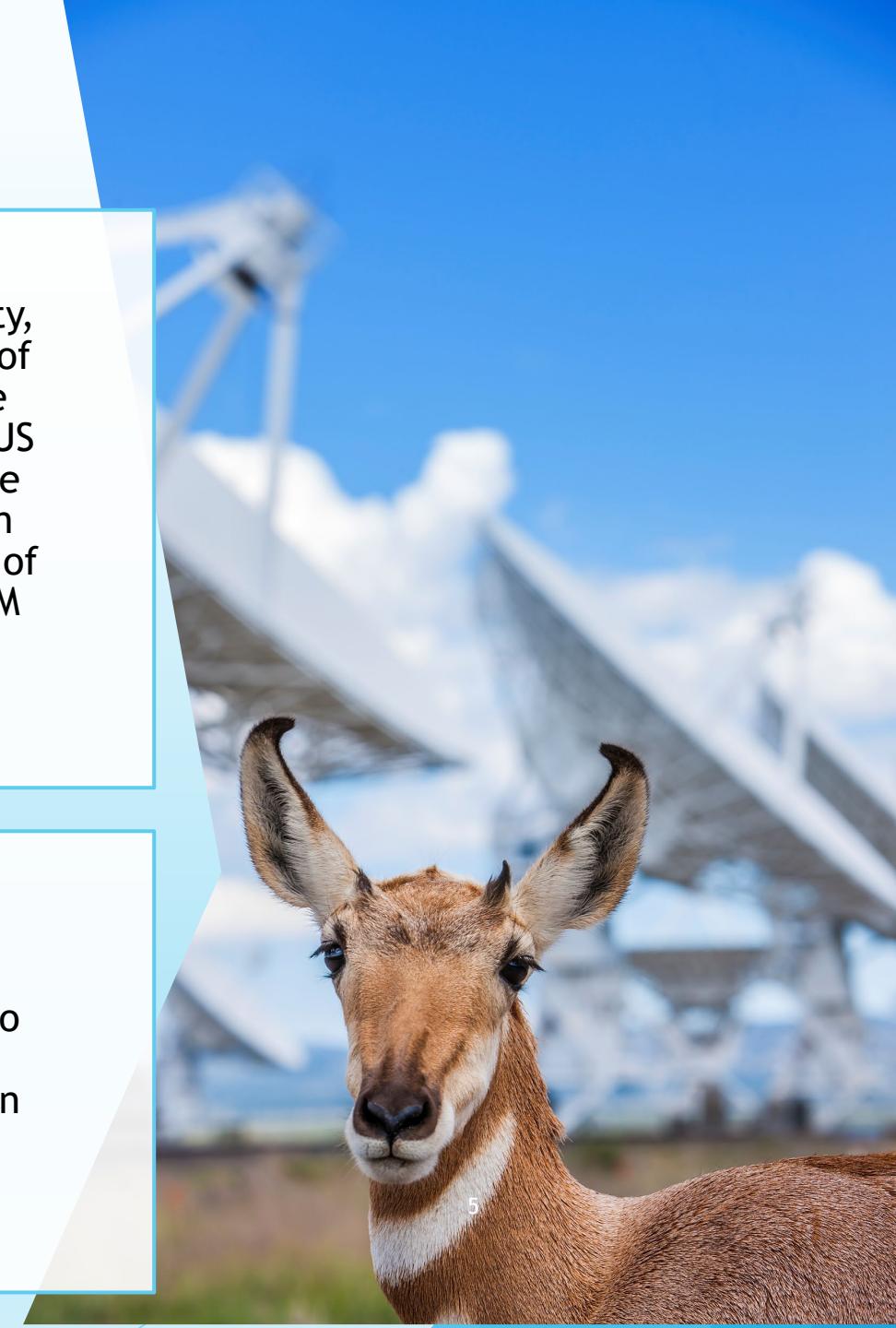
ONRT Partners and Restoration Project Locations

Partners Include:

Navajo Nation, Zuni Tribe, Pueblo of San Ildefonso, Santa Clara Pueblo, Jemez Pueblo, Cochiti Pueblo, San Juan County, Albuquerque/Bernalillo County Water Utility Authority, City of Farmington, San Juan Soil & Water Conservation District, Tse Daa Kaan (Hogback) Navajo Community, US Dept of Energy, US Dept of Interior, Bureau of Indian Affairs, US Fish and Wildlife Service, US Dept. of Agriculture, US Forest Service, Cimarron Watershed Alliance, Amigos Bravos, Trout Unlimited, Village of Questa, Town of Silver City, NM Environment Department, NM Dept of Game and Fish, NM Soil and Water Conservation Districts, private landowners

Current/Past Project Locations:

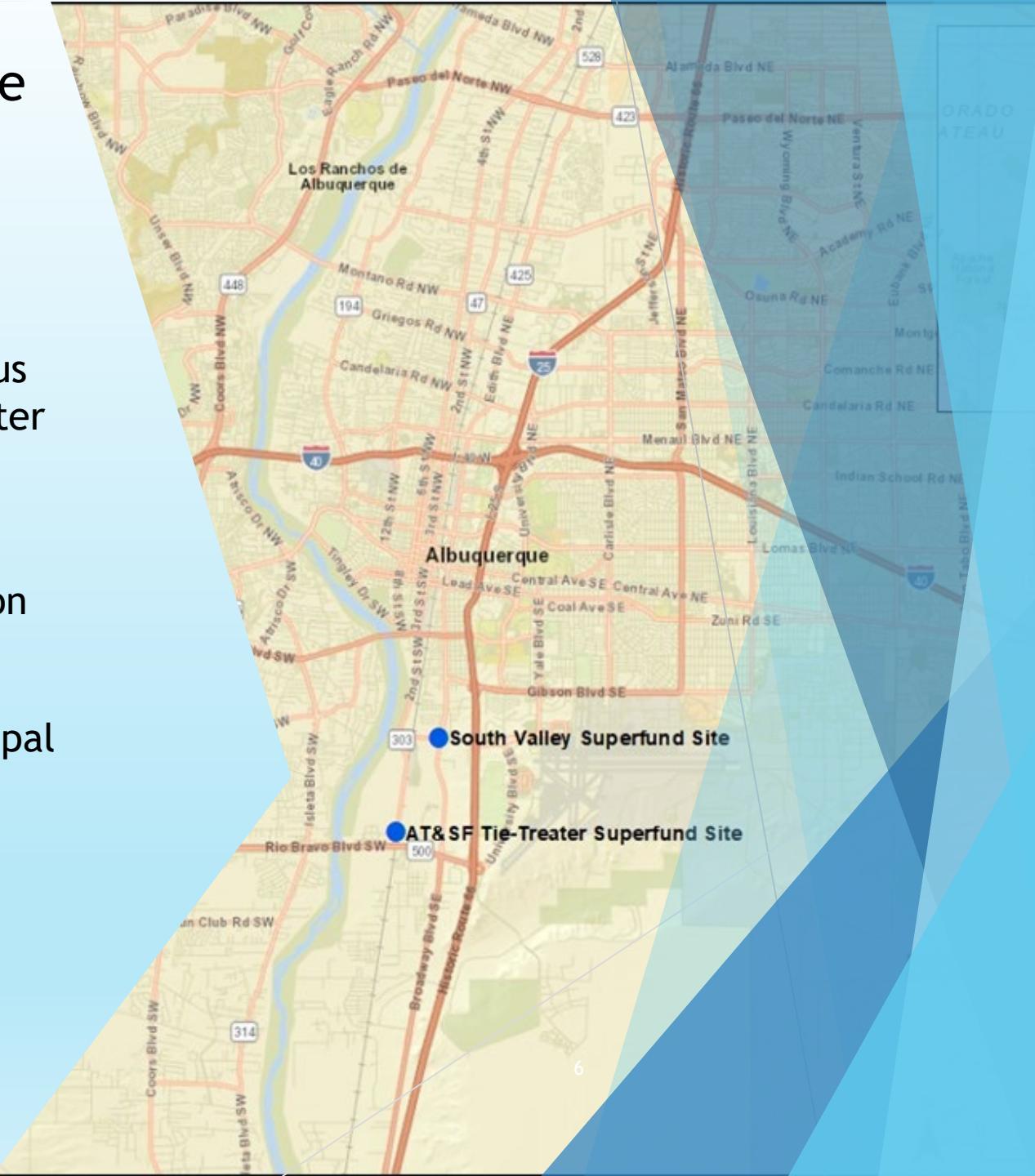
San Juan County, Farmington, Milan, Gallup, Grants, Questa, Cimarron, Silver City, Albuquerque, Red River, Los Lunas, Belen, Socorro, Alamogordo, Aztec, Clovis, Santa Clara, Bayard, Hurley, Isleta Pueblo, central Rio Grande corridor, Rio Rancho, Cebolleta, Bibo, Bosque Farms,, Los Alamos, White Rock, Hanover, Faywood, White Signal, Gila, Pinos Altos, Town of Silver City, and Cliff



South Valley Natural Resource Damage Settlements

The ATSF Site - railroad tie treating plant 1908 - 1972

- Releases of creosote and other hazardous substances caused injuries to groundwater and wildlife habitat
- Settlement with BNSF in 2004
 - \$661,193 for groundwater restoration
 - removal of non-native species
 - domestic connections to municipal sanitary sewer
 - \$400,000 for wildlife habitat improvements in Middle Rio Grande Bosque



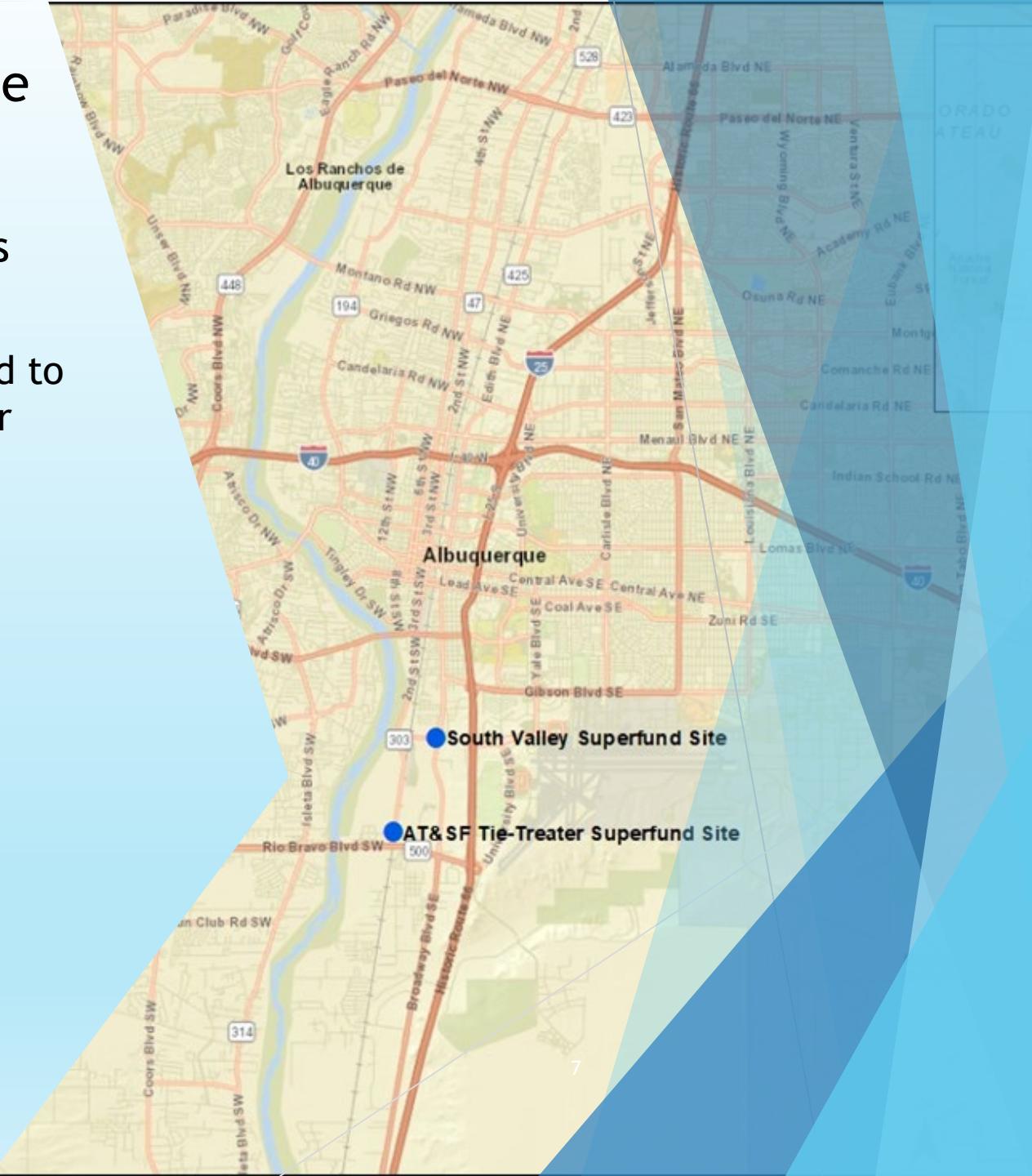
South Valley Natural Resource Damage Settlements

The South Valley Site - industrial operations beginning in 1950s

- Releases of volatile organic compounds led to the contamination of soil and groundwater resources
- Settlement w Chevron and Texaco in 2006 \$4.8m
 - Clean up South Valley Nitrate Plume
 - Orphan Site - no viable responsible party
 - Remediate source of groundwater contamination

Approximately \$550,000 remains after restoration activities completed

- Partnership with ABCWUA



Questions?

Maggie Hart Stebbins, Trustee
maggie.hartstebbins@onrt.nm.gov
505-231-7542

Kate Girard, Executive Director
kate.girard@onrt.nm.gov
505-313-1837



SWRP Outfall Restoration Site



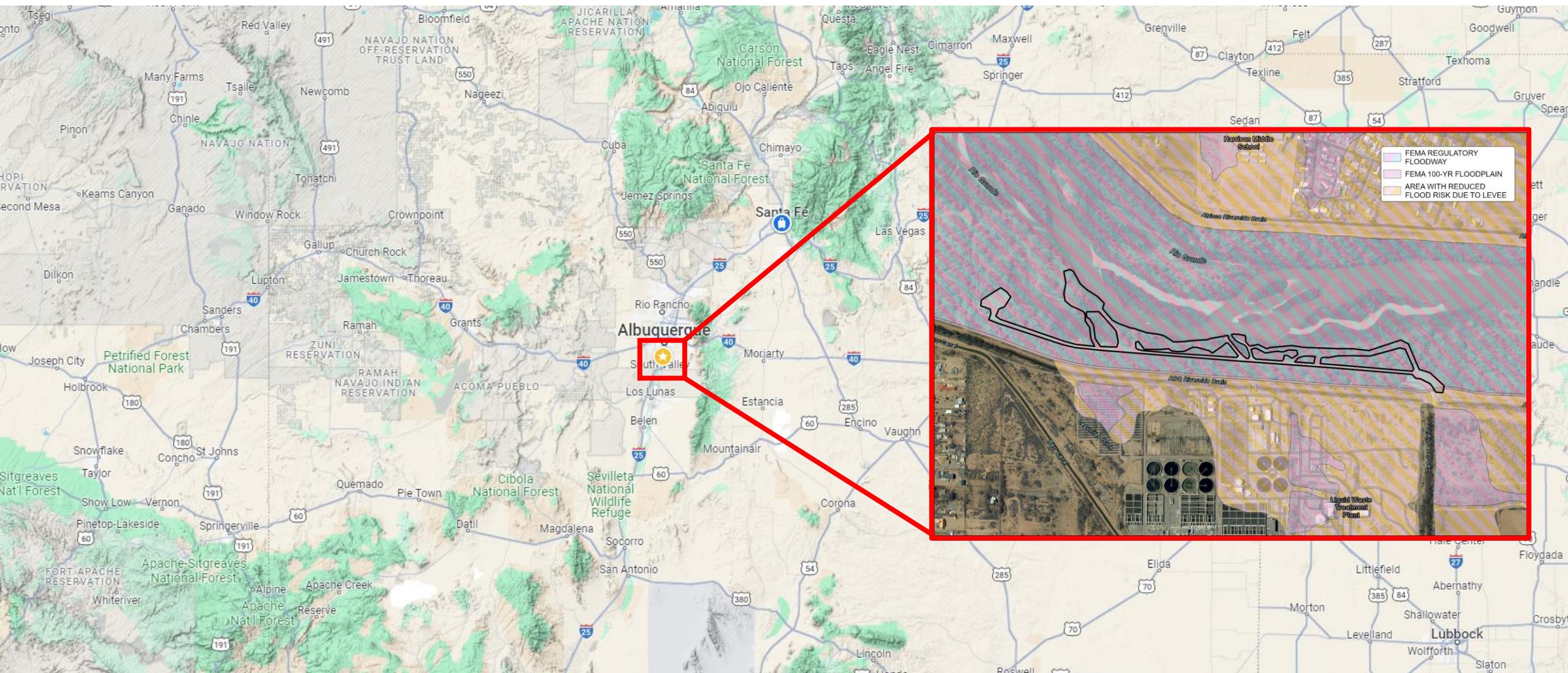
Diane Agnew
Water Rights Program Manager
April 17, 2024



Albuquerque Bernalillo County
Water Utility Authority

Project Location & Context

Adapting Floodplain Reconnection with Climate Change Considerations



Project Context and Objectives

- Project Site centered on the Southside Water Reclamation Plant (SWRP)
- Joint Land Ownership: Middle Rio Grande Conservancy District (MRGCD) and Reclamation
- Bound by USACE maintained levees, Agricultural Ditches, and
- Active, informal trails connecting the South Valley community to the City

Goal #1



**Water Quality
Improvements**

Goal #2



**Public
Access**

Goal #3



**Enhanced
Habitat**

Project Timeline

| July 2022 | December 2022 | April 2023 | June 2023 | July 2023 | December 2023 | April 2024 |
|---|--|---|--|---|---|--|
| <ul style="list-style-type: none">• Work Authorized | <ul style="list-style-type: none">• SUE, Topographic Survey, and Geotechnical Investigation Complete.• Stakeholder meetings• Stakeholder meetings 30% Design Complete. | <ul style="list-style-type: none">• Stakeholder meetings• 60% Design Complete. | <ul style="list-style-type: none">• Stakeholder meetings• Environmental Assessment NONSI Concurrence (Reclamation)• Biological Opinion Complete (USFWS)• 90% Design Complete• NMFA Water Trust Board Grant Award | <ul style="list-style-type: none">• SHPO Concurrence (Reclamation)• NWP27 Secured (USACE, NMED, SWQB)• 100% Design Complete | <ul style="list-style-type: none">• Reclamation WaterSMART Grant Award (\$3M)• IFB Set Submitted | <ul style="list-style-type: none">• RFP Released for Bid• Award of ONRT funding |



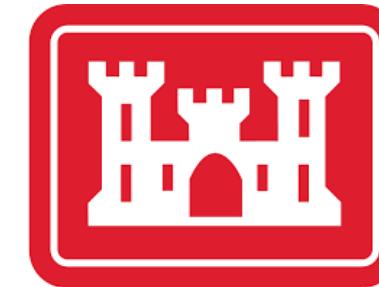
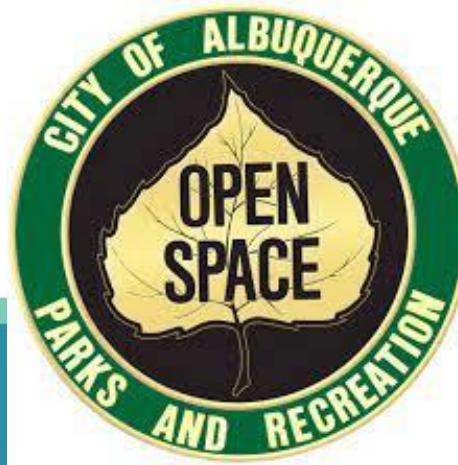
Project Partners

Hazen

SWCA[®]
ENVIRONMENTAL CONSULTANTS



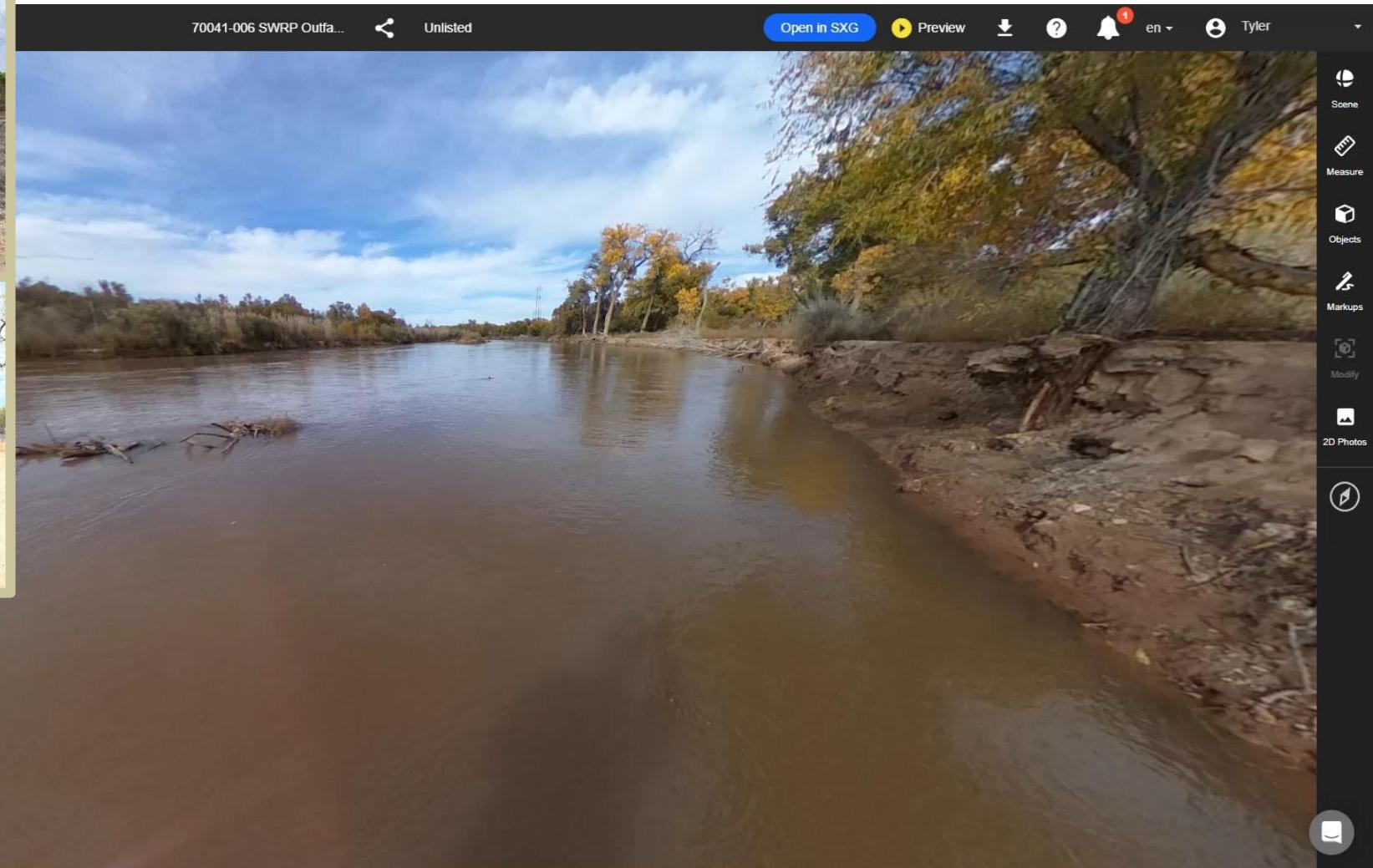
MIDDLE
RIO GRANDE
CONSERVANCY
DISTRICT



BERN
CO | Bernalillo
County

Albuquerque Bernalillo County
Water Utility Authority

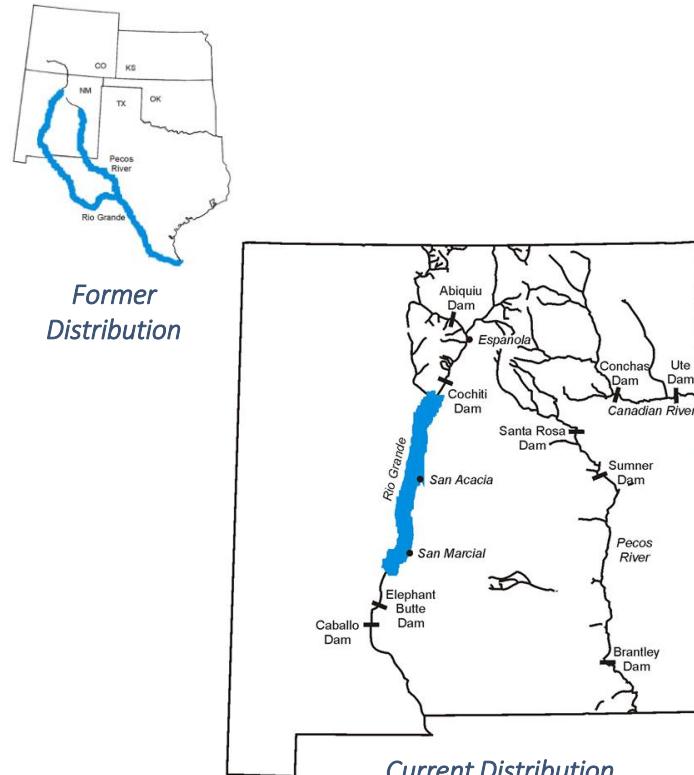
Existing Conditions Overview



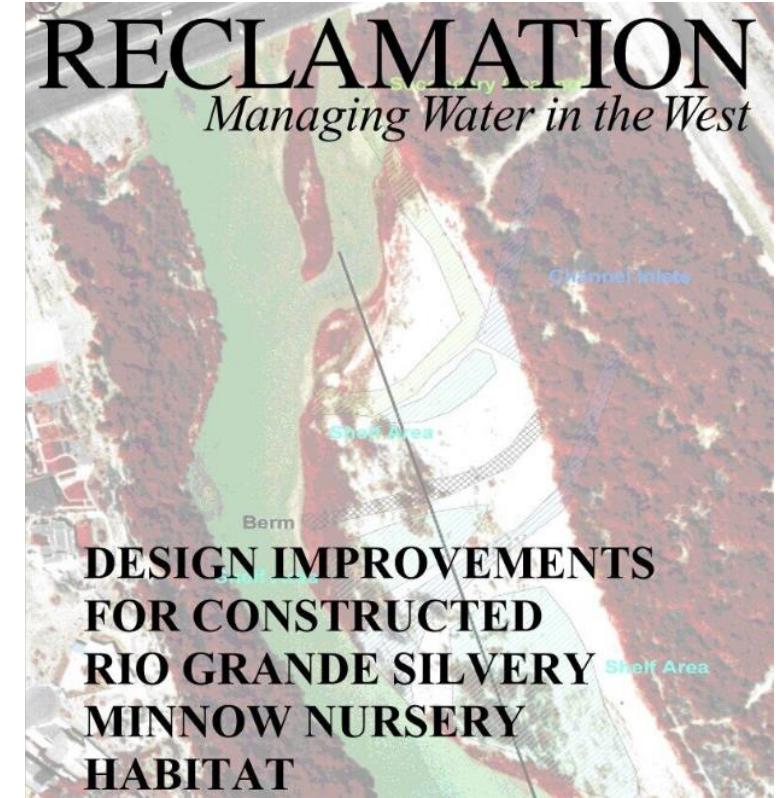
Hydrology and Habitat



Rio Grande Silvery Minnow (RGSM),
1-year old



RGSM Current and Former
Geographic Distributions

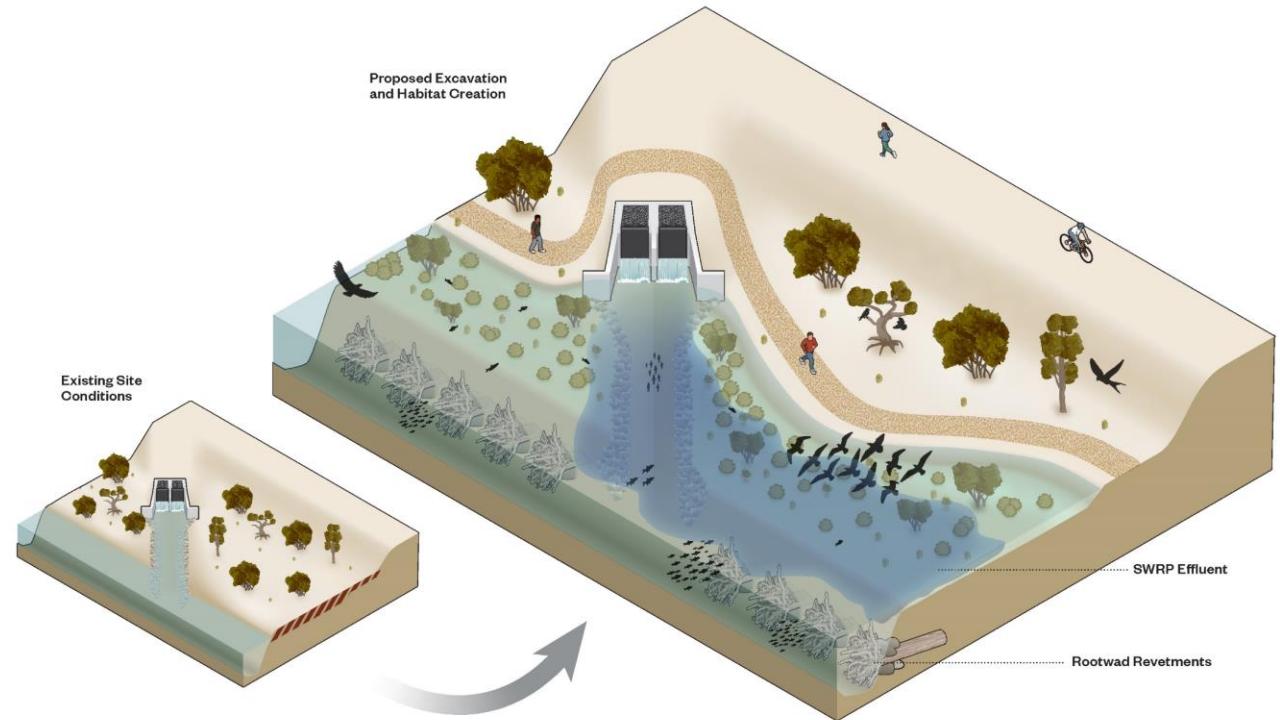


Historical Design Precedent
Publication

Habitat Feature Design

Final design includes construction of a terrace that partially inundates at 900 cfs and fully inundates at 1,500 cfs :

- Flood frequency analysis shows that inundation will be achieved with 1-Year flows.
- Analysis of duration of flows shows that 25-days of inundation is better achieved with a 900 cfs terrace.
- The 1,500 cfs terrace is consistent with historic RGSM floodplain design in the Middle Rio Grande.



Final Site Design

- Floodplain terrace, downstream of SWRP outfall
 - Partial inundation at 900 cfs
 - Full inundation at 1,500 cfs
- Rootwad revetments achieve bank stabilization, water quality improvements, and RGSM winter habitat
- Over 4,000 linear feet of pedestrian trail
- Jetty jack removal
- Invasive species removal
- Revegetation with native, riparian species



Next Steps

- Board approval of Water Trust Board and WaterSMART funding (May/June 2024)
- Finalize agreement with City of Albuquerque Open Space Division for site maintenance
- Complete baseline monitoring in July 2024
- Award of project construction (Summer 2024)
- Implement project monitoring



Questions?



Albuquerque Bernalillo County
Water Utility Authority