

BART FARIS, CHAIR
STEVE GLASS, VICE CHAIR
JOSÉ CERRATO

DARRELL KUNDARGI
CAMILLA FEIBELMAN
CAROLINE SCRUGGS
JONATHAN GONZALES
ELAINE HOWE
CHRIS WELCH

September 13, 2024

Location: Via Teams video conference

Time: 9:00 a.m. to 11:00 a.m.

Board Members Present: Bart Faris (Chair), Steve Glass (Vice-Chair), Elaine Howe, Camilla Feibelman, José Cerrato, Chris Welch

Board Members Absent: Darrell Kundargi (excused), Caroline Scruggs (excused), Jonathan Gonzales (excused)

PIC Members Present: Kelsey Bicknell (*Water Authority*), Rowan Hannan (*Water Authority*), Diane Agnew (*Water Authority*), Corbin Carsrud (*Bernalillo County*), Dan McGregor (*City of Albuquerque*), Jeff Pompeo (*Water Authority*), Danielle Shuryn (*Water Authority*), Shellie Eaton (*City of Albuquerque*), Patrick Chavez (*Albuquerque Metropolitan Arroyo Flood Control Authority [AMAFCA]*), Charles Barber (*City of Albuquerque*)

Guests Present: Mark Kelly (*Water Authority*), Robert Mullin (*Bernalillo County*), Kate Girard (*Office of the Natural Resources Trustee*)

Call to Order

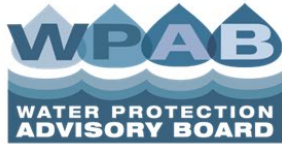
Chair Faris called the meeting to order at 9:04 AM when quorum was established.

I. Approval of Agenda (09:00 – 09:05)

A. September 13, 2024, Agenda

Ms. Howe moved to approve the agenda; Vice-Chair Glass seconded the motion.

Board Member	Vote on Motion
Chair Bart Faris	Yes
Vice-Chair Steve Glass	Yes
Darrell Kundargi	Absent (excused)
Camilla Feibelman	Yes
José Cerrato	Yes
Caroline Scruggs	Absent (excused)
Jonathan Gonzalez	Absent (excused)
Elaine Howe	Yes
Chris Welch	Absent



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II. Review and Approval of Meeting Minutes

A. August 9, 2024, Meeting Minutes

Ms. Howe moved to approve the August meeting minutes; Vice-Chair Glass seconded the motion.

Board Member	Vote on Motion
Chair Bart Faris	Yes
Vice-Chair Steve Glass	Yes
Darrell Kundargi	Absent (excused)
Camilla Feibelman	Yes
José Cerrato	Yes
Caroline Scruggs	Absent (excused)
Jonathan Gonzalez	Absent (excused)
Elaine Howe	Yes
Chris Welch	Yes

III. Board Business (09:10 – 9:20)

A. Discussion: In-person WPAB Meetings

Chair Faris reintroduced the discussion of resuming in-person meetings, a topic that had been tabled at the Board's August meeting. He asked the Board to consider whether it would like to hold occasional in-person meetings or according to a specific schedule.

Motion: In-person meetings

Vice-Chair Glass moved to adopt a semiannual in-person meeting schedule, Ms. Howe seconded.

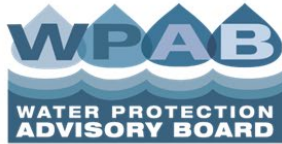
Discussion: In-person meetings

Chair Faris explained that while the Board required to meet quarterly, it has historically held more frequent meetings.

Vice-Chair Glass suggested quarterly in-person meetings, with the remaining meetings held virtually via Teams.

Ms. Feibelman supported the idea of meeting either quarterly or twice a year, noting that a biannual schedule might be more realistic for members balancing work and family responsibilities.

Ms. Bicknell clarified that in-person meetings would be held at the Water Authority's Customer Service Building and include a hybrid option.



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Chair Faris proposed adopting a biannual schedule, with in-person meetings in January and August. He noted that January would be ideal since that meeting is devoted to annual planning, while August would be preferable for the second meeting given typical travel schedules.

The Board voted unanimously to hold in-person meetings twice a year, in January and August, at the Water Authority's Customer Service Building.

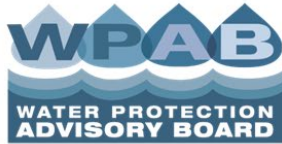
Vote:

Board Member	Vote on Motion
Chair Bart Faris	Yes
Vice-Chair Steve Glass	Yes
Darrell Kundargi	Absent (excused)
Camilla Feibelman	Yes
José Cerrato	Yes
Caroline Scruggs	Absent (excused)
Jonathan Gonzalez	Absent (excused)
Elaine Howe	Yes
Chris Welch	Yes

IV. Policy Implementation Committee (PIC) Updates (09:35 – 9:50)

Albuquerque Bernalillo County Water Utility Authority (Water Authority) – Update from Ms. Kelsey Bicknell, Environmental Manager

- **Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF):** Ms. Bicknell reported that the Air Force notified the New Mexico Environment Department (NMED) of its plan to shut down two of the four extraction wells currently in operation to treat the ethylene dibromide (EDB) that has migrated off-base. The Air Force stated its goals are to improve system efficiency and reduce the extraction of clean water, though no technical justification has been provided. The Water Authority sent a technical comment memo to NMED expressing concern, which NMED will consider in its response. The Water Authority has also continued to engage with with Senator Heinrich's office regarding the KAFB BFF Site.
- **Hewlett-Packard (HP)/Digital Site:** HP submitted a plan in July 2024 to clean up 1,4-dioxane contamination at this Site, following NMED's directive from the previous year to do so. After reviewing the plan, the Water Authority submitted a comment memo to NMED's Groundwater Quality Bureau, citing a lack of technical detail in HP's plan. NMED has yet to issue a response but is expected to provide conditional approval that requires HP to provide substantial detail on the design of a treatment system capable of addressing 1,4-dioxane contamination at the Site.
- **Source Water Protection Monitoring Wells:** Ms. Bicknell updated the Board on the Water Authority's ongoing monitoring well projects. At the previous meeting, she detailed plans to



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install source water protection monitoring wells near the HP/Digital contamination site. Drilling is expected to begin in early December or early January, with other aspects of the project progressing smoothly.

- **Carlisle Village Cleaners:** The Carlisle Village Cleaners contamination Site has been proposed for listing as a national priority (Superfund) site. A 60-day public comment period is currently open, and an open house hosted by NMED and the Environmental Protection Agency (EPA) will be held on October 1st. Further details on the open house were shared with the Board via email.
- **Radioactive & Hazardous Waste Legislative Committee Meeting:** Ms. Bicknell attended a panel titled "Funding for the Cleanup of Abandoned, Neglected, and Contaminated Sites," held by the Radioactive & Hazardous Materials Committee, a legislative interim committee, on August 15th. Alongside Justin Ball, Chief of the Groundwater Quality Bureau, Ms. Bicknell voiced support for the neglected contamination sites program from a stakeholder's perspective. Legislators expressed interest in the program and offered support to help develop a more concrete framework. They raised questions about whether regulatory changes or funding would be needed to move forward, and one potential solution discussed was amending the Corrective Action Fund.

Questions and Discussion:

Ms. Feibelman asked why the Air Force is proposing the changes to the operation of their extraction wells.

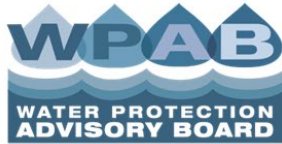
Ms. Bicknell explained that the Air Force claims it would increase efficiency and reduce the amount of clean water being pumped and treated, though no technical justification was provided. This proposal contradicts the system's stated goal of containing the EDB plume and protecting nearby supply wells.

Chair Faris clarified that while the Water Authority and other entities can provide input, it is NMED will make the final decision on the proposed adjustment.

Ms. Feibelman asked about the potential severity of contamination at other dry-cleaner sites and whether the Carlisle Site was indicative of a larger issue.

Ms. Bicknell responded that while dry cleaner sites tend to be problematic, there is not enough information yet to assess how pervasive the issue is. She emphasized the importance of investigating such sites, and why funding the neglected contamination sites program is crucial to address sites when they are found.

Ms. Agnew added that dry-cleaning sites pose enough of an environmental risk that states including Texas and Colorado have programs dedicated to identifying and cleaning them up. She provided an example from a site regulated by the NMED Groundwater Quality Bureau where a new owner of a dry-cleaning business became solely responsible for the costly cleanup of past



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contamination. Ms. Agnew noted that without a dedicated program, such situations can quickly stall, leaving no clear path for remediation.

Ms. Feibelman noted that the NMED is requesting a \$150 million special appropriation for the investigation and remediation of neglected contaminated sites. The appropriation, which must be approved by the Department of Finance and Administration (DFA), would not revert at the end of fiscal year 2026, allowing the funds to be used in subsequent years.

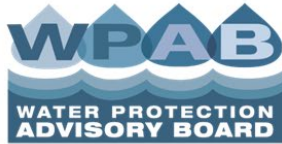
Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) – Update from Mr. Patrick Chavez, Stormwater Quality Engineer

- **FY24 Annual Report:** AMAFCA will be releasing its FY24 Annual Report next month. The report will be posted on AMAFCA's website. The report will open for a 45-day comment period over the summer, as part of the requirements for Municipal Separate Storm Sewer System (MS4) reporting. Entities required to submit an MS4 report are currently drafting their reports, and AMAFCA will be soliciting comments in the coming months.
- **StormCon 24 Conference:** In August, several stormwater professionals from the watershed, including Mr. Chavez and two other AMAFCA staff, attended the StormCon 24 conference in Reno, NV. Mr. Chavez complimented The City of Reno, which showcased its green stormwater infrastructure projects along the Truckee River. The conference provided updates on stormwater regulations and technology.

Bernalillo County – Update from Corbin Carsrud, County Hydrogeologist

- **Mountain View Community Meeting:** The County is hosting a community conversation in Mountain View on September 25 from 5-8 PM at Mountain View Community School. The event will feature café-style discussions on a broad range of topics including parks & recreation, planning and development, and economic development. This meeting is part of a broader effort to address concerns regarding pollution and industry in the community. The meeting will involve several County departments and the focus is on outreach and community dialogue.
- **East Mountain Celebration:** The County will be hosting an East Mountain Celebration event on Sunday, September 22, from noon to 5 PM at the Vista Grande Community Center. This year's event will focus on "Fire Safety and Awareness", with activities honoring the contributions of first responders.
- **Groundwater Dashboard:** The County's Groundwater Dashboard was recently made public and aims to improve accessibility to groundwater data, raise awareness of groundwater resources, and provide modernized access to both current and historical water measurement information. [Link to Groundwater Dashboard.](#)

City of Albuquerque, Environmental Health – Update from Charles Barber, Environmental Manager



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Project Transfers and Staffing Issues: Due to ongoing staffing challenges within the City's Environmental Health Program, several projects, including voluntary remediation work and operations at the Los Angeles Landfill, are being transferred to the City's contractor, INTERA. Mr. Barber noted that his resignation will be effective Friday, September 20.

Questions and Discussion:

Ms. Feibelman asked about the reasoning behind transferring projects to private contractors and asked for further details about staffing needs within the program.

Mr. Barber responded that staffing shortages are the primary reason his department is transferring projects to INTERA. Mr. Barber explained that it has been difficult to attract applicants to fill open positions, which has led to an increased reliance on contractors.

Ms. Agnew thanked Mr. Barber for his contributions, as well as those of Paul Olson, Ken Ziegler, and others who have made significant contributions to the program. She asked whether the staffing changes would affect landfill monitoring ahead of the Balloon Fiesta, and who would oversee contractors after Mr. Barber's departure.

Mr. Barber confirmed that he is currently overseeing contractors. He also stated that INTERA has a long-standing relationship with the City and they will continue to manage key projects, including the Los Angeles Landfill and Balloon Fiesta preparations. Regulatory reporting is delayed but NMED has been notified of the situation.

Ms. Feibelman raised concerns about the broader implications of outsourcing Environmental Health projects and requested that the head of Environmental Health be invited to the next meeting to provide an update on staffing and the future direction of the program.

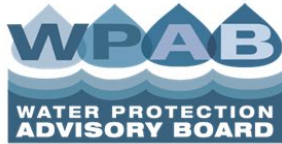
Chair Faris agreed that clarification is needed and proposed that if no satisfactory response is received by the next meeting, the Board may consider drafting a letter to the Mayor and City Council to address the importance of prioritizing the staffing of the Environmental Health Program.

Ms. Agnew suggested that, if necessary, the Board could schedule a special meeting to discuss and approve a letter before the October meeting to ensure timely action.

Chair Faris and Ms. Bicknell agreed, with Ms. Bicknell noting she would coordinate if a special meeting became necessary.

City of Albuquerque, Engineering Division – Update from Shellie Eaton, Senior Engineer

- **Annual MS4 Report:** the FY24 Annual Report for its MS4 program is expected to be posted for review within the next two weeks. The document will be distributed to Board members once it is posted.



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- **Staffing Update:** Ms. Eaton also shared that Paul Olson is now her supervisor, as he has taken on the role of Engineering Division Manager within the Department of Municipal Development.

V. Diversity, Equity, and Inclusion (DEI) Subcommittee Report (10:00 – 10:10)

Ms. Feibelman briefly discussed the DEI subcommittee's activities over the past year, particularly its focus on outreach and effective communication, and advocacy for neglected sites. She reminded Board members that the simplified meeting announcements she sends out are intended for them to forward to help the information reach relevant communities.

Ms. Feibelman announced that, since her term with the Board has ended, she will be stepping down as chair of the DEI subcommittee and has requested the DEI team to find a successor. She reminded the group of the current subcommittee members: Vice-Chair Glass, Mr. Kundargi, Mr. Cerrato, and herself. Chair Faris clarified that the subcommittee can have a maximum of four members. Ms. Feibelman invited any Board members interested in joining the subcommittee to come forward and suggested that the subcommittee could select a new chair from its members.

Ms. Howe expressed her interest in joining the subcommittee.

Ms. Feibelman welcomed Ms. Howe and agreed to coordinate with Vice-Chair Glass, Mr. Kundargi, and Mr. Cerrato to add her to the subcommittee and facilitate the identification of a new chair from the members.

VI. Update from the Office of the Natural Resource Trustee (10:10 – 10:50)

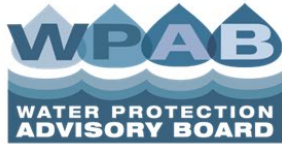
Kate Girard – Executive Director, Office of the Natural Resources Trustee (ONRT), Kate.Girard@onrt.nm.gov

Ms. Girard, Executive Director of the Office of the Natural Resource Trustee (ONRT), provided an overview of the ONRT's mission, which focuses on restoring natural resources damaged by contamination. She explained that the ONRT operates under the Superfund Act, which holds responsible parties accountable for both remediation of contamination and restoration of natural resources. Ms. Girard highlighted ONRT's collaboration with federal, state, and tribal agencies and the unique structure of New Mexico's Natural Resource Trustee Act, which ensures restoration funds are dedicated solely to restoration projects.

Slides from this presentation can be viewed [\[HERE\]](#).

Questions and Discussion:

Ms. Feibelman expressed concern about the ONRT's inability to pursue groundwater contamination cases, whether there are ways the ONRT could take action against parties responsible for groundwater



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contamination, given the State's authority to set and enforce groundwater standards through the Water Quality Control Commission and NMED.

Ms. Girard responded that while the ONRT has been exploring this issue, it is currently limited by federal law, which governs the cases it can bring. She noted that the ONRT had attempted to push for a statutory change to include PFAS releases under its jurisdiction two legislative sessions ago. However, since many of New Mexico's major contamination sites are at federal facilities, the ONRT can only pursue these cases in federal court. This means ONRT must wait for federal regulation of contaminants, such as PFAS, before it can act against federal entities like the Department of Defense.

Vice-Chair Glass noted that some projects funded by the Gold King Mine settlement, like boat ramps, seemed less directly related to natural resource restoration and asked about the flexibility in ONRT's enabling legislation.

Ms. Girard explained that natural resource damages include both loss of use and loss of the services provided by those resources. She clarified that the Gold King Mine incident primarily resulted in economic loss, and thus, projects addressing loss of access or services are valid restoration efforts under ONRT's framework.

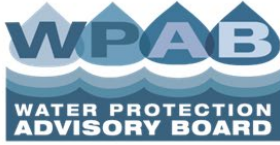
Ms. Howe asked about the ONRT's staffing structure, particularly how their 5-person team manages the large scope of their responsibility.

Ms. Girard outlined the office's, including herself (the Executive Director), the Governor's designated trustee Maggie Hart Stebbins, two water resource professionals, and a budget officer. She emphasized that ONRT works closely with consultants and local entities to ensure that projects meet their objectives, with ongoing oversight and performance measures in place to track progress.

Mr. Cerrato expressed admiration for ONRT's efforts on projects related to contamination. He mentioned his role as Director of the METALS Superfund Research Center at the University of New Mexico and his collaboration with the USGS on water monitoring in New Mexico. He offered to follow up with Ms. Girard to explore ways they could collaborate, particularly in relation to tribal lands affected by contamination.

Ms. Girard thanked him for his support and expressed enthusiasm for continuing the discussion.

Ms. Feibelman asked about the ONRT's budgetary needs for the upcoming legislative session.



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Ms. Girard explained that the ONRT is in the process of finalizing its budget request and hopes to secure funding for an additional staff member. She noted that the budget is still under review and details will be available in the coming weeks.

VII. Other Board Business (10:50 – 10:55)

- A. Next WPAB Meeting: October 11, 2024, at 9:00 AM
 - i. Presentation topic to be determined.

Ms. Bicknell noted that the Board's request for the City's Director for Environmental Health to present will be prioritized at next month's meeting.

- B. Other Discussion

Ms. Feibelman asked about the RV parking on landfills near the Balloon Fiesta site and whether the proximity of the former landfill site could affect the nearby stadium site as well.

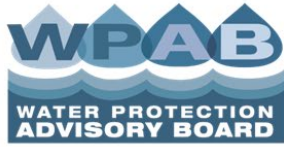
Chair Faris invited Mr. Barber to speak to the question raised, and responded to clarify that the RV parking is located on the Los Angeles Landfill, while the stadium site is adjacent to another landfill in the area. He explained that there are plans in place for development on or near closed landfills, which include mitigation measures such as waste removal, barriers, and long-term monitoring. He noted that landfill gas and leachate can cause issues but emphasized that the City has procedures in place to ensure any development is safe for human health and the environment.

Ms. Feibelman expressed concern about the potential risks and mentioned that she was particularly interested in hearing from Mr. Barber, since he previously mentioned assigning this project to a contractor.

Ms. Bicknell offered to follow up with Mr. Barber and provide answers via email.

Ms. Feibelman suggested that at the requested presentation at the next WPAB meeting, the City should also provide information on how they plan to mitigate any risks associated with the landfill under the RV parking and near the proposed stadium site.

Chair Faris agreed that the issue raises broader concerns about how the city's Environmental Services Division ensures protection measures are being implemented effectively. He noted that while procedures exist, the lack of staff to oversee such projects is a concern and underscores the importance of the City's Environmental Health program.



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VIII. Public Comment Period (10:50 – 11:00)

There were no comments from the public.

IX. Adjourned at 10:47 AM