
Meeting Date: November 19, 2014
Staff Contact: Mark S. Sanchez, Executive Director

TITLE: C-14-30 – 2015 Federal Legislative Priorities

ACTION: Recommend Approval

SUMMARY:

The 2015 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. The requests are divided into two sections, grant/authorization requests, and status reports.

Authorization Request

1. Water Reclamation and Recycling Authorization

The Water Authority's Reuse Program is part of the utility's comprehensive water management strategy to reduce sole reliance on the aquifer and transition to renewable supplies. The Water Authority is requesting the following provision be enacted by Congress:

- (A) *Authorization* – The Secretary, in cooperation with the Water Authority is authorized to participate in the planning, design and construction of facilities up to \$20,000,000 as federal share to reclaim and reuse wastewater and naturally impaired ground and surface water in the Albuquerque metropolitan area.
- (B) *Cost Share* – The federal share of the cost of a project in subsection (a) shall not exceed twenty-five percent of the total cost.
- (C) *Limitation* – The Secretary shall not provide funds for operation of maintenance of the facilities described in subsection (a).

The above authorization is critical for the Water Authority to move forward on an important sustainability project that will provide reuse of wastewater for irrigation and industrial use on the Westside, southeast heights, and Mesa del Sol developments. The Water Authority received notice in August 2012 that the Bureau of Reclamation reviewed and determined that the Water Authority's Title XVI feasibility study for the Tijeras and Bosque reuse project met the Title XVI eligibility criteria. The Water Authority expects to complete a NEPA evaluation of the project in 2015.

- A. *Tijeras Reuse Project*. The Water Authority has been evaluating reuse and recycling opportunities on the southeast portion of the Water Authority's service area that would provide non-potable reuse water for irrigation and industrial uses in that area. The facility will be located near the Tijeras Arroyo and would treat domestic wastewater from Albuquerque's eastside to high reuse or potentially potable drinking water standards that could then be reused or reclaimed for use by

Sandia, Kirtland and other irrigation and industrial uses in the southeast heights of Albuquerque.

- B. Bosque Reuse Project. The Water Authority has completed the feasibility study required by the Bureau of Reclamation under the Title XVI requirements. The feasibility study was approved by the Bureau of Reclamation and is eligible to move forward towards NEPA with this authorization. The project includes a new wastewater recycling plant just north of the Bosque Prep High School south of Montano Road. Municipal effluent will be treated and piped to various sites on the westside during the summer months and discharged to the Rio Grande to assist in keeping the Albuquerque stretch of the river wet for endangered species habitat during the winter months. The facility could treat up to 15 million gallons a day for reuse, aquifer storage and recovery and discharge to the river.

3. Support FY15 and FY16 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, interim measures, and remediation activities at the KAFB Bulk Fuel Facility Spill site, being performed by KAFB to come into conformance to their RCRA permit. In addition, the Water Authority supports any efforts by the U.S. Air Force to acquire funding for development and implementation of a Contingency Plan to ensure that the Water Authority's public water supply is protected in the event any of the production wells are impacted by the KAFB fuel spill. The Water Authority and KAFB has a Memorandum of Agreement to develop a contingency plan which is still in ongoing negotiations. The Water Authority would like KAFB and their contractor to continue to provide the Water Authority with all of the deliverables they submit to the New Mexico Environment Department (NMED) at the same time it is submitted to the NMED.

The Water Authority expects continued participation as a consulted stakeholder in the decision making process for 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. The Water Authority supports an aggressive remediation strategy, including cleanup of the subsurface soil, the fuel product on the water table and the dissolved phase plume, in order to return the aquifer back to "pre-spill" conditions. The Water Authority supports the course of action presented to the Water Authority Governing Board by the U.S. Air Force in September of 2014, which would begin the removal and "collapse" of the downgradient dissolved phase ethylene dibromide plume in 2015, with full implementation commenced by the summer of 2016.

4. Support FY15 and FY16 Appropriations for the Sandia National Laboratory's Environmental Restoration Activities and the Mixed Waste Landfill

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 SNL's Resource Conservation and Recovery Act (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 DOE-NNSA, and that regular status reports are provided to the Water Authority Governing Board on an annual basis.

Status Reports

1. Endangered Species Act Collaborative Program

The ESA Workgroup has been actively engaged for many years and is still undergoing changes as the federal agencies are continuing to modify the Biological Assessments to submit to the Fish and Wildlife Service in order to obtain a new Biological Opinion. Recently filed litigation on the endangered species may further delay the ability to implement the new Recovery Implementation Program (RIP). The Water Authority continues to support the effort and has been active in participating in providing supplemental flows for minnow including last year's peak spring pulse.

The Water Authority is requesting continued delegation support for program funding and future authorizing legislation for the RIP. The RIP is in need of authorizing legislation to continue the funding and work that has been accomplished over the last several years. The legislation should be introduced in 2015. The Water Authority is also requesting support for the potential need to codify a new Biological Opinion to protect the users for continued ongoing litigation which has plagued the efforts in the Middle Rio Grande for years.

2. San Juan-Chama and Native Storage in Abiquiu

The Water Authority has a contract with the Corps for storage of up to 170,900 acre-feet of San Juan-Chama water in Abiquiu reservoir. The Water Authority has the property interests and agreements necessary to store native and San Juan-Chama water up to elevation 6220 MSL as contemplated in the authorizing legislation for water supply storage in Abiquiu. The Water Authority has been meeting with the Corps in developing a plan for native water storage in addition to procedures for suballotting space for storage by others including the City of Santa Fe, Rio Chama Acequia Association, and the Bureau.

The Water Authority believes that native water storage in Abiquiu for the Water Authority and the other water entities in the basin are critically important for the future success of Compact Compliance and ESA Collaborative Program. The Water Authority is diligently working towards obtaining the necessary permits and permanent easements and has requested a modification to our existing storage contract. Upon completion of easement acquisition, the Water Authority will need federal authorization to increase storage in Abiquiu.