

1 ALBUQUERQUE BERNALILLO COUNTY  
2 WATER UTILITY AUTHORITY  
3 Wednesday, August 19, 2015 4:04 p.m.

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

7 Before: Kelli Gallegos  
8 PAUL BACA PROFESSIONAL COURT REPORTERS  
9 500 Fourth Street, NW, Suite 105  
10 Albuquerque, New Mexico 87102

11 A P P E A R A N C E S

12 COMMISSIONER MAGGIE HART STEBBINS, Chair

13 COUNCILLOR TRUDY JONES, Vice Chair (Excused)

14 COUNCILLOR REY GARDUNO, Member

15 COMMISSIONER DEBBIE O'MALLEY, Member (Excused)

16 COMMISSIONER ART DE LA CRUZ, Member

17 COUNCILLOR KEN SANCHEZ, Member

18 TRUSTEE PABLO RAEL, Ex-officio Member

19 MAYOR RICHARD BERRY, Member (Excused)

20 MR. ROB PERRY, Admin. Officer, Alternate Member  
21 (Excused)

22

23

24

25

1           CHAIRWOMAN HART STEBBINS: Good afternoon.  
2 I call to order the August 19, 2015, meeting of  
3 the Albuquerque Bernalillo County Water Utility  
4 Authority. Let the record reflect that Councillor  
5 Jones, Commissioner O'Malley and Rob Perry are  
6 excused. All other members are present.

7           We will start with a moment of silence,  
8 then the Pledge of Allegiance, led by Councillor  
9 Garduno.

10           (Whereupon, there was a moment of  
11 silence.)

12           (Whereupon, the Pledge of Allegiance was  
13 led by Councillor Rey Garduno.)

14           CHAIRWOMAN HART STEBBINS: All right. So at  
15 this point should I state for the record that  
16 we're going to defer --

17           MR. SANCHEZ: Yes.

18           CHAIRWOMAN HART STEBBINS: -- our last item,  
19 which is 10B, OB-15-9. So if there's no  
20 objection, we will defer that to the next meeting.  
21 That was requested by Commissioner O'Malley. So  
22 we'll wait until she's here.

23           I move to we approve the June 17, 2015,  
24 minutes. Is there a second?

25           COMMISSIONER DE LA CRUZ: Second.

1           CHAIRWOMAN HART STEBBINS: We have a second  
2 from Commissioner De La Cruz. All in favor, say  
3 aye.

4           ALL MEMBERS: Aye.

5           CHAIRWOMAN HART STEBBINS: Opposed?

6           That passes unanimously.

7           (4-0 vote. Agenda Item 3 approved.)

8           CHAIRWOMAN HART STEBBINS: We are now on  
9 proclamations and awards. I'm really delighted.  
10 We have a number of awards tonight, and so we will  
11 start with the quarterly employee awards. The  
12 following employees received awards for the last  
13 quarter. As your name is called, if you'd like to  
14 come up to the front to be recognized, that would  
15 be great.

16           We start with Roland Rocca, who receives  
17 \$400. Roland Rocca is a systems analyst and he's  
18 being recognized for his innovation that has  
19 contributed to success in establishing independent  
20 financial services. Roland was instrumental in  
21 creating intricate financial reports used by the  
22 finance team to balance bank statements against  
23 the customer care and billing application. His  
24 effort saved the water authority over \$100,000.

25           Thank you, Roland. That is outstanding.

1           Next we have Chris Johnson, who will  
2 receive \$500 and eight hours of leave. Chris  
3 Johnson was tasked with responding to the  
4 electrical issues at the Southside Water  
5 Reclamation Plant. His efforts turned out to be a  
6 significant improvement to complete electrical  
7 systems and backup power capabilities at the  
8 plant. We worked with emergency on-call  
9 contractors to perform a complete plant electrical  
10 evaluation and efficiency assessment, and then  
11 proceeded to organize and perform repairs in  
12 preventative maintenance for all electrical  
13 facilities. This work will ensure vacuum power  
14 will always be available during power outages.

15           Thank you very much for that.

16           Next we have David Gutierrez, who  
17 receives \$500 and eight hours of leave. David has  
18 implemented several new tools for our online users  
19 that significantly benefit the internal users as  
20 well as the public. Examples of these are the  
21 tapping permit database used by internal users,  
22 the online tapping permit request used by  
23 customers, and an upgrade of the mini work order  
24 database system.

25           This work will save significant time

1 internally and importantly externally, with  
2 contractors in the public accessing these permit  
3 requests.

4 David, thank you for your great work.

5 Next we have Angelique Maldonado.

6 During the month of May 2015, Angelique Maldonado  
7 volunteered to develop and conduct training for  
8 the utility tech employees preparing to take their  
9 state level exam. Her efforts helped many blue  
10 collar employees pass the state exam and move up  
11 the career ladder.

12 I don't know if I said this, but you get  
13 \$250. Thank you so much for that.

14 Next we have Anthony Aranda, who gets  
15 \$500 and eight hours of leave.

16 So Anthony has worked diligently on  
17 water authority human resources, customer service,  
18 accounting and purchasing software applications to  
19 make specific changes that affect daily  
20 operations. His work has saved the water  
21 authority thousand dollars of dollars and created  
22 significant efficiency improvements.

23 Thank you very much for that.

24 And next we have German Andrade, who  
25 gets \$500 and eight hours. So German, our chief

1 engineer for groundwater protection operations was  
2 nominated for his accomplishments and actions  
3 during an emergency response to a broken valve in  
4 the only water transmission system that supplies  
5 the Four Hills area. German led the water  
6 authority's efforts to design and coordinate  
7 installation of a 12-inch emergency bypass line  
8 around the broken valve over the next four days.

9           Throughout the four-day period, water  
10 authority customers in the Four Hills area  
11 continued to receive water without interruption  
12 while construction of the 12-inch emergency bypass  
13 proceeded.

14           That's outstanding thank you very much.  
15 I know the people who live there are very grateful  
16 for your work on that.

17           Next we have Scott Salas, Theresa  
18 Gonzales and Ross Pino, who get \$400 each.

19           The San Juan Chama Water Treatment Plant  
20 management team, consisting of Scott Salas,  
21 Theresa Gonzales and Ross Pino are nominated for  
22 their accomplishments during the treatment plant  
23 shutdown of January and February 2015, and for  
24 their continued work and efforts to improve worker  
25 safety at this facility.

1           They completed over 500 corrective  
2 maintenance and preventative maintenance work  
3 orders at the plant to improve safety and  
4 readiness for the upcoming peak demand season.

5           Thank you. You each get \$400.

6           Next we have Lorraine Quakey (phonetic),  
7 and Lorraine will receive \$400. When responding  
8 to a waterline break, Lorraine encountered an  
9 elderly couple who was without water due to the  
10 break. The customer needed water for medication  
11 and Lorraine took the initiative to drive to a  
12 nearby store and purchased a case of bottled water  
13 to help them get through.

14           This exemplifies the type of customer  
15 service water employees should and always do  
16 provide. Thank you very much for that.

17           And next we have Frank Roth, who will  
18 get \$500 and eight hours of leave. Over the last  
19 year Frank Roth has been very active and  
20 productive in helping the water authority advance  
21 it's performance measurement efforts and enhanced  
22 outreach with the community at large through the  
23 customer conversations; represent the water  
24 authority in several research foundation projects  
25 and he's been a featured presentation at several

1 national conferences. He has also been active in  
2 enhancing innovation performance improvement for  
3 the water utility sector.

4 Thank you for that, Frank.

5 Congratulations.

6 Councillor Sanchez.

7 COUNCILLOR SANCHEZ: Thank you, Madam Chair.

8 I'm kind of curious, Director Sanchez,  
9 on how you determine who gets what. We had in one  
10 case one of the employees received \$250, Angelique  
11 Maldonado, and others got \$500 plus eight hours.  
12 How do make that determination.

13 And congratulations to all the  
14 employees.

15 MR. SANCHEZ: Madam Chair, Councillor  
16 Sanchez, anyone can be nominated by anyone in the  
17 organization. It goes through a committee to get  
18 reviewed, vetted, and they recommend the  
19 nominations for recognition and the amount.  
20 There's a budget amount on a quarterly basis.

21 COUNCILLOR SANCHEZ: I think this is great  
22 that they award our employees for hard work and  
23 innovation. And I really want to thank you and  
24 your team for giving these awards, because it's  
25 well deserved.



1                   And thank you to the employees.

2                   CHAIRWOMAN HART STEBBINS:   So  
3   congratulations to all of our employees who have  
4   received awards this quarter.

5                   Next we have discussion of some of the  
6   awards that the water utility as a whole has  
7   received recently.   So I'd like to started with  
8   Charles Leader to talk about the NACWA Silver Peak  
9   for Performance Award.

10                  MR. CADENA:   Thank you, Madam Chair.   Again,  
11   I'm Charles Leader.   I manage the plant operations  
12   division.

13                  This award is about recognizing the  
14   efforts of those at the Southside Water  
15   Reclamation Plant.   In 2013 we qualified for this  
16   award, which is awarded by the National  
17   Association of Clean Water Agencies.   And we  
18   qualified for that award in 2013.   We had only  
19   five violations of our NPDES permit, which is  
20   good.   That was the first time in about six years  
21   in found ourselves in that position.

22                  In 2014 I'm pleased to say we did at the  
23   even better job.   We reduced our permit violations  
24   to only three.   And for that, we qualify for a  
25   Silver Award.

1           This is a team effort to continually  
2 improve work. It's a team effort from compliance  
3 division, who's responsible for third-party  
4 verification of our results, and we thank them for  
5 their diligence and efforts. It's a reflection of  
6 the dedication of 97 men and women who work at the  
7 Southside Water Reclamation Plant and who are  
8 dedicated to operations and maintenance.

9           And I'm pleased to point out that their  
10 job is getting a little easier every year as the  
11 plant is upgraded and renovated. It's also, you  
12 know, other members of the team who are  
13 responsible for this success. There are those in  
14 the central planning and engineering group who are  
15 providing us with excellent management of the CIP  
16 program to renovate the Southside Water  
17 Reclamation Plant. They're really working hard to  
18 see that scarce funds are well spent, decisions  
19 made on how those funds are spent are logical  
20 transparent and defensible. And, oh, yeah,  
21 they're also consistent with our procurement code  
22 regulations, I'm pleased to report.

23           And on behalf of these hard-working  
24 employees of the water authority, I'd like to  
25 thank the board of directors for its support and

1 guidance that helps us to complete our mission,  
2 which for me is providing our customers with  
3 exceptional service and value.

4 But on that note, I present to you the  
5 2014 Silver Award for Peak Performance.

6 We're not stopping -- we're not resting  
7 on our laurels in 2014. We're on track in 2015  
8 yet for another Silver Peak Performance Award. In  
9 2016, we start going for the gold, which is no  
10 permit violations. And hopefully we'll string  
11 together a series of those and qualify for  
12 platinum. So stay tuned for details. And, again,  
13 thank you for your support.

14 CHAIRWOMAN HART STEBBINS: And I want to say  
15 thank you to everyone who had a role in the  
16 process that brought the water utility that award.  
17 And thank you for your continual improvement  
18 process. I do look forward to next year and the  
19 year after, seeing you get the gold award. So  
20 thanks for your efforts towards that.

21 And another award, NACWA Gold Excellence  
22 in Management Award. The water utility was  
23 awarded the Gold Excellence in Management Award  
24 from the National Association of Clean Water  
25 Agencies. This award recognizes the water

1 authority's significant achievement in utility  
2 management and adopting successful management  
3 practices. The Gold Award recognizes the  
4 utilities progress in implementing the ten  
5 attributes of effectively managed utilities, as  
6 well as resource efficiency and protection  
7 activities.

8 And, Mr. Roth, if you could add to that,  
9 please.

10 MR. ROTH: Thank you, Madam Chair. I'd like  
11 to be add that this achievement is in the  
12 recognition of the Utility Management Best  
13 Practices and the ten attributes of effectively  
14 managed utilities.

15 You can see this diagram shows those ten  
16 attributes and our work in achieving success in  
17 each of these attribute areas and our recognition.  
18 But more importantly, this award acknowledges the  
19 outstanding work from our employees in achieving  
20 this recognition.

21 CHAIRWOMAN HART STEBBINS: Again,  
22 congratulations to everyone who had a role in  
23 making this happen, and congratulations on this  
24 outstanding recognition.

25 We are now on public comment.

1 Ms. Jenkins, how many people do we have signed up.

2 MS. HAGER: Good evening. We have one  
3 speaker.

4 CHAIRWOMAN HART STEBBINS: I will just  
5 remind everybody, our one speaker, you have three  
6 minutes to speak, with a warning bell at two and a  
7 half minutes.

8 Would you please call the first speaker.

9 MS. HAGER: Elaine Hebbard.

10 MS. HEBBARD: Good evening. My name is  
11 Elaine Hebbard. I'm the sole speaker, so maybe I...  
12 No.

13 I wanted to -- it's sort of chilling  
14 after all those nice awards to be up here. But I  
15 wanted to bring up a couple things. One is item  
16 Item 7, which is you have two development  
17 agreements in front of you. And before agreeing  
18 to any more hookups, I'd like to ask whether or  
19 not Policy L, which links water and land use  
20 together has actually been implemented. And if  
21 not, how might that be done.

22 And Recommendation 7 calls for that the  
23 authority should request that member governments  
24 take water supply availability and cumulative  
25 impact into account when making land-use

1 development decisions and that member governments  
2 adopt policies integrating land use,  
3 transportation, economic development and other  
4 planning efforts with water resource management.

5           Without knowing the cumulative impact of  
6 all of these different promises that are being  
7 made by various entities, be it the city, the  
8 county, or even outside the county, by Rio Rancho,  
9 et cetera, how can we all know whether or not  
10 there is sufficient resources to actually provide  
11 to an individual development? And what those  
12 other impacts. What are the impacts to, say, the  
13 South Valley? Shouldn't new water rights be  
14 needed?

15           The other item that I'm going to talk  
16 about is not Item 10B but rather some things that  
17 aren't really on there that are sort of related to  
18 Item 10B, and that is the budget, the current  
19 financial and water resources.

20           Ms. Yuhas indicated back at the end of  
21 June, I think, that the customers had saved about  
22 a billion gallons. Well, that translates to about  
23 \$2 million. So that would indicate for this year  
24 about \$2 million less in revenue. At the same  
25 time, the board was told that there was probably

1 about \$3.5 million less in revenue being expected  
2 than had been budgeted. Well, it's unclear now as  
3 to what actually the amount that's going to be  
4 less because the CAFR was \$17 million less for  
5 FY14 than actually had been reported earlier. So  
6 I think it behooves the board to have a clear  
7 picture of what the actual budget revenue is  
8 before it can make some adjustments to it.

9           The asset management plan also, it's  
10 unclear how much is being spent. But we do know  
11 that it needs to be ramped up \$3 million a year,  
12 and about 14 million has been deferred in past  
13 years. Is that going to catch up or not? And  
14 it's really important when we look at various  
15 impacts.

16           So I hope that the board will look at  
17 other ways to raise rates other than just across  
18 the board; to employ a liaison to help it go  
19 through all of these various issues; and three,  
20 have a sunshine portal that everybody else has.  
21 And I've made that request before. Thank you.

22           COUNCILLOR GARDUNO: Madam Chair.

23           CHAIRWOMAN HART STEBBINS: Councillor  
24 Garduno.

25           COUNCILLOR GARDUNO: Ms. Hebbard, thank you

1 for the questions. There's something that we've  
2 asked in the past, and I'm not sure we've had a  
3 really clear picture, especially land use  
4 connect-ability to water allocation.

5 And, Mr. Sanchez, have we had an  
6 opportunity to talk other entities? I know we  
7 talk about how we work with them, but has land use  
8 been a real topic in any kind of conversation of  
9 any kind of intergovernmental talks?

10 There's none that I know of, and I think  
11 it's something that we need to get thinking about.

12 MR. SANCHEZ: Madam Chair, Councillor  
13 Garduno, yes and no. If you recall, historically  
14 this body attempted to regulate, if you will, some  
15 plumbing codes with other jurisdictions. And  
16 those efforts didn't succeed. We, to the extent  
17 we can, include land use planning by requiring  
18 that, in terms of any development agreement,  
19 outside of what we construe as our existing  
20 service area, which is a boundary which says an  
21 area was fully developed. So to that extent,  
22 that's what we're currently doing.

23 In terms of linking our resources with  
24 land use planning and future growth, we're in the  
25 process of updating the water resources management



1 strategy, as Ms. Hebbard is aware, as well as  
2 developing a water budget, which will give us a  
3 tool to calculate, if you will, all of these  
4 connections as a cumulative effect going forward.

5 COUNCILLOR GARDUNO: Madam Chair, if I may.

6 One of the things that the city is  
7 doing, and I think the county is also doing, is  
8 trying to simplify zoning issues, zoning  
9 regulations so that developers have a better,  
10 easier picture of how to do it and what to do and  
11 how quickly. But that's the one thing that has  
12 not been connected, how does water play into it.

13 And am I understanding the question  
14 correctly that you're asking, isn't it important  
15 that we know what we have to promise and then that  
16 we're able to deliver?

17 MS. HEBBARD: This was a recommendation made  
18 ten years in the earlier water resource management  
19 strategy. And I'm hoping that it will be taken by  
20 also board members back to the county and the city  
21 to look at and think about in this updated  
22 comprehensive plan, how can you integrate some of  
23 these things because you have different -- you now  
24 have the water utility you have these different  
25 players, and so how can you integrate and include

1     though cumulative impacts into your planning all  
2     the way around.

3             COUNCILLOR GARDUNO:   Thank you, Madam Chair.

4             Mr. Sanchez, thank you for explaining  
5     that, because I think it's something you've  
6     explained in the past.   And I just would just urge  
7     all of us to work closely together.   Otherwise, as  
8     you alluded to, I think, one of the agencies is  
9     going to be left out there trying to patch up what  
10    the others have done or undone.   Thank you.

11            Thank you, Madam Chair.

12            CHAIRWOMAN HART STEBBINS:   All right.   We  
13    are now on approval of the consent agenda.   I move  
14    we approve tonight's consent agenda.   Do I have a  
15    second?

16            COMMISSIONER DE LA CRUZ:   Second.

17            CHAIRWOMAN HART STEBBINS:   Second from  
18    Commissioner De La Cruz.   All those in favor, say  
19    aye.

20            ALL MEMBERS:   Aye.

21            CHAIRWOMAN HART STEBBINS:   Opposed?

22            That passes unanimously.

23            (4-0 vote.   Agenda Item 8 approved.)

24            CHAIRWOMAN HART STEBBINS:   We are now on  
25    approvals, C-15-23.

1           Mr. Stomp.

2           MR. SANCHEZ: Excuse me, Madam Chair. There  
3 are two items for introduction very quickly.

4           CHAIRWOMAN HART STEBBINS: I apologize. I  
5 skipped right over that. Sorry, John.

6           We are now on introductions, first  
7 reading of legislation. So Chris Cadena to  
8 present R-15-14.

9           MR. CADENA: Hello, Madam Chair, Members of  
10 the Board. I'd first like to present to you the  
11 development agreement for Durango Units 1, 2 and  
12 3, which is located on the west side of Rainbow,  
13 just south of Woodmont Avenue.

14           The development consists of 88  
15 residential lots. The developer is obligated to  
16 build infrastructure for both water and sanitary  
17 sewer to serve these lots. The property lies  
18 within 4W, the west side. And all development is  
19 obligated to pay the applicable UECs and water  
20 supply charges. There's no fiscal impact for the  
21 water authority for this project.

22           COMMISSIONER DE LA CRUZ: Move approval.

23           CHAIRWOMAN HART STEBBINS: This is just for  
24 introduction, so do we need to approve it?

25           MR. SANCHEZ: No.

1           CHAIRWOMAN HART STEBBINS: Mr. Cadena, if  
2 you could go on R-15-15.

3           MR. CADENA: Madam Chair, Members of the  
4 Board, the second development agreement is for a  
5 development entitled Cruz Estates. It's an 11-lot  
6 subdivision located east of the Arenal Canal, just  
7 on the south side of Pajarito Road. It lies  
8 within the 0-W pressure zone of the Pajarito  
9 trunk. The developer is required to extend public  
10 water and sanitary sewer service to serve the  
11 development. All applicable UECs and water supply  
12 charges will be paid for this development. And  
13 there's no fiscal impact for this project to the  
14 water authority.

15          CHAIRWOMAN HART STEBBINS: Any questions or  
16 comments?

17                   Councillor Garduno.

18          COUNCILLOR GARDUNO: I just want to make  
19 sure that people understand this is Cruz  
20 Corporation no De La Cruz, right?

21          CHAIRWOMAN HART STEBBINS: All right. Thank  
22 you.

23                   I missed another very important item on  
24 today's agenda. That is announcement of the next  
25 scheduled meeting. September 23rd, 2015,

1 5:00 p.m., here in the Vincent E. Griego Chambers.

2 So we have approved the consent agenda,  
3 and we are now on NUMBER 9A. Mr. Stomp.

4 MR. STOMP: Good evening, Madam Chair and  
5 Members of the Board. This agreement before you  
6 tonight, which we're recommending approval, is an  
7 ongoing arrangement that we've had with the City  
8 of Santa Fe, going on about 20 years.

9 As this board has recognized the need  
10 and importance for municipalities to continue to  
11 work together, we share our resources when  
12 available. The City of Santa Fe came to us and  
13 asked us to store some of their San Juan Chama  
14 water in our space in Abiquiu.

15 We have, as you remember, 170,900 acre  
16 feet of the space in Abiquiu, so this represents  
17 about 10 percent of that. The rain, itself,  
18 provides for the City of Santa Fe to make a  
19 deposit of their water into our space, when they  
20 actually put water into our space. So it creates  
21 and generates water for us. At the same time,  
22 we'll be able to work with them. But also, we can  
23 ask them to withdraw that water if there's a need  
24 for the water authority to have that space.

25 So, in other words, we're working with

1     them, we get a little bit out of it, but we're  
2     also protecting ourselves in the event that we  
3     need the space for ourselves.

4             With that, Madam Chair, I'll be glad to  
5     answer any questions.

6             CHAIRWOMAN HART STEBBINS:   Commissioner De  
7     La Cruz.

8             COMMISSIONER DE LA CRUZ:   Thank you, Madam  
9     Chair.  I think this is a good neighbor effort and  
10    move approval.

11            COUNCILLOR SANCHEZ:   Second.

12            CHAIRWOMAN HART STEBBINS:   We have a motion  
13    and a second.  Any questions?

14            Councillor Garduno.

15            COUNCILLOR GARDUNO:   I just have two sort of  
16    logistic questions.  What happens with  
17    evaporation?  Do they also turn to that?

18            MR. STOMP:   Madam Chair and Councillor  
19    Garduno, they share in the proportional share with  
20    the evaporative losses.  So as the evaporative  
21    losses for all of our water in our space is  
22    calculated, their percentage of their share is  
23    subtracted from that.

24            COUNCILLOR GARDUNO:   The other question was,  
25    you mentioned something about how if we needed

1 space, we are able to -- I can we can ask them to  
2 remove their water, I guess. What happens? Do  
3 they take it somewhere else? Do they release it?

4 MR. STOMP: Well, Madam Chair, Councillor  
5 Garduno, in theory, we could ask them to release  
6 it. We would probably not do that. We would  
7 probably try to figure out a way to work with  
8 them. We have other space available in Elephant  
9 Butte, for example, so we could move their water  
10 to Elephant Butte so they don't lose the water.

11 So it would be rare that we would  
12 actually say, "Hey, please, we need our space.  
13 Please get it out." Because we probably wouldn't  
14 do that. We'd try to figure out a way.

15 There's also space is El Vado, so  
16 there's other opportunities to do that. But in  
17 the event that it really actually came down --  
18 push came to shove, we would ask them to move it.  
19 But again, I don't think we would do that. That's  
20 not our cooperative nature anyway.

21 COUNCILLOR GARDUNO: And, Madam Chair, if I  
22 may.

23 Based on what Commissioner De La Cruz  
24 mentioned, the good neighborly thing we are doing  
25 would be negated if we did that, so I'm glad to

1 know that there's other avenues to accomplish  
2 that. Thank you.

3 CHAIRWOMAN HART STEBBINS: All right. Thank  
4 you.

5 Any other questions, comments? Seeing  
6 none, we have a motion and a second to approve  
7 C-15-23. All in favor, say aye.

8 ALL MEMBERS: Aye.

9 CHAIRWOMAN HART STEBBINS: Opposed?

10 That passes unanimously.

11 (4-0 vote. Agenda Item 9A approved.)

12 CHAIRWOMAN HART STEBBINS: We are now on  
13 C-15-24, appointment of Jennifer Thatcher to the  
14 water protection advisory board. I move approval.

15 COMMISSIONER DE LA CRUZ: Second.

16 CHAIRWOMAN HART STEBBINS: We have a motion  
17 and a second. Any questions, comments?

18 Councillor Garduno.

19 COUNCILLOR GARDUNO: I just wondered if  
20 Ms. Thatcher is present if she would want to say a  
21 few words. If not, then go on with the agenda.

22 CHAIRWOMAN HART STEBBINS: All right. I  
23 don't think that she's here. But she comes very  
24 highly recommended by water utility staff for her  
25 performance to date. So I'm glad that we've got



1 her on this.

2 I think we have a motion and a second to  
3 approve C-15-24. All in favor, say aye.

4 ALL MEMBERS: Aye.

5 VICE CHAIRWOMAN JONES: Opposed?

6 That passes unanimously.

7 (4-0 vote. Agenda Item 9B approved.)

8 CHAIRWOMAN HART STEBBINS: Councillor  
9 Sanchez.

10 COUNCILLOR SANCHEZ: Thank you, Madam Chair.  
11 Before we move on, I would like to ask the  
12 director, we have quarterly finance meetings with  
13 the water authority. I think it's important that  
14 we report out, after that meeting, to the entire  
15 board what was discussed at these finance  
16 meetings. So maybe during the next meeting, we  
17 can report out the following items that were  
18 discussed during the quarterly finance meeting.

19 I think it's important that the entire  
20 board and the community gets to know what's being  
21 discussed in these meetings.

22 CHAIRWOMAN HART STEBBINS: I think that's an  
23 excellent idea.

24 So, Mr. Sanchez, if you would add that  
25 to next month's agenda.

1           Any other questions, comments at this  
2     time?

3           We are 10A, OB-15-8, U.S. Department of  
4     Energy. I believe we have David Rast.

5           MR. RAST: Yes.

6           CHAIRWOMAN HART STEBBINS: Welcome.

7           MR. RAST: Good evening, Madam Chair and  
8     Board Members. My name is David Rast. I am with  
9     the U.S. Department of Energy, National Nuclear  
10    Security Administration, specifically with the  
11    Sandia site office. My role in that office is the  
12    senior waste management official; I'm in charge of  
13    the waste management programs at Sandia that we  
14    manage. I also have the environmental restoration  
15    and long-term stewardship program.

16           We are here in response to Resolution  
17    R-15-7 that was passed on May 20, 2015. This  
18    document raised some assertions regarding our  
19    mixed-waste landfill at Sandia National Labs. And  
20    we are here to respond to the assertions within  
21    that document and present information and rebuttal  
22    to those assertions.

23           For your information, I have a map  
24    locating the mixed-waste landfill. It is  
25    approximately four miles south of the central

1 technical area managing at Sandia National Labs.  
2 It's approximately five miles southeast of the  
3 Sunport, and about 2.2 miles due east of our  
4 western boundary at Sandia National Labs.

5 I have with me tonight Mike Mitchell.  
6 Michael is the project lead for the mixed-waste  
7 landfill. He'll be giving you some background  
8 information on the mixed-waste landfill and  
9 responding to the assertions [sic]. We will  
10 then have time for questions and answers from the  
11 board. Thank you.

12 MR. MITCHELL: Thank you, Dave.

13 And Thank you, Madam Chair and Board  
14 Members, for allowing us this time to speak with  
15 you this evening. My name is Mike Mitchell. I've  
16 been the project Leader with the mixed-waste  
17 landfill since 2009. I am going to start by  
18 providing some background information, and then  
19 address each of the ten assertions that contained  
20 in Resolution R-15-7. I'd like to point out that  
21 all of these assertions were part of the recent  
22 New Mexico Environment Department, or NMED, public  
23 hearing that occurred in July.

24 The mixed-waste landfill has been  
25 extensively investigated and monitored since 1990.

1 The operational history, inventory and  
2 investigation and monitoring results were all  
3 addressed in a public hearing in December of 2004.  
4 This was associated with a Class 3 permit  
5 modification request for the mixed-waste landfill  
6 remedy selection. The April 2005 hearing officer  
7 report was fully adopted by the NMED secretary in  
8 his May 2005 final order that documents remedy  
9 selection and final conditions for corrective  
10 action at the mixed-waste landfill.

11 The hearing officer's report included  
12 the following conclusions. The mixed-waste  
13 landfill inventory is reasonably accurate and  
14 complete and sufficient for a selection of a final  
15 remedy. The mixed-waste landfill does not contain  
16 high level waste. The groundwater is not  
17 contaminated by releases from the mixed-waste  
18 landfill, and Sandia's risk assessments are  
19 adequate and investigation data and the corrective  
20 measure study report, which evaluated various  
21 remedy alternatives and proposed a selected final  
22 remedy, are all of high quality.

23 The May 2005 final order issued by the  
24 NMED secretary selected a vegetative soil cover  
25 for the bio-intrusion barrier as the remedy and

1 added the additional conditions of institutional  
2 and physical controls, fate and transport  
3 modeling, monitor and associated trigger levels,  
4 and five-year reports.

5 All final order conditions were  
6 completed by September 2014. The New Mexico  
7 Environment Department issued a corrective action  
8 complete certificate for the mixed-waste landfill  
9 on October 8, 2014. DOE and Sandia requested a  
10 Class 3 permit modification for corrective action  
11 complete with controls on October 20, 2014. And  
12 as part of this process, DOE and Sandia held a  
13 public hearing on November 18 of last year, at the  
14 Manzano Mesa Multi-Generational Center. This  
15 provided information to the public on what had  
16 been accomplished and the status of the  
17 mixed-waste landfill.

18 The New Mexico Environment Department,  
19 as I just mentioned, held a public hearing for its  
20 proposal to grant corrective action complete  
21 status with controls from July 8 through July 11  
22 of this year.

23 This slides summarizes some of the key  
24 points regarding the mixed-waste landfill, and  
25 it's a three-dimensional conceptual model diagram.

1 First, the wastes are largely solid, low mobility  
2 wastes. A 500-foot thick barrier, or unsaturated  
3 zone, also referred to as a vadose zone, separates  
4 the disposal areas from the regional groundwater  
5 aquifer beneath the mixed-waste landfill. This  
6 barrier is comprised of dry, alluvial settlements,  
7 primarily silts and sands, with some clay and  
8 gravel.

9 A regional climate is characterized by a  
10 semi-arid climate, with low average annual  
11 precipitation, as we're all painfully aware of,  
12 although this has been a very good year. And a  
13 net potential evapotranspiration rate, that is  
14 approximately 75 inches a year. So our annual  
15 rainfall average is 8.5 inches,  
16 evapotranspiration, 75 inches. In other words,  
17 the rate of evaporation and transpiration of  
18 moisture from surface soil is about nine times  
19 greater than the annual precipitation.

20 Minimal waste migration has been  
21 verified by the investigation borehole soil  
22 sampling, soil vapor sampling, and groundwater  
23 monitoring programs conducted since 1990.

24 I will now directly respond to each  
25 assertion in Resolution R-15-7.

1           The first assertion is: The mixed-waste  
2 landfill is unique and will remain extremely  
3 dangerous to Albuquerque residents for millennia  
4 to come if the wastes are not excavated, properly  
5 stores, and disposed of in the deep geologic  
6 repository.

7           Our response: The mixed-waste landfill  
8 conditions are protective of Albuquerque residents  
9 and the Albuquerque environment, including the  
10 regional drinking water aquifer, based on  
11 extensive investigation results, 25 years of  
12 monitoring, conservative fate and transport  
13 modeling, and supporting risk assessment. This  
14 determination has been made by the New Mexico  
15 Environment Department after their review of all  
16 of our data and technical reports.

17           The remedy selected by the NMED  
18 secretary, a vegetation bio-intrusion barrier,  
19 combined with institutional and physical controls,  
20 ensures long term protection. Required  
21 monitoring, trigger levels and reporting ensure  
22 future conditions remain protective and that the  
23 public is informed.

24           Assertion 2: Sandia's records show that  
25 the mixed-waste landfill contains 119 barrels of

1 plutonium and americium contaminated waste, tons  
2 of depleted uranium, and high level mixed nuclear  
3 waste from nuclear reactor meltdown experiments,  
4 nuclear weapons testing, and the 1979 nuclear  
5 accident and Three Mile Island.

6           Our response: The mixed-waste landfill  
7 does not contain wastes that are defined as high  
8 level nuclear waste, which is the highly  
9 radioactive material resulting from the  
10 reprocessing of spent nuclear fuel. Sandia  
11 National Laboratories has never reprocessed  
12 nuclear fuel. The mixed-waste landfill inventory  
13 was established in the late 1990s and addressed at  
14 the 2004 hearing, and it does contain plutonium  
15 and americium contaminated waste, depleted  
16 uranium, and items and materials contaminated from  
17 nuclear reactor experiments conducted at Sandia  
18 National Laboratories Technical Area 5. It does  
19 also contain debris from nuclear weapons testing  
20 and some items from Three Mile Island.

21           The items and materials in the  
22 mixed-waste landfill that are from the nuclear  
23 reactor experiments, such as empty test containers  
24 and test equipment, do not contain the nuclear  
25 fuel used for the experiments. The nuclear fuel



1 material is tracked and accounted for through the  
2 Sandia Materials Control and Accountability  
3 Program and its predecessor programs. And it is  
4 not in the mixed-waste landfill. The estimated  
5 total mass of plutonium in the mixed-waste  
6 landfill is less than 1 gram.

7           Assertion Number 3: Sandia management  
8 memorandum from 1997 to 2001, along with thousands  
9 of radioactive and hazardous waste disposal sheets  
10 state that cannisters containing metallic sodium  
11 and high level nuclear waste were disposed of in  
12 shallow pits and trenches at the mixed-waste  
13 landfill.

14           Our response: There are no disposal  
15 sheets or other records that document disposal of  
16 metallic sodium and high level nuclear waste in  
17 the mixed-waste landfill. Sandia memoranda from  
18 1997 through 2001 focused on four empty cannisters  
19 buried in Pits 35 and 36 that may have been  
20 contaminated from nuclear reactor experiments  
21 conducted in Technical Area 5.

22           During the 2004 hearing Sandia testified  
23 that these cannisters did not contain metallic  
24 sodium and nuclear fuel material, clarifying the  
25 information in the earlier memos. There is no

1 high level waste in the mixed-waste landfill, as  
2 confirmed by an independent study conducted by the  
3 New Mexico Environment Department Oversight Bureau  
4 in 2003; the testimony presented by Sandia in the  
5 2004 hearing; the April 2005 hearing officer's  
6 report, that was fully adopted by the NMED  
7 secretary in the NMED final order issued in  
8 May 2005; and the testimony provided by Sandia in  
9 the recent 2015 hearing.

10           Assertion Number 4: Metallic sodium is  
11 explosive in the presence of water, so there is  
12 the potential for an explosion causing a breach in  
13 the mixed-waste landfill's dirt cover and spread  
14 radiation into Albuquerque's air and groundwater.

15           Our response: There is no potential for  
16 a sodium explosion that would cause a breach in  
17 the mixed-waste landfill vegetative soil cover.  
18 Metallic sodium combined with high level waste was  
19 not disposed in the mixed-waste landfill. The  
20 disposal area subsurface soils have a very low  
21 moisture content and are protected from  
22 percolation and infiltration of soil moisture by  
23 the engineered vegetative soil cover designed  
24 specifically of this purpose. If there was  
25 potential for any kind of reaction, it would have

1 occurred during the mixed-waste landfill  
2 operational period, which concluded in  
3 December 1988.

4           Assertion Number 5: Sandia's own  
5 records show that the mixed-waste landfill is  
6 leaking radioactive waste, solvents and heavy  
7 metals from shallow, unlined pits and trenches  
8 into Albuquerque's drinking water aquifer.

9           Our response: During the 2004 and 2015  
10 public hearings, DOE and Sandia presented  
11 sampling, monitoring and modeling documentation  
12 demonstrating that the mixed-waste landfill has  
13 not impacted Albuquerque's drinking water aquifer,  
14 located approximately 500 feet below the ground  
15 surface, beneath the mixed-waste landfill.

16           Assertion Number 6: High level nuclear  
17 waste, such as that buried at the mixed-waste  
18 landfill, requires deep geological disposal in an  
19 engineered facility; not shallow disposal in  
20 unlined pits and trenches.

21           Our response: The mixed-waste landfill  
22 does not contain high level waste, as stated in  
23 the 2005 hearing officer's report that was fully  
24 adopted by the NMED secretary, and as presented in  
25 director and rebuttal testimony by Sandia at the

1 recent July 2015 hearing. The mixed-waste  
2 landfill wastes are appropriately described as low  
3 level, radioactive and mixed wastes. Mixed-waste  
4 landfill wastes do not require disposal in a deep  
5 geologic repository.

6           Assertion Number 7: Mixed-waste  
7 landfill's buried wastes lie above the  
8 Albuquerque's aquifer stored in plastic bags,  
9 cardboard boxes, steel drums, and cannisters that  
10 will eventually decay and corrode.

11           Our response: The various types of  
12 containment used for wastes were documented during  
13 the Phase 2 RCRA facility investigation during the  
14 '90s and were addressed at the 2004 public  
15 hearing. The degradation of waste containers does  
16 not impact the protection of human health and the  
17 environment, based on investigation results and a  
18 conservative fate and transport model.

19           The majority of the mixed-waste landfill  
20 wastes are comprised of solid, low mobility wastes  
21 that have not migrated. Long term monitoring  
22 requirements and trigger levels address the more  
23 mobile contaminants and ensure long term  
24 protection.

25           Assertion Number 8: Groundwater

1 monitoring for the mixed-waste landfill has been  
2 inadequate and does not support the decision to  
3 leave the wastes under a dirt cover.

4           Our response: The groundwater  
5 monitoring network and monitoring results have  
6 been challenged by Citizen Action and others since  
7 the late 1990s. These issues were addressed at  
8 the 2004 hearing and again at the 2015 hearing.  
9 The extensive administrative record documents the  
10 New Mexico Environment Department's determination  
11 that the mixed-waste landfill groundwater  
12 monitoring has been and continues to be  
13 technically defensible and representative for site  
14 characterization and final remedy determination.  
15 All groundwater monitoring has been performed  
16 using NMED monitoring wells and NMED sampling  
17 methods and procedures.

18           Assertion Number 9: No complete  
19 inventory of mixed-waste landfill waste was made.

20           Our response: The mixed-waste landfill  
21 inventory is based upon an extensive set of  
22 records and supporting information that were  
23 discussed at length during the 2004 hearing.  
24 These records and supporting information,  
25 approximately 5,800 pages, were provided to

1 Citizen Action in 2001 and 2002. The 2005 hearing  
2 officer's report to the NMED secretary stated that  
3 the mixed-waste landfill inventory is quote,  
4 reasonably accurate and complete, considering the  
5 age of the records, length of time the landfill  
6 operated, and the types of waste routinely  
7 disposed of in the landfill, unquote.

8 The inventory is sufficiently complete  
9 to support a remedy decision as determined by NMED  
10 and documented in the 2005 NMED final order. This  
11 issue was addressed again in the 2015 hearing.

12 Assertion Number 10: Sandia possesses  
13 the technology to safely excavate and store the  
14 mixed-waste landfill waste.

15 Our response: The NMED remedy decision  
16 from the 2004 public hearing is based on the  
17 protection of human health and the environment.  
18 If site conditions were not proactive, NMED would  
19 have selected a different remedy.

20 The mixed-waste landfill in its current  
21 state, unexcavated, with the vegetative soil cover  
22 and monitoring systems in place is protective of  
23 site workers, Albuquerque residents, and the  
24 Albuquerque environment. In accordance with the  
25 final order, if conditions change in the future,

1 as indicated by monitoring results exceeding  
2 established trigger levels, DOE and Sandia are  
3 required to implement additional corrective action  
4 or a different remedy, as determined by NMED based  
5 upon their review of that data.

6 Our conclusions: The department of  
7 energy and Sandia are in full compliance with all  
8 regulator requirements that apply to the  
9 mixed-waste landfill, and current conditions are  
10 protective of site workers, Albuquerque citizens,  
11 the Albuquerque drinking water aquifer, and the  
12 Albuquerque environment.

13 The vegetative soil cover with  
14 bio-intrusion barrier is protective and monitoring  
15 trigger levels inspections and maintenance  
16 requirements ensure future conditions will remain  
17 protected. Annual and five-year reports required  
18 by NMED ensure that the public and the water  
19 utility authority remain informed of conditions.

20 A recommendation as presented in R-15-7  
21 is for DOE and Sandia to continue to follow up  
22 with you all as appropriate.

23 We'd like to conclude our presentation  
24 with this photograph of the mixed-waste landfill  
25 with the vegetative soil cover and bio-intrusion

1 barrier in place and native vegetation established  
2 on the cover. This photograph was taken in June  
3 of this year.

4 As designed, the mixed-waste landfill  
5 cover protects the waste disposal areas from  
6 intrusion and the infiltration of soil moisture.  
7 Current site conditions blend with the natural  
8 surroundings of Technical Area 3, where the MWL is  
9 located, to provide long term protection, with  
10 minimal maintenance.

11 That concludes my presentation. Thank  
12 you.

13 CHAIRWOMAN HART STEBBINS: All right. In  
14 minute I'm going to ask the other members of this  
15 board if they have questions, but I do have one  
16 question myself.

17 What kind of monitoring is going on? Do  
18 you have monitoring wells at this site? Is there  
19 anything that would indicate if water were leaking  
20 into the mixed-waste landfill and beginning to  
21 percolate down towards the groundwater?

22 MR. MITCHELL: Thank you for asking that  
23 question. The monitoring requirements that are  
24 part of the long term monitoring and maintenance  
25 plan include -- and first let me say that the



1 monitoring that's required by the New Mexico  
2 Environment Department for the long term is  
3 comprehensive. It includes monitoring the air,  
4 surface soil, the 500-foot thick unsaturated zone  
5 or vadose zone for soil moisture and soil vapor,  
6 monitoring the groundwater and biota to provide  
7 empirical field results that are compared to  
8 established trigger levels to ensure conditions  
9 are documented and remain protected.

10           So the monitoring is essentially from  
11 the surface all the way down to groundwater and  
12 including groundwater. And the specific  
13 monitoring constituents are based on the  
14 inventory, the investigation data and the modeling  
15 that looked at and identified what are the  
16 contaminants that are of most concern in terms of  
17 mobility and how can we make sure that we get an  
18 early warning if conditions are changing.

19           The trigger levels I mentioned are  
20 typically set at a percent of a standard, a  
21 regulatory standard. So corrective action is  
22 triggered and follow-up action is triggered before  
23 a regulatory standard is exceeded.

24           CHAIRWOMAN HART STEBBINS: So your  
25 monitoring wells are screened at depths throughout

1 the vadose zone and at the surface of the  
2 groundwater?

3 MR. MITCHELL: Correct. We have a soil  
4 vapor monitoring network that looks at volatile  
5 organic compounds in soil vapor from 40 feet down  
6 to 400 feet, and there's 17 ports with many of  
7 them at 100, 200, 300, all the way to 400.

8 Our groundwater wells, we have three  
9 compliance wells at the western boundary that are  
10 screened across the uppermost part of the regional  
11 aquifer, as required by the regulations, and one  
12 background well. And those wells look for  
13 contamination that would hit the very top of the  
14 aquifer, which is where you would detect it first.

15 The air monitoring is looking at  
16 emissions of radon, blah, blah.

17 CHAIRWOMAN HART STEBBINS: So can you just  
18 clarify that. You said the groundwater monitoring  
19 well is -- a screen is just at the surface of the  
20 groundwater, or is it throughout the vadose zone?

21 MR. MITCHELL: There are different wells for  
22 the vadose zone and different wells for  
23 groundwater.

24 CHAIRWOMAN HART STEBBINS: And they're all  
25 monitoring water?

1           MR. MITCHELL: No. The vadose zone wells --  
2 there's no water in the vadose zone, so those are  
3 monitor vapor or soil gas. And their purpose is  
4 to pick up contaminants that may be moving towards  
5 groundwater and give us that information before  
6 groundwater is impacted.

7           CHAIRWOMAN HART STEBBINS: And I think you  
8 did say this. They measure both moisture levels  
9 and vapor.

10          MR. MITCHELL: There are separate monitoring  
11 wells for soil vapor that are angled underneath  
12 the cover in the disposal areas, and those monitor  
13 exclusively for soil moisture.

14          VICE CHAIRWOMAN JONES: All right. I'm just  
15 trying to get a sense of what you have in place  
16 that would indicate if there were some  
17 precipitation that is going through the could  
18 cover into the soil and moving down towards the  
19 groundwater. So you've answered my questions.  
20 Thank you very much.

21                 Members, any other questions or  
22 comments?

23                 Councillor Garduno.

24          COUNCILLOR GARDUNO: Thank you, Madam Chair.

25                 Thanks for the presentation. I do have

1 a couple questions. And one of them is, do we  
2 have a third party that is looking at this? And I  
3 don't mean just reviewing data, but actually being  
4 part of the soil vapor extraction process. And  
5 who are they and where are they from?

6 MR. MITCHELL: There is a third party. It  
7 is the New Mexico Environment Department Oversight  
8 Bureau.

9 COUNCILLOR GARDUNO: No, no, I don't think  
10 that's who I meant, because they're the ones that  
11 are giving the permit. I meant someone who  
12 actually would be outside of those two entities,  
13 Sandia National Labs, New Mexico ED. New Mexico  
14 ED is just looking at the data, saying, "Thank  
15 you. Everything looks fine."

16 I'm asking if somebody, a third party,  
17 disinterested, is actually going in there and  
18 being part of the process, making sure that when  
19 you pull out soil or pull out vapor or look at  
20 material, that it's not just yourselves that are  
21 looking at it but somebody that can corroborate  
22 what you're presenting.

23 MR. MITCHELL: The oversight bureau is  
24 separate from the hazardous waste bureau, who is  
25 in charge of direct oversight of DOE and Sandia.

1 As far as a non-NMED third party, during the  
2 2000 -- or leading up to the 2004 hearing, there  
3 was a panel that evaluated all of our  
4 investigation data, groundwater data. That was  
5 the work panel, and they were congressionally  
6 appointed and brought in by the department of  
7 energy as a third independent party to look at  
8 that information prior to the remedy selection of  
9 the vegetative soil cover.

10 COUNCILLOR GARDUNO: So they're able to vet  
11 not only the data that you're presenting but they  
12 have been part of the process.

13 MR. MITCHELL: They were at that time, and  
14 the concern at that time was before a remedy was  
15 selected that the investigation and risk  
16 assessment and other technical information leading  
17 to that decision was evaluated by a third party.

18 COUNCILLOR GARDUNO: Okay. Glad to hear  
19 that, because I don't think NMED said that. I  
20 think they're under the impression that no one  
21 outside of -- CANM -- no one outside of those two,  
22 NMED and yourselves, has had the opportunity to  
23 look at what is being done. Not the information  
24 not the data, because data is already a  
25 conclusion. But rather the process. And you're

1 saying yes, there have been?

2 MR. MITCHELL: Prior to the 2004 hearing,  
3 yes, there was an independent panel of academic  
4 folks that were appointed and did do a review of  
5 the corrective measures study and the data that  
6 was evaluated as part of the remedy selection.

7 COUNCILLOR GARDUNO: And on Slide Number --  
8 or Page 9, I guess, or Slide 9, you say that there  
9 is no high level -- or no contaminants and no  
10 nuclear mixed waste in the mixed-waste landfill.  
11 And actually, it's -- yeah, Number 9. And then  
12 you go on, the response is, yes, there is.

13 MR. MITCHELL: No. And I think there's just  
14 some misunderstanding on that. Let me get to the  
15 proper location here.

16 COUNCILLOR GARDUNO: Well, Bullet Number 2.

17 MR. MITCHELL: Yeah, I gotcha.

18 Let me be really clear about this,  
19 because there's a lot of confusion about high  
20 level waste. What I said was that there are  
21 items, materials contaminated from nuclear reactor  
22 experiments, and that they're -- that were  
23 conducted at Sandia, and that there is debris from  
24 nuclear weapons testing and some items from Three  
25 Mile Island. The debris from nuclear weapons

1 testing is not high level waste. The items from  
2 Three Mile Island are not high level waste. None  
3 of that material the high level waste. Okay?  
4 So -- is that where --

5 COUNCILLOR GARDUNO: Well, that's, I think,  
6 the confusion for me, is that we're saying no  
7 there isn't, but there is material there.

8 MR. MITCHELL: There is radioactive waste  
9 and mixed waste, and all of that waste is  
10 appropriately classified as low level radioactive  
11 waste.

12 COUNCILLOR GARDUNO: And you are then  
13 asserting that this low level waste is  
14 non-dangerous to anyone, water included?

15 MR. MITCHELL: No, I'm not saying that at  
16 all. But I'm saying, in its current state, buried  
17 in the trenches and pits at the landfill, it is  
18 safe there because it's not migrating, it's not  
19 affecting groundwater and it's not affecting  
20 people at the surface, and so there is no risk.

21 COUNCILLOR GARDUNO: So let me understand.  
22 And the reason it's not migrating is because it's  
23 sequestered, it's kept in place because the pits  
24 and the trenches or lined, or how is it?

25 MR. MITCHELL: No. And the pits and

1     trenches are not lined, but this a material is not  
2     be mobile unless you move water through it. So if  
3     there isn't water moving through it, most of this  
4     material can't migrate. It will just stay right  
5     where it is.

6             COUNCILLOR GARDUNO: Okay. I've been hoping  
7     for rain, a lot of rain. Now I don't know that I  
8     want that.

9             So is Sandia or Kirtland presently  
10    putting material in those trenches and/or --

11            MR. MITCHELL: No. There's been no disposal  
12    since the landfill operations ceased in December  
13    of 1988.

14            COUNCILLOR GARDUNO: So are there other pits  
15    in mixed land waste areas in Sandia or Kirtland?

16            MR. MITCHELL: There is no disposal  
17    occurring.

18            COUNCILLOR GARDUNO: Because there's none  
19    generated or --

20            MR. MITCHELL: No. It all going off-site.  
21    It's not being disposed of on-site.

22            COUNCILLOR GARDUNO: I hope it's not going  
23    to WIPP.

24            MR. RAST: Not right now.

25            COUNCILLOR GARDUNO: Well, thank you. And



1 I'm glad to hear that you will be apprising us in  
2 the future of things as they go along. Thank you  
3 for the presentation. Thank you.

4 VICE CHAIRMAN DE LA CRUZ: Councillor  
5 Sanchez.

6 COUNCILLOR SANCHEZ: Thank you  
7 Mr. Co-Chairman.

8 My question is regarding Conclusions and  
9 Recommendations. You state: Annual and five-year  
10 reports ensure that the public and the water  
11 authority remain informed of conditions.

12 And then under Recommendations, you  
13 state: Follow-up as appropriate.

14 What time frame are you looking at as  
15 appropriate?

16 MR. MITCHELL: We are leaving that up to you  
17 as far as following up with the water utility  
18 authority.

19 COUNCILLOR SANCHEZ: I want to thank you for  
20 your report. I think it's a very thorough report.  
21 The entire board here was very concerned.

22 I want to thank also Councillor Garduno,  
23 I think, who asked to sponsor this legislation and  
24 that you provided this report to this authority.  
25 Thank you.

1           MR. MITCHELL:   You're welcome.   And just as  
2   a note, the first five-year report will be  
3   submitted to the New Mexico Environment Department  
4   evaluating the first four years of monitoring  
5   under the long term monitoring and maintenance  
6   plan, as well as reevaluating excavation of the  
7   mixed-waste landfill as required by the final  
8   order that will be submitted in January of 2019.

9           And that will then be made publicly  
10   available and open for comment, and the New Mexico  
11   Environment Department will be responding to all  
12   public comments as stipulated in the final order.

13          COUNCILLOR SANCHEZ:   Thank you.

14          MR. MITCHELL:   Thank you very much.

15          VICE CHAIRMAN DE LA CRUZ:   Councillor  
16   Garduno.

17          COUNCILLOR GARDUNO:   Thank you, Mr. Chair.

18                 Just as a follow-up, did I read  
19   somewhere that you are going to be -- and I think  
20   you just alluded to it -- you're going to be  
21   presenting again or follow up on some of the  
22   material that you've found out or you have?   And  
23   is it going to be at Manzano Mesa again fairly  
24   soon?   I read somewhere that you're doing to do  
25   that.

1           MR. MITCHELL: No. There's no -- at this  
2 point in the process, the hearing will be  
3 concluded with a hearing officer report that will  
4 go to the New Mexico Environment Department  
5 secretary, and Secretary Flynn will be making a  
6 final decision. We're expecting some time towards  
7 the end of the year or maybe early next year.

8           And then that final order will resolve  
9 where we are now in the regulatory process. But  
10 right now we're under the requirements to produce  
11 annual reports for the mixed-waste landfill that  
12 present all the monitoring results, including  
13 comparison of those results to trigger levels, and  
14 then also documenting the inspection and any  
15 maintenance and repairs that are required.

16           We've already got two annual reports  
17 that have been submitted to the New Mexico  
18 Environment. Those are available on their  
19 website, and then there will be the five-year  
20 report. And those are the reporting requirements  
21 we have now.

22           COUNCILLOR GARDUNO: Mr. Chair.

23           MR. RAST: Commissioner Garduno, we also do  
24 have a biennial [sic] meeting, in every six  
25 months, in October and the April time frame.

1 Those are typically at the Cesar Chavez Community  
2 Center, where we do an update, progress, sampling  
3 results that we have and overview of our entire  
4 environmental restoration program.

5 COUNCILLOR GARDUNO: And I guess that's what  
6 I was --

7 MR. MITCHELL: Yeah, I'm sorry. I didn't  
8 follow.

9 COUNCILLOR GARDUNO: So those will continue?

10 MR. MITCHELL: Yeah.

11 MR. RAST: Those will continue and are  
12 required in our permit as part of our community  
13 relations plan.

14 COUNCILLOR GARDUNO: Thank you.

15 Thank you, Mr. Chair.

16 VICE CHAIRMAN DE LA CRUZ: Would you clarify  
17 for the public where the assertions come from, who  
18 makes them.

19 MR. RAST: The assertions were in your  
20 Resolution 15-7, and a lot of those were presented  
21 by Citizen Action in front of this board.

22 MR. MITCHELL: I did not read that part of  
23 the assertion. They all start with "Citizen  
24 Action New Mexico asserts."

25 VICE CHAIRMAN DE LA CRUZ: Thank you.

1           MR. RAST:   Thank you.

2           VICE CHAIRMAN DE LA CRUZ:   Moving on to the  
3 next item, which is OB-15-9, future debt maturity  
4 and revenue implications.   Mr. Sanchez -

5           MR. SANCHEZ:   Mr. Chair, that was deferred.

6           VICE CHAIRMAN DE LA CRUZ:   Thank you very  
7 much.

8                   Any other comments, questions?   Seeing  
9 no further business, this meeting is adjourned.

10                   (Proceedings adjourned at 6:10 p.m.)

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1 STATE OF NEW MEXICO

2 COUNTY OF BERNALILLO

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