ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY MEETING
Wednesday, September 25, 2019, 5:07 p.m.

VINCENT E. GRIEGO CHAMBERS
ALBUQUERQUE-BERNALILLO COUNTY GOVERNMENT CENTER
ALBUQUERQUE, NEW MEXICO 87102

A P P E A R A N C E S

COMMISSIONER DEBBIE O'MALLEY, Chair

COUNCILOR KLARISSA J. PENA, Vice Chair (excused)

COMMISSIONER MAGGIE HART STEBBINS, Member

COUNCILOR TRUDY E. JONES, Member (excused)

COMMISSIONER STEVEN MICHAEL QUEZADA, Member

COUNCILOR KEN SANCHEZ, Member

MAYOR TIMOTHY M. KELLER, Member (excused)

TRUSTEE PABLO RAEL, Member

SARITA NAIR, (alternate)

BEFORE: KIM KAY SHOLLENBARGER, RPR, CCR #236
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Albuquerque, New Mexico 87102

CHAIR O'MALLEY: Good evening, everyone. Welcome. I call the meeting of the Water Utility Authority for September 25th, 2019 to order. Vice President Pena and Member Jones are excused and all the other members are present.

We're going to begin with a moment of silence and the Pledge of Allegiance led by Councilor Ken Sanchez.

(Invocation/Pledge of Allegiance)

CHAIR O'MALLEY: Thank you, Councilor Sanchez.

Go next to Item 3, which is the Approval of Minutes. I move to approve the August 21st, 2019 minutes.

COUNCILOR SANCHEZ: Second.

CHAIR O'MALLEY: There's a motion and a second. All those in favor say aye.

MEMBERS: Aye.

CHAIR O'MALLEY: All those opposed say no. The motion carries. There are no Proclamations or Awards. That takes us next to Public Comment. Ms. Carreon, how many folks do we have signed up to speak?

MS. CARREON: We have two speakers.

CHAIR O'MALLEY: So each speaker will have three minutes to speak with a warning bell at

two-and-a-half minutes. So if you would please call the first speaker.

MS. CARREON: Geraldine Amato followed by Elaine Hebard.

CHAIR O'MALLEY: Welcome. Good evening.

MS. AMATO: Good evening. I wish to share with you what I have learned long after I've been out of school. Despite our worship of the federal flag here at these meetings, the republic does not exist. I have learned that the republic existed only in its incubation stage for three years, and then the Federal Constitution was passed, over the protest of such people as Patrick Henry, Richard Henry Lee and some of the original declarers of independence from the tyranny of Great Britain. We are not taught this in school. We're under a private commercial jurisdiction today, much like what the original 13 colonies were under at the time of the frustration of the English Americans established here to run the colonies, the business establish of the British king. So today the municipal corporations and all these incorporated bodies are actually agents of the corporate state. If you look at the agenda, most of it is contract legal enactments. Contract law they call it. It's not really law of the republic. It

has to do with the private commercial jurisdiction, they call it the U.S, the Federal Uniform Commercial Code, upon which state statutes are formed. We don't study this anywhere in the public schools. Not even in so-called law school. I read for a blind law student in the 1980s, they did not even read the Federal Constitution. They read what they call case law, which are the decrees of the aristocrats on the higher courts, the higher federal courts, because the British bench and bar was established here by the first Federal Congress. Recently I heard on so-called public radio, KUNM, where an author was discussing the fact that when the Constitutional convention was called, before all this electronic transition of information and communication was established, they did it surreptitiously. They did not want to alarm too many of the Americans under the jurisdiction of the Articles of the Confederation that Constitutional conventions were being called. But Patrick Henry's speeches, he was an orator, not a writer, are still recorded in the Congressional record. His speeches before the Virginia Constitutional Convention in Virginia, they are prophetic. There's two speeches from June of 1787. If you read those you will comprehend better where we

are today than what you're learning today at the university level, the college level, and the public school network. Our educational system is controlled not by the good people of this nation, but by the establishment overlords who work with the international financiers and our monetary system and all our resources, including our resources, are commercialized. They're not under the control of the good people. The control of those who are watching their bottom line and they destroy everything they touch. They're about aggrandizing power and wealth this side of heaven and they don't give a damn what happens on the other side, at least they're not thinking about it. We need to think about it and we need to do something about it.

CHAIR O'MALLEY: Thank you.

MS. AMATO: So I pray that enough people will understand that we're getting to a serious situation in this nation.

CHAIR O'MALLEY: Thank you.

MS. AMATO: Any questions?

MS. CARREON: Elaine Hebard is our last speaker.

CHAIR O'MALLEY: Welcome.

MS. HEBARD: Thanks. My name is Elaine

Hebard. I'd like to make two points and two recommendations in my three minutes, clearly I will have left out a bunch of details. Agenda item 7A, Amending the CIP Funds underscores the idea of why an inspector general could be useful. As the cover memo says, the FY20 capital program appropriates about $88.3 million -- 68.3. It further says that the FY19 carryover amounts to 53 -- 55.3, almost $13 million less. So that doesn't sound like just a little adjustment to me. So I looked at the breakdown of the unobligated funds in the miscellaneous adjustments and found a couple of interesting things. One, under Special Projects, the category of miscellaneous grew from 2.7 million to 21.1 million. Not really a small adjustment. That's about a third of the new increase. So I guess the administration building is costing more than it had been anticipated, but there's never been a presentation on that. And another jump was for Water 2120 projects, which went from 300,000 to 2.5 million. And so, it would be nice to know which projects were being funded for that kind of money. My recommendation to this Board, that you need assistance in wading through the

various things that you're presented. The City Council has its own services that review things, and when the Water Utility was under the City Council, Council actually looked at all of those numbers. My other comment is about the Water Report and the Compliance Report. And very quickly, again, you get the news that we're using less water, great, but it doesn't break down between the surface water and groundwater. And that's important because in the second presentation that I mentioned, the compliance, if you look at slide 13, it talks about the water levels being above that 50-foot below predevelopment level from 2020 to 2060. That's not going to be possible unless much more pumping is reduced so that you don't have the ongoing depletions, and yet you can reuse your water. So my suggestion there is to create a goal for resiliency and include in that the category of groundwater pumping and recycling so you set metrics so that you can attain those. Much like the Conservation Plan. Thank you.

CHAIR O'MALLEY: Thank you. That ends Public Comment. Item 6, Announcements and Communications. The next scheduled meeting of this Board is October 23rd, 5:00 p.m. in these chambers.

Go next to Item7, this is the First Reading

of Introduction of Legislation, 7A. This is R-19-23, Amending Funds for the Capital Implementation Program of the Albuquerque Bernalillo County Water Utility Authority for the Fiscal Year 2020. Mr. Allred.

MR. ALLRED: Madam Chair, Members of the Board, this is just a Resolution to move unobligated appropriations that we have not spent the money on that has been approved by this Board prior to 2020, to move those to fiscal year 2020 so we can spend those that is required for the Department of Finance Administrative Services from the State of New Mexico. What we'll probably do in the future is write administrative instruction saying that every year we'll move those unobligated appropriations forward to the next fiscal year and then share that with the Department of Finance Administrative Services. But for this year we need to do a Resolution to do that, and this is the Resolution to carry out that very task. And I stand for any questions.

CHAIR O'MALLEY: Are there any questions of Mr. Allred. This is the First Reading, so we won't be acting on it. Thank you.

Go next to the Consent Agenda. There's several items on the Consent Agenda. Does anybody have questions, or just move approval.

COUNCILOR SANCHEZ: Move approval of the Consent Agenda.

COMMISSIONER QUEZADA: Second.

CHAIR O'MALLEY: There's a motion and a second to approve the Consent Agenda. All those in favor say aye.

MEMBERS: Aye.

CHAIR O'MALLEY: All those opposed say no. The motion carries. Go next to Item 9, which is Approvals. 9A, R-19-19, which is Authorizing Agreement with this Authority and the Pueblo Los Cerros Homeowners Association to Allow a Private Sanitary Sewer Service Connection. Kris Cadena.

MR. CADENA: Hello, Madam Chair, Members of the Board. This is a Development Agreement for an existing
hundred unit condominium complex located in the Village of Corrales. Currently they're getting water via an onsite
private well and sanitary sewer service via an onsite private wastewater treatment plant. They're coming to the Water Authority to get sewer service because that wastewater treatment plant is deteriorating and the New Mexico Environment Department isn't willing to renew their permit. So Pueblo Los Cerros is only

seeking sewer service and they're going to get sewer service with the proposed private sewer force main that would go through a couple of roadways within the City of Albuquerque. The entire line would be solely owned and maintained by Pueblo Los Cerros and they would be required to pay the utility expansion charges for the sewer.

CHAIR O'MALLEY: The utility expansion charges as well as the infrastructure?

MR. CADENA: Correct, yes. It will all be developer funded.

CHAIR O'MALLEY: Any questions about this item?

COUNCILOR SANCHEZ: Move approval.

CHAIR O'MALLEY: There's a motion and a second to approve 9A. All those in favor say aye.

MEMBERS: Aye.

CHAIR O'MALLEY: All those opposed say no. The motion carries. Takes us next to 9B, R-19-20, Authorizing this Utility to Submit an Application for Funding to the Water Trust Board for Advanced Meter Infrastructure Project, Phase 5. Ms. Anderson.

MS. ANDERSON: Yes, Madam Chair, Members of the Board. This is requesting authorization to submit an application for Water Trust Board funding

for continuation of Phase 5 of the Advanced Meter Infrastructure Project.

CHAIR O'MALLEY: It requires our approval --

MS. ANDERSON: Yes.

CHAIR O'MALLEY: -- for a request for that. I move approval of 9B.

COUNCILOR SANCHEZ: Second.

COMMISSIONER HART STEBBINS: Second.

CHAIR O'MALLEY: There's a motion and a second for approval of 9B. All those in favor say aye.

MEMBERS: Aye.

CHAIR O'MALLEY: All opposed say no. The motion carries. Takes us to 9C, Authorizing this Authority to Submit an Application for Funding to the Bureau of Reclamation for WaterSMART Grant. Katherine Yuhas. This is for aquifer storage and recovery projects. Ms. Yuhas.

MS. YUHAS: Thank you, Madam Chair. Tonight I am requesting your approval to apply for a WaterSMART Grant to the Bureau of Reclamation. This grant would have a maximum award of $750,000 and the match is 50 percent. So the maximum that we would be obligated to fund would be $750,000 from the Capital Improvement Fund for Water 2120.

CHAIR O'MALLEY: We do have an aquifer storage and recovery project now, so what is this for exactly?

MS. YUHAS: Madam Chair, this is actually a new type of project that we're looking at, which would be small infiltration ponds. And we're looking at developing a series of projects with these infiltration ponds that we could actually put in neighborhoods as sort of a neighborhood enhancement. They'd actually be like a little park, at least that's our vision of them. They'd have plantings. We'd put a walking path around them so they'd be an education opportunity as well as infiltrating water into the aquifer. So it's kind of a giving back and also infiltration project.

CHAIR O'MALLEY: So these are like little reservoirs or -- no, I know they wouldn't be, because they wouldn't be -- drainage ponds, it kind of sounds like they are a little bit.

MS. YUHAS: The idea of a pond is the right picture. The water would move underground very quickly, so they wouldn't actually hold water for a very long time. But it would be a wet area where we could put a lot of very interesting plantings around. We're hoping to put one near a school so that perhaps

some of the students from the school could get involved in monitoring what's going on, use it for science education. We're really trying to build a partnership around these projects.

CHAIR O'MALLEY: Like maybe little wetlands or something.

MS. YUHAS: Exactly, that's the right picture, a wetland.

CHAIR O'MALLEY: I move approval of 9C.

COMMISSIONER QUEZADA: Second.

CHAIR O'MALLEY: There's a motion and a second to approve 9C. All those in favor say aye.

MEMBERS: Aye.

CHAIR O'MALLEY: Aye. All opposed say no. The motion carries. Takes us next to 9D. This is Amending Water service Policies for the South Valley Drinking Water Project.

MS. ANDERSON: Madam Chair, Members of the Board, this is a request to amend the boundary of the South Valley Drinking Water Project. It just changed slightly between design and then what was completed in the final design. So we just have to amend that boundary.

CHAIR O'MALLEY: Are there any questions about this item?

COMMISSIONER QUEZADA: Move for approval.

COUNCILOR SANCHEZ: Second.

CHAIR O'MALLEY: There's a motion and a second to approve 9D. All those in favor say aye.

MEMBERS: Aye.

CHAIR O'MALLEY: All opposed say no. The motion carries. We go next to Other Business. Mr. Stomp, this is OB-19-60, Water Resources and Regulatory Compliance Update.

MR. STOMP: Good evening, Madam Chair, Members of the Board. Pleased to talk a little bit about Water Resources and Regulatory Compliance Update. My goal tonight is to really talk about four things. You've heard about this concept of the law of the river, there's an overlay of federal and state regulations that kind of govern the operations for the Water Authority in terms of our permitting, and I'm going to talk a little bit about that, a little bit about how that affects our Drinking Water Project Permit.

We're going to talk a little bit about the hundred year plan and then how the Safe Drinking Water Act and the Clean Water Act are kind of combining now, where we have separate federal laws, but there's an intersection between the two that's

happening and it's kind of blurring the lines between the two.

Start off with a little cartoon here showing a couple of guys fighting. This is kind of the way the water business is, as you guys know, sometimes you're the guy with the shovel, right, and sometimes you're the guy blocking it, but that's kind of the way it is in New Mexico, we're always fighting to protect our water from Texas and others trying to take our water.

So the law of the river starts with the Rio Grande Compact. So the native waters that originate in Colorado flow through Colorado, Texas, and New Mexico and also into Mexico, is a compact called the Rio Grande Compact, which is really more of a contract between the states. It's ratified by Congress and we are allocated a portion of the river and that allocation was based on agriculture and irrigation uses back in the 1880s.

So they divided up the flows of the river, Colorado gets the majority of the flows, we get a small piece, and then Texas gets the rest. What we owe to Texas is gauged by the Otowi gauge, which is the bridge that crosses Espanola. If you know where you're at in Espanola, that crosses the Rio Grande

there, there is a gauge there and the amount of water that flows pass that gauge, a portion of it we get to keep and a portion of it we deliver to Texas.

There's a whole lot of other rules that go along with this, including how much we have in storage and how much we're allowed to store. But this really sets the framework for what the Middle Rio Grande gets in terms of the amount of native water that flows into the stream system.

We also have the underground aquifer. As you know, we've been pumping from the aquifer and we've begun to reduce our pumping and now the aquifer is rising. The State Engineer in 1956 developed administrative guidelines for how that use of that groundwater was going to be made, and he was concerned about future obligations under the Rio Grande Compact, so he declared the Basin and said that anybody that pumps water from the aquifer now has to pay the river back, because the river and the aquifer are directly connected, and so the river leaks when the aquifer goes down and you have to pay that back. And so there's water rights administration that go along with that. Again, this is State administration.

Then we have our San Juan Chama water, this

is
Colorado river water. New Mexico get 11.25 percent of the Upper Colorado River Basin, which was a compact that was signed between the Upper Basin states in 1948. We get about 650,000 acre feet of water a year for New Mexico. The San Juan Project imports about a hundred acre feet of that, of which we get about 48,200 acre feet. Now, this is Colorado River water, so it's not governed by the Rio Grande Compact. It's imported water and we're allowed to fully consume that water, meaning that whatever drops come in, we can fully use every single drop. So if we have some that comes out of our wastewater plant and it's not fully used, we still have a right to use that. And that really is a lot of our -- part of our hundred year water plan effort, is to use the existing supplies we have.

This is a picture of the Drinking Water Project, it's black, though, so I apologize for that. The Drinking Water Project is governed by regulations that the State Engineer set on us and it's flow based. So we have flow based regulations and the flow that flows at Central Avenue. So when you drive over Central Avenue there is also a gauge there, and the amount of water that we're allowed to divert is

based on that flow that passes by Central Avenue. So we are governed by the flows that are in the river in terms of our ability to divert our San Juan Chama water under the Drinking Water Project.

This is a picture of our diversion facility, if you have not been there, and also our return flows at the Rio Bravo -- at the Southside Reclamation Plant that you can see in the upper left-hand portion of it. You've got the diversion facility, you got the fish screens, fish bypass structures. So we built the facility to protect the Endangered Silvery Minnow. There are critical habitats for a multitude of endangered species, that also was an overlay of the federal law which we have to operate under in the Middle Rio Grande.

So we have the compacts, we have the state administration of groundwater, we have the Endangered Species Act, all of those form a relationship with what we're able to do or what we're not able to do in the river. With respect to our return flows, that's part of that declaration. We pump the aquifer, we return part of that back to the river. If you've never been to our outfall, you should go. There's a distinct difference between the water that comes out of our plant and the water that's in the river. Our

water is cleaning up the river. You can see the bottom of the channel. You can see the fish, it's beautiful. We have very clean effluent going out of our plant. There was a point in time when the Fish and Wildlife Service believed very strongly that our wastewater plant was one of the reasons why the Silvery Minnow was not thriving. So they did a series of studies where they took samples of our effluent and they took samples of the river and they compared how the fish lived, reproduced and how long they lived and survived and they lived better in a hundred percent effluent than it does in a hundred percent river. So the fish like our effluent better than they like the river. They live longer. They reproduce better. And they survive a much longer time frame.

CHAIR O'MALLEY: Mr. Stomp, just wanted to interrupt you for a moment. You said that when you pump -- the requirement is that when you pump from the aquifer you have to return to the river. Is that just for utilities? Because not everybody does that.

MR. STOMP: Madam Chair, when he declared the basin in 1956 there was a number of people that were already pumping. Those were grandfathered in, so to speak, so any new pumping beyond that. So it

could be an agriculture. It could be a municipal use. Although, most of it is municipal uses, so you have that obligation to return the flow back to the river. Now, a lot of agricultural uses, they do what they call supplemental wells, so they have a right to native water that's diverted from the river. They can pump that same amount of groundwater in terms of the depletion that's equivalent to the water rights that they own, that supplemental well. They don't have to pay back the river for that. But most of it is municipalities. Us, Rio Rancho, Bernalillo, the small community south of us, they have that obligation.

CHAIR O'MALLEY: When you say, "an obligation," that's something that's regulated? It's required? It's --

MR. STOMP: Yes, ma'am. I'm sorry, Madam Chair, Members of the Board, every single month we turn in our State Engineer's permit. We give them the exact amount of water that we pump from every single well. We give them the exact meter flow that we return at the wastewater plant. We also tell them exactly how much we divert at the river diversion, which is actually online if you ever want to see that. 24 hours a day you can see how much we're

diverting at the river and you can see how much we're returning. So we give a report to the State Engineer and then every single year he takes that data, he loads that into this three dimensional groundwater flow model, because every well has its own impact on the river, and then he calculates how much we have to return. And if we have not returned back that much, we have to supplement that return. Normally we return more than we owe.

CHAIR O'MALLEY: What about the requirements in terms of quality for return, returning to the river, are those requirements as well?

MR. STOMP: Madam Chair, Members of the Board, there's no water requirements from the State Engineer in terms of the quality, but EPA does have water quality requirements for us under the Clean Water Act. So we have a NPDES permit, National Pollution Discharge Elimination System permit from the EPA. They have specific guidelines what water quality we're supposed to use, and that is part of the discussion we're going to have tonight.

CHAIR O'MALLEY: Thank you.

TRUSTEE RAEL: Madam Chair.

CHAIR O'MALLEY: Yes, Mr. Rael.

TRUSTEE RAEL: Question. Do you get audited

by the State Engineer on whatever you send to them? How do they keep up with what -- I guess I'm asking, do they believe what you say or do they actually audit you to find out what you're doing is correct?

MR. STOMP: Madam Chair and Trustee Rael, well, they never believe anything we say. Everybody has their eye on us. We're the most heavily regulated entity in the Middle Valley. They regularly come and inspect our meters. They will make us calibrate our meters. We turn in a calibration report on our meters every single year. They'll come and read that meters. They'll compare those meter readings to what we submitted to them in the reports. So they're constantly checking on us, believe me. The requirements that we have for 15 minute data to be posted online are the State Engineer's requirements. But, yeah, they don't -- I mean, they trust us, obviously, but they actually verify quite a bit. A lot more than most people do.

TRUSTEE RAEL: Trust and verify.

MR. STOMP: Correct.

TRUSTEE RAEL: Thank you. Thank you, Madam Chair.

MR. STOMP: So this next picture shows that

kind of relationship on the river. This is the river itself through Albuquerque. We have our diversion of our water up at Alameda. We have the Central Avenue gage there in the middle of the slide and we have our return flow at the bottom, so that's the Southside Water Reclamation return flow. So there's 15 miles of difference between where we divert the water and where we return the water. And the State Engineer pays attention to the gage data at Central Avenue, but that gage data is also very important as it relates to our NPDES permit that I talked about before.

So this gives kind of a picture of the overlay of how things can change in the river and how the Water Authority's permits are affected by those changes of flow.

Carlos Bustos, our conservation officer, is going to talk a little bit about the water use this month. But you can see water use continues to go down. It's incredible to see the amount -- how much we've changed our usage over the years. And we continue to increase our surface water use and we're on average between 60 and 80 percent of surface water use. So you can see how we started in 2008, about 11 years

ago, kind of slowly implementing the system and you can see how much change in the blue versus the green over time. So our pumping is significantly reduced. Because we reduced our pumping we have less obligation on the river.

The aquifer continues to rise. These are the latest USGS gauges. These are 2018 data. And I just picked three different points, but you can see that in 2008 when we started diverting river water the aquifer began to rebound. It's rebounded 30, 40, some places as high as 60 feet and we're going to continue to see that rise when we talk about our Groundwater Management Program. At some point when that rise stops and it starts to come down again we'll have a Groundwater Management Plan in place to deal with that.

So just reviewing a hundred year plan. If you guys remember, in 2016 we went through two years of this process to evaluate how much demand we thought we were going to have in the future, what our supply obligations are and how much our supply could be reduced from surface water reductions due to climate change and we compared those and we determined what the gaps were and then we came up with a plan and a series of policies and projects to

meet our demand over the next hundred years primarily using the existing supplies we have.

We talk about conservation going down to a hundred and ten gallons per capita per day over the next 20 years. I think reuse is a big part of where we're headed, reusing that effluent that we talked about. As we reduced our pumping we'll have more of that effluent available for us to use and that's going to be a big part of our future, storing that water, whether it's in the aquifer or storing it in above-ground storage, transitioning to use of storm water, and then indirect or direct potable reuse, that is our wastewater turned into a drinking water source. And then you have watershed management, of course, to protect our supplies upstream in the watersheds.

So Groundwater Management Plan. As I said, the groundwater is continuing to increase. The aquifer is continuing to rise. That's sort of the orange line that's dotted. It's going to rise and it's going to get to a spot, we don't know exactly what that's going to be, and then it's going to start to go down. So the whole point of our Groundwater Management Plan is, rather to look back to what happened in the 90s when the aquifer was dropping

about three feet a year and there was not a lot to do at that point, now it's rising and so now we know how we need to deal with it. We need to reduce our groundwater use over time so that we can continue to manage that aquifer at that level. So we're going to add projects and more reuse over a period of time to reduce our use on groundwater and save that groundwater for the future. So that's really the point of the Groundwater Management Plan.

This is the intersection of the Clean Water Act and the Safe Drinking Water Act. A lot of the regulatory boundaries are blurring. I'll give you a few examples of that. Arsenic is a perfect example. In the late 1980s Congress recognized tribal entities as state entities, allowed them to set their own water quality standards. The Pueblo of Isleta set an arsenic standard that was going to require that we treat our arsenic going out of our wastewater plant. We, back when we were the City, we challenged that. We sued them in federal court, we lost very badly. Congress made that rule and EPA was enforcing that rule. So we are responsible for meeting the Pueblo of Isleta water quality standards. That and rulemaking changed when the drinking water standard changed from 50 parts per million to 10. So once the

drinking water standard changed to ten, now the effluent coming out of our plant is usually below three micrograms per liter. So we had an implementation of a Clean Water Act -- a Safe Drinking Water Act rule that actually helped us on the Clean Water side.

In terms of phosphorus, we added a phosphorus plan at our Wastewater Treatment Plant. Just to kind of look at what that looks like, the green line shows the amount of phosphorus coming into our Wastewater Plant, but we add phosphorus on the surface water side for corrosion control and for our PH control coming out of the water plant. And then you can see the effluent is -- the amount of phosphorus coming into our Wastewater Plant is the green and the amount coming out is the purple.

Well, EPA at our last draft permit said that we're going to have to start monitoring phosphorus. They're worried about potential nutrient going into the stream system. We already remove ammonia, now they're looking at phosphorus. So we're adding phosphorus into our system for corrosion control on the drinking water side and here we are potentially going to be affected by the Clean Water Act on the wastewater side. Again, the two different federal

regulations are sort of coming together.

This is a picture of our wastewater flows, I already talked about that. Over time we're going to reduce our groundwater pumping, so we'll have more wastewater available and that wastewater is planned to be used for either direct or indirect potable reuse. So that is returning a wastewater supply into a drinking water supply. So that's a complete transition from the Clean Water Act to the Safe Drinking Water Act and that's a big part of where we're headed with Water 2120.

New Mexico currently has no regulations related to use of indirect potable reuse or direct potable reuse. California and a whole bunch of other states are working on implementing regulations. So what is the quality of the water that's going to be required? What's the treatment processes that are going to have to go through? And New Mexico does not have any standards. So as we move closer and closer to doing that, which as we know in our plan is decades away, we still are going to need to work with the State of New Mexico to develop those regulations. Because clearly we want the public perception, we're worried about that. We have distribution issues, as we blend all these various qualities of water,

whether surface water, groundwater, or indirect potable reuse, we got to worry about chemical incompatibility. And then there's a discussion about national standards going on about IDPR and DPR, but most people don't want that. Most people want the states to keep their own regulatory bases.

So going back to the flow in the river. This is kind of the issue that I was talking about before with our Clean Water Act. EPA recently in our permit looked at the flow at Central Avenue gage and decided that -- they picked a 20-year period. They picked a one day, critical low flow in 2013, and they set our permit limits based on one arbitrary day in 2013. If you look back about what happened in 2013, the MRGCD changed their diversion rates at Angostura, which is about 15 miles north of Albuquerque. They diverted a significant quantity of water, routed it around Albuquerque in the drains to keep it out of the river so we had less evaporation, and here we had low flows in the river of which came back -- ePA came back and said, "Oh, by the way, we're going to use that low flow to set your standards for the future." So there's an operational issue that goes with how the river operates associated with our Clean Water Act.

We clearly don't like the way that EPA did that. It was very arbitrary. And so we have been in discussions with them. We do not have a permit from them yet, but we're waiting to see what the results of our comments were. That low flow was 53cfs. So if you look at the amount of low that we're going to be allowed to put into the river based on a 53cfs, means that our concentrations are going to go way down in the future. So it is a big issue for us to be looking at in terms of what can happen. But MRGCD sometimes controls the river and sometimes they decide on their own what they're going to do and there's ramifications for us. That 53cfs would have limited our ability and we would have had to shut down the drinking water plant as a result of that.

So that was a lot of information and I did a lot of talking and I'll be glad to answer any questions that you have, Madam Chair and Members of the Board.

CHAIR O'MALLEY: That was a lot of information, but it was interesting. Does anyone have any questions? Councilor Sanchez.

COUNCILOR SANCHEZ: Thank you, Madam Chair. I have one question regarding the hundred year plan that was implemented three years ago. I mean, now we

are in year three of the hundred year plan. I mean, how are we forecasting and where are we at with this plan? Because, I mean, that's a long-term plan. I was kind of hesitant to support it when I did, but I said, I think that's real visionary by the Policy Board and by the staff.

MR. STOMP: Well, so far the implementation is going well. Carlos will be up next to talk about our water usage. Our goal was to reduce our use one GPCD per year. We're way ahead of that. In terms of our reuse, we're working on these projects to start to implement reuse. Katherine was up here earlier and talked about aquifer storage and recovery. So all of these pieces and parts are going together. The beauty of where we're at right now is, because of our conservation and because of what we've done, we have a long-term time frame where we're still okay. So we have some time to work and implement these plans, watch as things change, come back to you, see if there's policy changes that we need to make. But we're right on target and we're doing really, really well in terms of our water use. We're doing well in terms of our groundwater and surface water use. So things are going well.

CHAIR O'MALLEY: Any other questions? Thank

you very much, Mr. Stomp.

MR. STOMP: Thank you, Madam Chair, Members.

CHAIR O'MALLEY: We have another presentation. This is the Drought and Precipitation Probability Report, and that's Carlos Bustos. Mr. Bustos, are you going to tell us about all the rain that we're going to get.

MR. BUSTOS: Good afternoon, Madam Chair and Members of the Board. I'm Carlos Bustos and I manage the Conservation Program. So we're not in a drought, which is great. We're actually doing pretty good. And customer demand is about 812 million gallons less than last year by this time. So water usage, we're looking at probably 4 EPCD drop this year. Our goal was to keep that at 1 EPCD. Nevertheless, the efforts that we're doing and how the customers are responding to weather events in this particular year is surprising, but also expected based on the history of how customers respond to weather in Albuquerque.

The next three months precipitation outlook is promising. September, already there's certain areas that got almost close to an inch, which is about the average for this time of year. The precipitation is about the same compared to 2018. The difference is that we got most of the

precipitation in 2019 during the spring, and then August was pretty dry, and July was semidry. So that monsoon was a little spotty in Albuquerque. Nevertheless, regards to inches, it's about the same. And the fall season is looking pretty good. So what we're recommending is to go ahead and plant a tree, use some water. The next couple of months trees need watering. So take care of your landscapes and make sure that you get them strong as we move into the winter season.

CHAIR O'MALLEY: Mr. Bustos, are we still expecting -- well, I think I heard this, that the monsoons were basically coming, but they're late. Is that true? Because, I mean, we didn't really --

MR. BUSTOS: They were kind of spotty. There was certainly some areas in Albuquerque that experienced the monsoon normally. There was certainly some areas that it was dryer than other past monsoon seasons.

CHAIR O'MALLEY: Yeah, I could see that some areas were getting a lot of water and our area wasn't.

MR. BUSTOS: With regards to outdoor landscape, the temperature has dropped almost 12 degrees in the last three weeks, so you probably all

noticed that. It's still expected that it's going to be in the 80s the next month or so, but it's definitely dropping. So as we get cooler nights evaporation is less, so actual water usage continually keeps going down.

CHAIR O'MALLEY: Are there any comments or questions for Mr. Bustos? Thank you very much.

MR. BUSTOS: Thank you.

CHAIR O'MALLEY: So that ends our business and --

COMMISSIONER QUEZADA: Madam Chair.

CHAIR O'MALLEY: Commissioner Quezada.

COMMISSIONER QUEZADA: Thank you, Madam Chair. Before we close today, I'd like to thank Mark Sanchez for lunch this afternoon. He had a really great picnic with his employees right there by the Water Treatment Plant. I just wanted to shout out to all the employees who work for the Water Utility Authority. We think you're champions, we think you do a great, great job and it was great to see all of you at a picnic from the guys who dig the tunnels and dig the ditches and lay the pipe, to the people who monitor the water and make sure that everything is within the standards, they were all there. It was just great to see all those people. They work very

efficiently. We didn't do a lot of awards today like we normally do, so I just wanted to make sure that we did a good shout out and thank Mark Sanchez for a really, really great job at the Water Authority. Because you have some really happy employees that like to work for you, and that's rare, to be honest with you. So congratulations and thanks again.

CHAIR O'MALLEY: Yes, I have to add my thanks too. It was a really nice day. Really enjoyed it out there. Good food, good company. I want to add my thanks too to all the employees as well. And I know that, Councilor Sanchez, you were there for a little while.

COUNCILOR SANCHEZ: I was also there, and the employees seemed very happy. It was great to see the chemists, the engineers, the blue-collar workers all working in collaboration just being there at an event to celebrate the work that you guys do each and every day for the citizens of Albuquerque. Thank you.

CHAIR O'MALLEY: Good evening, everyone. Thank you. This meeting is adjourned.

(Meeting adjourned at 5:47 p.m.)

REPORTER'S CERTIFICATE

I, Kim Kay Shollenbarger, New Mexico Certified Court Reporter, No. 236, do hereby certify that I reported the foregoing proceedings in stenographic shorthand and that the foregoing pages are a true and correct transcript of those proceedings taken to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this matter and that I have no interest in the final disposition of this matter.

Kim Kay Shollenbarger
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