



Julia Maccini, *Chair*
Roberto Roibal, *Vice-Chair*
Camilla Feibelman
Steve Glass
Darrell Kundargi

Alejandría Lyons
John Pietz
Caroline Scruggs
Joel Wooldridge

June 12, 2020

Location: Video conference¹

Time: 8:30 a.m. to 10:30 a.m.

¹ Meeting was held via video conference in response to Governor Michelle Lujan Grisham's declaration of a public health emergency and ban on gatherings of more than five people.

Board Members Present: Chair Julia Maccini, Vice-Chair Roberto Roibal, Camilla Feibelman, Steve Glass, Darrell Kundargi, Alejandría Lyons, John Pietz, Caroline Scruggs, and Joel Wooldridge

Board Members Absent (excused): None

PIC Members Present: Kali Bronson, Shellie Eaton, Mo Hobbs, Dan McGregor, Kate Mendoza, Danielle Shuryn, and Ken Ziegler

I. Call to Order

Chair Ms. Julia Maccini called the meeting to order at 8:36 a.m.

II. Approval of Agenda (8:30 – 8:35)

Chair Maccini requested a motion to approve the agenda. Mr. Steve Glass motioned to approve the agenda and Mr. Joel Wooldridge seconded. Motion to approve the agenda carried unanimously.

III. Review and Approval of February 21, 2020 Meeting Minutes (8:35 – 8:45)

Chair Maccini asked if there were any edits to the February meeting minutes. Mr. Glass requested edits to the Policy Implementation Committee (PIC) update by Ms. Kali Bronson on asset management principles and green stormwater infrastructure. Ms. Bronson supported the requested edits. Chair Maccini requested a motion to approve the February meeting minutes as edited. Vice-Chair Mr. Roberto Roibal motioned to approve the meeting

minutes and Mr. Glass seconded the motion. Motion to approve meeting minutes carried unanimously. Board members Dr. Caroline Scruggs and Mr. Wooldridge did not attend the February meeting and abstained.

IV. Board Business (8:45 – 10:00)

a. Board Membership

Chair Maccini welcomed new board member Mr. Wooldridge, appointed jointly by the City of Albuquerque (City) and Bernalillo County (County). Mr. Wooldridge retired from the City Planning Department in 2006 and has experience in City and County planning, environmental planning, water conservation, and groundwater protection.

b. PIC Agency Updates

PIC member Mr. Ken Ziegler with the City informed board members that the City has requested to terminate the New Mexico Environment Department (NMED) discharge permit (DP) 1468. DP-1468 authorizes the City to remediate contaminated groundwater at the closed Los Angeles (LA) Landfill contamination site. Mr. Ziegler said the City has moved towards monitored natural attenuation of contamination at the site and has dismantled and removed the groundwater pump-and-treat system while the City waits for approval to terminate DP-1468. Mr. Ziegler said the most recent groundwater monitoring results from the LA Landfill contamination site demonstrated that the contaminants of concern, which include perchloroethylene (PCE), daughter product trichloroethylene (TCE), and the subsequent daughter products associated with PCE and TCE degradation, were below the New Mexico Administrative Code (NMAC) groundwater standards for human health.

Mr. Ziegler told board members that regular groundwater sampling at the Railyards contamination site was completed in early April 2020. Mr. Ziegler said groundwater sampling at all contamination sites within City's purview had been somewhat reduced due to the severe acute respiratory syndrome coronavirus 2 (COVID-19) outbreak and Governor Michelle Lujan Grisham's declaration of a public health emergency. Mr. Ziegler reminded board members that on July 1, 2020, the new NMAC groundwater standards for human health for specific contaminants are going into effect. Mr. Ziegler noted that the standard for TCE would decrease from 100 micrograms per liter (µg/L) to 5 µg/L increasing the TCE plume size for the area of contamination above the NMAC numerical standard for human health at the Laun-Dry Supply Company Inc. contamination site.

PIC member Mr. Dan McGregor with the County told board members that the County's updates to the Water Conservation Plan had been approved by the Bernalillo County Commission. Mr. McGregor said the County will be implementing several conservation initiatives, including the promotion of smart irrigation controllers and laundry-to-landscape gray water systems, the addition of high efficiency washing machine rebates, and modifications to the existing rain collection and rain barrel incentive programs. Mr. McGregor also said that a new NMAC fee structure for septic systems is going into effect on July 1, 2020, and the County will be reviewing its wastewater permitting ordinances and fee structure for any necessary updates.

Mr. McGregor added that the County is in the process of updating the technical standards for development within the Bernalillo County. Under this update, a Green Infrastructure/Low Impact Development (GSI/LID) guide is being developed. It will include standard engineering drawings and details for 9 GSI/LID techniques, appropriate plant selection guidance, and GSI/LID maintenance guidance.

Mr. McGregor said the National Pollutant Discharge Elimination System (NPDES) Middle Rio Grande Watershed Based Municipal Separate Storm Sewer System Permit NMR04A000 (MS4 Permit), is currently expired and that the permittees are operating in administrative continuance until the new permit is written. The permittees will continue compliance monitoring until they have received the new permit.

PIC member Ms. Bronson, also with the County, told board members that the Middle Rio Grande Stormwater Quality Team is developing a research poll to assess the efficacy of their stormwater quality public outreach and the public's level of understanding for stormwater quality in the Middle Rio Grande. Ms. Bronson said the County is participating in planning for a virtual 2021 Land and Water Summit due to COVID-19 restrictions and concerns for safety. Ms. Bronson added that coordinators are planning for the virtual Land and Water Summit to occur near the end of February/beginning of March, 2021, with a virtual tour, GSI/LID awards for Middle Rio Grande GSI/LID projects, and three, half-days of presentations and facilitated discussions. Focus of the conference will be on climate change, resiliency, and environmental justice. Ms. Bronson informed the board members that the County, City, and Ciudad Soil and Water Conservation District are currently working on a watershed-based plan for the Upper Tijeras Arroyo. The entities received a Clean Water Act Section 319 grant from the U.S. Environmental Protection Agency (EPA) to supplement funding for the completion of the watershed-based plan. Ms. Bronson added that NMED is currently reviewing a draft Quality Assurance Project Plan for the monitoring program outlined in the Upper Tijeras Arroyo watershed-based plan.

PIC member Ms. Kate Mendoza with the Albuquerque Bernalillo County Water Utility Authority (Water Authority) informed board members that the Water Authority is in the process of renewing DP-1206 for the Water Authority's Northside Non-Potable I-25 Corridor Reclamation and Re-use System. Ms. Mendoza also said that the Water Authority is requesting a technical working group meeting with NMED and the U.S. Air Force for the Kirtland Air Force Base (KAFB) Bulk Fuels Facility (BFF) Remediation Project. She added that a technical meeting has not taken place in some time and that the Water Authority will be working with both the County and City to make the request.

PIC member Ms. Danielle Shurn informed board members that the Water Authority recently sent customers the 2019 Water Quality Report that includes 2019 compliance monitoring results submitted to NMED, as well as monitoring results for unregulated contaminants submitted to the U.S. EPA as required in the Fourth Unregulated Contaminant Monitoring Rule (UCMR4). Additionally, the Water Quality Report provides

a brief overview of water quality and monitoring, recent awards, and outreach on common customer concerns, including lead testing and arsenic treatment.

c. WPAB 2019 Annual Report

Chair Maccini asked if there were any edits to the 2019 Water Protection Advisory Board (WPAB) Annual Report. Ms. Mendoza said she had received several edits electronically. Collectively, board members reviewed the proposed edits. Chair Maccini asked for a motion to approve the 2019 WPAB Annual Report as amended. Ms. Camilla Feibelman motioned to approve and Vice-Chair Roibal seconded. Motion to approve the 2019 WPAB Annual Report as amended carried unanimously. Mr. Wooldridge, not a member of the WPAB in 2019, abstained.

d. 2020 Meeting Schedule

Board members discussed changes in the 2020 WPAB meeting schedule necessitated by the COVID-19 outbreak. Ms. Mendoza said this meeting was held to comply with the quarterly meeting requirement per the WPAB founding ordinances. Ms. Mendoza noted there would need to be at least two more meetings in 2020 to comply with the WPAB ordinances. Ms. Mendoza proposed the focus of those two meetings, respectively, to be the New Mexico Produced Water Act and an update from NMED on KAFB BFF Remediation Project progress. Ms. Mendoza said she does not anticipate that meetings could take place in-person for the foreseeable future and that WPAB meetings for the remainder of 2020 will likely be virtual.

Ms. Feibelman requested virtual meetings to start at 9:00 a.m. instead of 8:30 a.m. Chair Maccini asked if there were any objections to holding virtual meetings at 9:00 a.m. Board members unanimously agreed to meet virtually at 9:00 a.m.

V. Other Board Business (10:00 – 10:15)

Ms. Feibelman informed board members that the New Mexico Energy, Minerals and Natural Resources Department's Oil Conservation Division has applied to the Oil Conservation Commission (Commission) to amend rules 19.15.2, 19.15.16, and 19.15.34 NMAC. The proposed rule change for 19.15.2 NMAC amends the definition of "produced water" to "water [a fluid] that is an incidental byproduct from drilling for or the production of oil and gas" to conform with the definition found in the Oil and Gas Act, NMSA 1978, §70-2-33(K)(2019) and the Produced Water Act (HB 546)(2019).

The proposed amendment for 19.15.16 NMAC adds a section [19.15.16.21 NMAC] that requires a water use report for hydraulically fractured wells indicating how much of the water used in fracturing is potable, non-potable, and/or recycled produced water. The proposed section also provides definitions for both non-potable and potable water. with non-potable water defined as "water, other than produced water, which contains 1,000 milligrams per liter (mg/L) or more of total dissolved solids (TDS)." Potable water would be defined as "water, other than produced water, which contains less than 1,000 mg/L of

TDS.” Ms. Feibelman expressed concern that the proposed definition of potable water exceeds the U.S. EPA secondary drinking water standard for TDS of 500 mg/L, and about the precedent that could be set if the Commission approves definitions of potable and non-potable water that differ from U.S. EPA standards.

The amendment for 19.15.34 NMAC is being proposed to conform with the language in the Produced Water Act of 2019 concerning produced water. Ms. Feibelman said the proposed language will facilitate the reuse of produced water on-site at oil fields. Ms. Feibelman noted that she has heard concerns that the new language could open the door to off-site use.

Board member Mr. Darrell Kundargi brought up his experiences as being a person of color while working as a professional hydrologist during his career. Mr. Kundargi conveyed what it is like to experience institutional racism as a person of color working in a technical field and the constant pressure he feels to work harder to gain an equal footing with his peers. Mr. Kundargi said he brought this topic to the group, because recognizing institutional racism can create a lens for the WPAB to be truly and equitably representative of all residents of Albuquerque.

Ms. Alejandría Lyons added that while working in the community, she has seen barriers to participation for people of color, particularly in meetings with technical language. Ms. Lyons said community outreach is hindered if information cannot be understood by the entire community. Ms. Lyons suggested expanding the schedule of upcoming technical presentations to include community organizers. Ms. Lyons highlighted that one objective the WPAB should keep in mind, is ensuring members of the community feel comfortable coming to the WPAB when needed. Vice-Chair Roibal supported Ms. Lyons's suggestion and said in his experience he has seen various community boards that are supposed to represent the entire community but do not. Vice-Chair Roibal added that he would like to see the WPAB strive to be more inclusive and equitable.

Board members unanimously thanked Mr. Kundargi for the courage to share his experiences and open a discussion about institutional racism. Chair Maccini stated that the WPAB should be inclusive and think about how it can better and more inclusively represent the community. Board members discussed supplementing the 2020 WPAB schedule to incorporate meetings that are focused on equity and justice. Mr. Kundargi said it may be helpful to hold an additional meeting, but it is important to consider the role of institutional racism plays in environmental justice issues the WPAB may work on. Vice-Chair Roibal said that he and Ms. Lyons have both been involved with environmental justice work, including their work at the Southwest Organizing Project Albuquerque (SWOP) and could possibly provide someone to speak about their work on environmental justice in Albuquerque. Mr. Wooldridge pointed out that there are available resources on environmental justice that suggest a scope for community representation and language

barriers associated with source water protection, which could serve as a read-ahead prior to the next meeting. In addition to holding an additional meeting on these issues, board members agreed to both individually research and share resources regarding systemic racism, environmental justice, and equity.

VI. Public Comment Period (10:15 – 10:30)

None.

VII. Adjourn

Chair Maccini requested a motion to adjourn the meeting. Vice-Chair Roibal motioned to adjourn and Ms. Scruggs seconded the motion. Motion to adjourn the meeting carried unanimously. Meeting adjourned at 10:23 a.m.