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Meeting Date: November 28, 2012  
Staff Contact: Mark S. Sanchez, Executive Director

**TITLE: C-12-28 – 2013 Federal Legislative Priorities**

**ACTION: Recommend Approval**

**SUMMARY:**

The 2013 Federal Legislative Priorities for the Water Authority are summarized below. The Legislative Priorities are consistent with the prior year requests with modifications to reflect funding and updated status reports. The requests are divided into two sections, appropriation and/or authorization requests, and status reports.

**Appropriation/Authorization Requests**

**1. Water Reclamation and Recycling Authorization**

The Water Authority is requesting the following provision be enacted by Congress:

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

The above authorization is critical for the Water Authority to move forward on two important sustainability projects that will provide reuse of wastewater for irrigation and industrial use on the Westside, southeast heights, and Mesa del Sol developments. With the new Title XVI, the Water Authority is requesting \$500,000 to initiate the feasibility and NEPA analysis for the Westside and Tijeras Arroyo facilities.

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

- B. Bosque Reuse Project. The Water Authority has been evaluating reuse and recycling opportunities on the Westside of the Water Authority's service area that would provide non-potable reuse water for irrigation and industrial uses in that area. The facility will may be located near Montano Road at the Rio Grande and would provide an excellent location for discharge of treated effluent into the river to assist in keeping the Albuquerque stretch of the river wet for endangered species habitat. The facility could treat up to 15 million gallons a day for reuse, aquifer storage and recovery and discharge to the river.

## **2. Water Reclamation Projects**

The Water Authority has received a total of \$20,413,000 in appropriations under the Title XVI program since 1998. The following projects have been completed or in the planning stages with federal funding assistance:

(A) Industrial Effluent Reuse Project

Status: Complete and operational since 2000

Cost: \$6 million

(B) Non-Potable Surface Water Reclamation Project

Status: Complete and operational in 2003

Cost: \$32 million

(C) Southside Municipal Effluent Reuse Project

Status: Construction started December 2009, operation to start spring 2012

Cost: Estimated at \$26 million

(D) Arsenic Pilot Demonstration Project

Status: Complete and operational since June 2007

Cost: \$6.5 million

(E) Eastside and Westside Arsenic Treatment Projects

Status: Preliminary Planning and Permitting Stages

Cost: Each facility estimated at \$10 million

The Water Authority is requesting \$1.8 million to provide the full construction funding for the Southside Municipal Effluent Polishing and Reuse and to finalize the feasibility and NEPA for the new Eastside Arsenic Treatment Project.

## **3. Carnuel Water Systems Improvement Project**

As fiscal agent on behalf of Carnuel, the Water Authority has applied for USDA Rural Development construction funding for Phase 3a of the Carnuel Water Project. Phase 3a which is ready-to-bid will extend water distribution lines east of Phase 1 in the high priority area, which is the most contaminated area. The Carnuel area is faced with continuing problems of water quality degradation due to failing septic systems, and poor soil conditions and topography. This project will provide clean, reliable drinking water and fire protection to Carnuel residents. The Water Authority is requesting that the USDA national office issue an "unnumbered letter" in order for the Water Authority to receive a loan/grant combination on behalf of Carnuel as well as the authorization to construct, operate, and own the assets and be responsible for paying off the any loan component.

#### **4. Support Appropriations for Kirtland AFB's Bulk Fuel Facility Spill Corrective Action**

The Water Authority supports any efforts by the U.S. Air Force to allocate funding for additional investigation and remediation activities at the KAFB Bulk Fuel Facility Spill site, being performed by KAFB to come into conformance to their RCRA permit. In addition, the Water Authority supports any efforts by the U.S. Air Force to acquire funding for development and implementation of a Contingency Plan to ensure that the Water Authority's public water supply is protected in the event any of the production wells are impacted by the KAFB fuel spill. The Water Authority and KAFB are coordinating on a Memorandum of Agreement (MOA) on the development of a contingency plan.

The Water Authority would like KAFB and their contractor to provide the Water Authority with all of the deliverables to the New Mexico Environment Department (NMED) on the same schedule it is provided to the NMED.

The Water Authority should be part of the decision making process with regards to the remediation efforts as our ground water wells and the condition of the aquifer is critical to the water supply for the citizens of Albuquerque. The Water Authority supports an aggressive remediation strategy, including cleanup of the subsurface soil, the floating fuel product on the water table and the dissolved phase plume below the source and in the down gradient direction of the plume, in order to return the aquifer back to "pre-spill" conditions. Our goal would be that the final remedy be in-place and operational no later than December 31, 2014.

#### **5. Support Appropriations for the Sandia National Laboratory's Environmental Restoration Activities and the Mixed Waste Landfill**

The Water Authority supports the U. S. Department of Energy's and National Nuclear Security Administration's (DOE-NNSA) FY2013 Congressional Budget proposal for \$5 million for environmental restoration activities at the Sandia National Laboratories (SNL). The Water Authority maintains a status of groundwater protection and monitoring activities at the lab's former operational areas, including the Mixed Waste Landfill, which is one of the solid waste management units covered under SNL's Resource Conservation and Recovery Act (RCRA) permit. The Water Authority wants to ensure that the increased budget is approved as part of the final FY2013 budget, and that sufficient funding for long-term monitoring and maintenance of the mixed Waste Landfill is pursued by the DOE-NNSA.

### **Status Reports**

#### **1. Endangered Species Act Collaborative Program**

The ESA Workgroup has been actively engaged for many years and is undergoing numerous changes in anticipation of the new Biological Opinion for the Program that is to be complete by early 2013. The program is moving in a new direction as supplemental water supplies are dwindling and a potential new Biological Opinion (BO) will be necessary. The Water Authority is working with the federal and non-federal entities to define the activities to be covered in the new BO and will support the program changing to a Recovery Implementation Program (RIP) similar to the San

Juan River RIP. The Water Authority is a member of the Executive Committee and participates on many of the activities and committees for the program.

The Water Authority is requesting the delegation support continued funding for the program and future authorizing legislation for the RIP. The RIP is in need of authorizing legislation to continue the funding and work that has been accomplished over the last several years. The Water Authority is also requesting support for the potential need to codify a new Biological Opinion to protect the users in the event of litigation.

## **2. San Juan-Chama and Native Storage in Abiquiu**

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

The Water Authority believes that native water storage in Abiquiu for the Water Authority and the other water entities in the basin are critically important for the future success of Compact Compliance and ESA Collaborative Program.

The Water Authority is diligently working towards obtaining the necessary permits and permanent easements and has requested a modification to our existing storage contract. Upon completion of easement acquisition, the Water Authority will need federal authorization to increase storage in Abiquiu.