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

TITLE: C-12-29 – 2013 State Legislative Priorities

ACTION: Recommend Approval

SUMMARY:

The Water Authority has six recommended State Legislative Priorities for 2013 Session.

1. Bosque Non-potable Water Reclamation Plant and Reuse System

To ensure a safe and sustainable water supply into the future, the Water Authority has planned the development of the Bosque Non-potable Water Reclamation Plant and Reuse system on the Westside of Albuquerque. The project will provide non-potable water for industrial purposes and irrigation needs to parks, schools, and golf courses. In addition, the Bosque Non-potable Water Reclamation Plant will discharge water to the Rio Grande during the non-irrigation season with additional opportunities for aquifer storage and recovery along the Calabacillas arroyo. The project will provide non-potable water to Intel, Mariposa Regional Park, Bosque School, Ladera and Desert Greens golf courses, and other schools and athletic facilities. By providing non-potable water for irrigation and industrial needs, the project will help preserve and protect the aquifer. During the non-irrigation season, non-potable water will be discharged into the Rio Grande for environmental purposes with opportunities to utilize the water for aquifer storage and recovery.

The Water Authority is seeking \$750,000 in state funding to complete the necessary environmental studies and permitting for the project. The environmental studies will include NEPA and NPDES permitting for discharge to the Rio Grande during non-irrigation season. The Water Authority is working with the federal delegation to obtain an authorization for federal funding under the Title XVI program, which would provide up to 25% of the total funding for reuse and reclamation projects.

2. Regulatory Authority to Enforce Compliance with Environmental Protection Act NPDES Permit

Under the federal Clean Water Act under the National Pollutant Discharge Eliminate System (NPDES) permit, the Water Authority's new permit requires enforcement of criminal fines and penalties against individuals or entities for unauthorized discharges into the sewer collection system. This requirement is due to the EPA goal to reduce Sanitary Sewer Overflow's (SSO's) and eliminate violations due to releases of contaminants that could affect the Rio Grande. The Water Authority is requesting a minor change in the municipal code to allow enforcement powers to meet the new EPA requirement.

3. State Legislative Support for Water Authority Participation in Decision Making - KAFB Bulk Fuels Facility Spill

Support for the Science, Technology, and Telecommunications Interim Committee's call on the Kirtland Air Force Base to provide the Water Authority with a decision-making role in the corrective action activities occurring for the former bulk fuel facility spill. The spill has or will significantly affect the aquifer near the existing Ridgecrest well field and could affect a significant portion of other wells if the contamination continues to move. The Water Authority's contingency plan and operational response to the potential contamination of a production well or wells, requires participation in the decision-making regarding the final remediation strategy, to ensure the appropriate level and aggressiveness of cleanup is taken to provide the Water Authority with an appropriate amount of time to respond and plan a potentially long-term alternative water supply for its customers. In this spirit, the Water Authority also needs to be fully involved in the contingency plan selection to ensure that all of the Water Authority's needs are incorporated into the final contingency plans being funded by the U.S. Air Force.

4. Aquifer Storage & Recovery

The Water Authority is seeking funding to continue the Aquifer Storage and Recovery program. The program was developed following the legislative approval of the Ground Water Storage and Recovery Act in 1999. The funding would allow for construction of injection wells adjacent to the Water Authority's surface water treatment plant. ASR is a critical component of the Water Authority's Water Resources Management Strategy to provide a safe and sustainable water supply.

5. Carnuel Water Systems Improvements Project

The Water Authority submitted an application to the Water Trust Board (WTB) in 2011 to fund the design for Phase 3b water system improvements in the amount of \$222,500. However, the WTB denied the Water Authority's request even though the project was the second highest score for projects in the Water Storage, Conveyance, and Delivery category. Consequently, the Water Authority believes that the WTB violated its own policies and acted arbitrarily and capriciously in its decision not to fund the Phase 3b project, which would 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 \$222,500 in state funding to continue this project as there appears to be a bias from the WTB for applicants in Bernalillo County.

6. Water Planning

The Water Authority supports the Mid-Region Council of Government's request that the State Legislature pass a recurring budget of \$400,000 for the Interstate Stream Commission (ISC) to update four regional water plans each year. A number of changes have occurred since the regional plans were accepted by the ISC such as new regulatory requirements, new hydrologic studies, and water supply affects from drought and climate variability. It is important to update the regional water plans and

strategies to ensure adequate water supply for the state's citizens. The Water Authority's service area is within the Middle Rio Grande Regional Water Plan, which was accepted by the ISC in 2004.