



Jennifer Thacher, *Vice Chair*
Suzanne Busch
John S. Derr
Steve Glass
Kerry J. Howe

Roland Penttila
Russell D. Pederson
Caroline Scruggs

Water Protection Advisory Board
c/o ABCWUA
P.O. Box 568
Albuquerque, NM 87103

Minutes: September 9, 2016

Location: Bernalillo County Public Works Division, 2400 Broadway

Time: 8:37 a.m. – 10:32 a.m.

Board Members Present: Acting Chair Jennifer Thacher, Steve Glass, Caroline Scruggs and John Derr (via teleconference)

Board Members Absent: Kerry Howe, Rowland Penttila, Suzanne Busch, and Russell Pederson.

PIC Members Present: Mark Kelly, Lori Pettit, Ken Ziegler, Bart Faris, Kathleen Verhage, Shellie Eaton, Kali Bronson and Rick Shean.

Guests: Elizabeth Reitzel (Congresswoman Lujan Grisham's Office) and Patrick Chavez (AMAFCA)

I. Call to Order

Vice Chair Dr. Jennifer Thacher called the meeting to order at 8:37 a.m. Vice Chair Thacher noted that a quorum was not present, so the agenda, draft minutes and other business items could not be voted on during the meeting.

II. Presentation: Overview of the Watershed-Based Municipal Separate Storm Sewer System (MS4) Stormwater Permit

Ms. Kali Bronson, Stormwater Program Compliance Manager for Bernalillo County, provided the board with an overview of the Watershed-Based (WBP) MS4 Permit regulated by the U.S. Environmental Protection Agency – Region 6 (EPA-R6). Ms. Bronson explained that the permit started as a pilot permit focusing on the Middle Rio Grande Basin and the entities responsible for stormwater discharges into the Rio Grande. Ms. Bronson added that two other basins had pilot permits, but did not complete the pilot process.

Ms. Bronson described that the WBP MS4 consists of four classes of permittees, Class A, Class B, Class C, and Class D. Ms. Bronson noted that the City of Albuquerque (COA) and the Albuquerque Flood Control Authority (AMAFCA) were Class A permittees, while Bernalillo County was a Class B Permittee. Ms. Bronson said the difference between classes consisted of the amount of sampling required by the permit, with Class A permittees having more sampling requirements than the other classes.

Ms. Bronson told the board that several control measures were included in the permit requirements, including:

- Construction site stormwater runoff control;
- Post-construction stormwater management in new development and redevelopment;
- Pollution preventing and best management practices;
- Industrial and high-risk runoff;
- Illicit discharges and improper disposal;
- Control of floatables discharges;
- Public education and outreach; and
- Public involvement and participation.

Ms. Bronson said that 10 of the member permit entities have formed a Stormwater Quality Team who collaborate on outreach, education and required permit topics. Ms. Bronson added that WBP MS4 has two sampling locations, one upstream of the permit boundaries and one downstream of the boundaries.

III. Presentation: City of Albuquerque's Storm Water Quality Ordinance and Revisions to Drainage Ordinance

Ms. Kathy Verhage of the City of Albuquerque Storm Water Quality Team provided the board with an update on the City's Storm Water Quality Ordinance and the proposed revisions to the City's Drainage Ordinance. Ms. Verhage told the board that the ordinances, and specific measures within the ordinances, are required by the WBP MS4 Permit.

Ms. Verhage reminded the board that the City's first storm water permit was issued by the EPA-R6 in 2003, which was required to be enforced via an ordinance. Ms. Verhage told the board that the City had several enforceable ordinances at the time, but when the permit was to be renewed in 2008, EPA-R6 did not approve the permit renewal until the City put forth an ordinance with specific post-construction and non-storm regulatory mechanisms. Ms. Verhage added that the City's permit was not approved by the EPA-R6 until 2012, prior to the City's drainage ordinance being implemented in Nov. 2013.

Ms. Verhage told the board that currently the WBP MS4 Permit requires the City to revise the Drainage ordinance to delete the reference for the "90 percent storm event," change the time for corrective action at construction sites from 30 days to seven days, and have the ordinance revised by Dec. 22, 2017. Ms. Verhage added that difficulties in implementing the revised ordinance may arise regarding the inspection requirements due to a lack of staff and mechanisms to perform the inspections.

Ms. Verhage also updated the board on the City's currently proposed Stormwater Quality Ordinance. Ms. Verhage told the board that the proposed stormwater quality ordinance authorizes the City to ensure facility compliance with the Multi-Sector General Permit, allows the City to install monitoring

equipment, if necessary, and provides the City with the ability to issue Notices of Violation and assess fines for noncompliance.

IV. Presentation: Overview of Implications of the MS4 Stormwater Permit on Bernalillo County Processes and Operations

Mr. Dan McGregor of the Bernalillo County Public Works Department provided the board with an overview of the implications the new WBP MS4 Permit has on the County's stormwater processes and operations. Mr. McGregor told the board that the permit is required to discharge storm water into ditches and arroyos, requiring multiple elements by each of the permittees described earlier by Ms. Bronson, which will affect and change several County operations and processes.

Mr. McGregor explained that the County first operated under a "Phase II" stormwater permit issued by the EPA – R6 in 2007, which has fewer requirements than were stipulated for "Phase I" permittees, such as the City. Mr. McGregor added that the new WBP MS4 Permit has more requirements for the County than under their older permit. Mr. McGregor told the board that the new requirements, as earlier described by Ms. Bronson, didn't necessarily create new tasks for the County, but instead required more documentation of the process.

Mr. McGregor told the board that although stormwater permitting has been restricted to the designated urban areas, the County will propose that the County Commission not limit the application of the requirements in the rural areas of the County, while remaining flexible.

Mr. McGregor added that the County has a draft stormwater ordinance addressing the new requirements that will be available for review in the coming weeks. Mr. McGregor also requested that the board consider hosting an annual public meeting dedicated to the status of the WBP MS4, which will enable participating permittees to fulfill a public outreach requirement in their shared permit.

V. Board Discussion of Presentations

Members discussed the request by Mr. McGregor to host the annual WBP MS4 public meeting. The members agreed that they were the appropriate venue for this meeting, given their mission to provide their advice to the City, County and Water Authority regarding water quality topics.

VI. Board Discussion of Oil and Gas Operations

Vice Chair Thacher noted that since there was not a quorum, the draft oil and gas ordinance request letter would be voted on at the October meeting.

VII. PIC Agency Updates

Bart Faris of the COA Environmental Health Department told the board that the NMED Ground Water Quality Bureau will hold a listening session on Sept. 22 at 5:30 p.m. at the Erna Fergusson Library at 3700 San Mateo NE to discuss the Water Quality Control Commission regulation amendments.

Mr. Faris added that the Kirtland Air Force Base (KAFB) will hold a Public Meeting on Nov. 10 from 6 p.m. to 8 p.m. at the African American Performing Arts Center at the State Fairgrounds to provide the current status of the KAFB Bulk Fuels Facility Leak corrective action activities.

Mr. McGregor told the board that Bernalillo County staff Sara Chudnoff had left the Public Works Department to work for the Office of the State Engineer and that the County had temporarily stopped the issuance of letters to septic tank owners in the East Mountain Area stating they had to get a permit, due to the burden of the Doghead Fire affecting this community during the summer.

VIII. Other Board Business – Mr. Rick Shean, Water Quality Hydrologist for the Albuquerque Bernalillo County Water Utility Authority (Water Authority) and WPAB staff, recommended to the board that the members prepare state and federal legislative agenda items for the City Council, County Commission and Water Authority Board to consider in November.

Member Steve Glass asked members of the Policy Implementation Committee to also consider water quality topics for the WPAB to consider recommending to the City, County and Water Authority for inclusion in next year's legislative agendas.

Mr. Faris notified the board that there is a public meeting for the draft water quality regulations changes being hosted by the New Mexico Environment Department (NMED) on Sept. 22 at 5:00 p.m. at the Erna Fergusson Library in Albuquerque. Mr. Faris also noted that the next Kirtland Air Force Base Bulk Fuels Spill Public Meeting hosted by NMED and the Air Force will be on Nov. 10 at 5:30 p.m. at the African American Performing Arts Center located on the State Fairground in Albuquerque.

IX. Public Comment – None

X. Adjournment – 10:32 am