



Jennifer Thacher, *Chair*  
Steve Glass, *Vice-Chair*  
Suzanne Busch  
Matthew Earthman  
Kerry J. Howe

Julia Maccini  
Roland Penttila  
Russell D. Pederson  
Caroline Scruggs

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

---

Minutes: June 9, 2017  
Location: Bernalillo County Public Works Division, 2400 Broadway  
Time: 8:30 a.m. – 10:25 a.m.

---

**Board Members Present:** Chair Jennifer Thacher, Vice Chair Steve Glass, Suzanne Busch, Matt Earthman, Kerry Howe, Russell Pederson, Roland Penttila and Julia Maccini

**Board Members Absent (excused):** Caroline Scruggs

**PIC Members Present:** Mark Kelly, Kali Bronson, Ken Ziegler, Bart Faris, Dan McGregor, Liz Anderson, and Jane DeRose-Bamman.

**Guests:** none

---

**I. Call to Order**

Chair Dr. Jennifer Thacher called the meeting to order at 8:30 a.m.

**II. Approval of Agenda**

Chair Dr. Jennifer Thacher requested a motion to approve the agenda.

Motion was made by member Vice Chair Steve Glass and seconded by member Mr. Russell Pederson. Motion to approve the agenda carried unanimously.

**III. Approval of Minutes**

Chair Dr. Jennifer Thacher requested a motion to approve the draft May 2017 meeting minutes. Member Roland Penntila recused himself, because he was absent from the May meeting.

Motion was made by Mr. Steve Glass and seconded by member Mr. John Derr. Motion to approve the draft May minutes carried unanimously.

**IV. Welcome New Member – Matthew Earthman**

## **V. Presentation: Water Authority's 2016 Consumer Confidence Report**

Mr. Mark Kelly, the Albuquerque Bernalillo County Water Utility Authority (Water Authority) Compliance Division Manager, provided the board with an overview of the Water Authority's Annual Consumer Confidence Report (CCR), which is required by the Safe Drinking Water Act, providing the public a notice of contaminants that were detected during the year and how results compare to the analytes' respective U.S. Environmental Protection Agency's Maximum Contaminant Levels.

Mr. Kelly told the board that the CCR includes a number of required elements, including: information about the water system; a description of the source or sources of water; definitions for commonly used terms; detected contaminants; detected unregulated contaminants; and other compliance data and educational information. Mr. Kelly added that information about the Water Protection Advisory Board was a regular feature in the annual CCR.

Mr. Kelly provided the board with a summary of the results of the 2016 compliance sampling from both the groundwater and surface water systems, noting that there were no detections above the maximum contaminant level for any of the required sampled substances, including nitrate, gross alpha particle activity, and arsenic, among others. Mr. Kelly also provided results for unregulated substances covered under the Unregulated Contaminated Monitoring Rule 3 (UCMR3), noting that some of the contaminants were reported above the respective minimum reporting level. Mr. Kelly added that Chromium-6, which is a UCMR3 contaminant, was detected below the respective California maximum contaminant level. Mr. Kelly told the board that the Water Authority would soon be sampling for the UCMR4 contaminants this year, which contains 30 contaminants including cyanotoxins, and voluntarily sampling for personal care product constituents.

Members asked Mr. Kelly about how CCR results are provided to renters, and Mr. Kelly responded that the Water Authority provides results to all account holders, which are typically landlords in rental situations, and they tenant can directly ask the Water Authority for a report or look at it online. Mr. Kelly added that the Water Authority spends \$75,000 in postage to send out the reports.

Mr. Kelly also asked the board their opinion about the Water Authority sending customers a link to the report in their monthly billing statement, in lieu of a hardcopy of the report, or sending it via email to customers who utilize their account online. Members expressed concerns about disadvantaged customers who don't have access to the internet or email and would be unable to review the electronic compliance sampling reports, this group being the segment of the population who may need to know the sampling results the most.

## **VI. Presentation: Update on the Fruit Avenue Plume Superfund Site and Local Perspectives**

Mr. Bart Faris of the City of Albuquerque Environmental Health Department and Mr. Rick Shean of the Water Authority provided the board with an update of the contamination and regulatory status of the Fruit Avenue Plume (FAP) Superfund Site located in downtown Albuquerque.

Mr. Faris described the FAP site to the members and told them the suspected source of the contaminant of concern at the site, chlorinated solvent trichloroethene (TCE), as being disposal of dry cleaning fluid from long-gone dry cleaners that once were located in the suspected source area of the plume. Mr. Faris said the PCE contamination is mostly limited to the ground water in a dissolved phase state, with its mass split into two distinctive plumes.

Mr. Faris explained that horizontally speaking the FAP site has two primary dissolved phase TCE plumes: a western plume located west of the site's pump-and-treat (P&T) system (located between Broadway and Edith, roads that run north to south) and is approximately three city blocks long to the west of 1<sup>st</sup> Street; and an eastern plume that straddles the P&T system and is approximately nine city blocks east of Broadway Blvd. Mr. Faris added that groundwater generally flows in the eastward direction.

Mr. Faris further explained that the downgradient eastern plume is the largest contaminant mass among the FAP plumes, which are vertically distributed in different saturated intervals, with samples collected between approximately 60 and 405 ft. below the ground surface across the site. Mr. Faris said that the western plume was shallower compared to the eastern plume.

Mr. Faris told the board that another potential Superfund site was observable in the western side of the FAP site, and that the New Mexico Environment Department (NMED) was investigating the potential sources of another solvent plume near downtown Albuquerque, known as the West Central Albuquerque Site, which is also suspected to be moving from west to east, into the footprint of the FAP.

Mr. Faris also told the board that the FAP site is approaching a transfer of regulatory authority from the U.S. Environmental Protection Agency – Region 6 (EPA-R6) office to the NMED. Mr. Faris added that the transfer was agreed upon at the initiation of the P&T system, which was to be operated by the EPA-R6 for a 10-year period only. Mr. Faris also added that the transfer will require a 30-day public comment period, a public meeting, and a Record of Decision amendment to be issued following the receipt of public comments.

Mr. Faris explained that the plan for future remediation at the site will be in the form of “monitored natural attenuation,” (MNA), or monitoring the natural breakdown of the chlorinated solvents over time, versus direct remediation.

Mr. Faris told the board that Lovelace Hospital, located in the eastern plume, has discussed using its on-site well for nonpotable uses, such as for its cooling towers. Mr. Faris made the EPA aware of this possibility and has asked the EPA to develop a contingency plan for the hospital’s use of the well, including but not limited to the addition of a small treatment unit in the event the hospital captures some of the plume in its well. Mr. Faris added that the hospital appeared to have the water rights necessary to pump the well, and that the groundwater use restriction placed on the area around the FAP site only dealt with any new wells or water applications to be diverted from that area, and not existing permits.

Mr. Shean shared the Water Authority’s position on the status of the FAP site, stating that the utility did not support the MNA proposal, particularly when the contaminant mass has only been knocked down 50 percent by the P&T system. Mr. Shean added that MNA shouldn’t be considered until the contaminant mass was much lower, and the site was being “polished” to the drinking water standard. Mr. Shean and Mr. Faris both expressed the opinion that the efforts for the new West Central Albuquerque site and the FAP should be combined where appropriate.

## **VII. Board Discussion on Presentations**

Members discussed the need to be able to respond to the upcoming 30-day comment period for the regulatory transfer of the FAP site between the EPA-R6 and NMED, even if the period started between WPAB meetings. Mr. Faris and Mr. Shean told the board they would notify the members once the public comment period was announced.

Chair Thacher made a motion to have email discussions regarding the public comment period for the regulatory transfer of the FAP site and to offer support via email for comments prepared by the City of Albuquerque and the Water Authority, if necessary. Member Pentilla seconded the motion. Motion to approve the email discussion and support of the City’s and Water Authority’s comments carried unanimously.

## **VII. Board Business PIC Agency Update**

Ms. Jane DeRose-Bamman of the Water Authority told the board that NMED proposed to amend the Ground and Surface Water Protection regulations. Ms. DeRose-Bamman explained that the Water Quality Control Commission scheduled the hearing to begin on November 14, 2017, and parties who wish to provide technical testimony are required to submit proposed changes, testimony and a

statement of Reasons by July 27, 2017. <https://www.env.nm.gov/general/wqcc-17-03-r/>. Ms. DeRose-Bamman added that any amendments must be "logical outgrowths" of the changes included in NMED's petition.

Mr. Faris told the board about a recently held public meeting attended by him and Mr. Shean hosted by NMED regarding the Laundry Site and the Sawmill Community Lofts. Mr. Faris said that the responsibility party for the contamination and their contractors described their proposals to address the remaining contamination in the soil and further explained how they would clean up the contaminated groundwater, which has resulted in an approximately 7,000 ft. long plume.

**VIII.** Other Board Business -- none

**IX.** Public Comment

**X.** Adjournment

A motion was made by Chair Thatcher and seconded by Member Julian Mancini for adjournment. The motion carried unanimously and the meeting adjourned at 10:25 a.m.