



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: September 8, 2017
Location: Bernalillo County Public Works Division, 2400 Broadway Blvd SE
Time: 8:30 a.m. – 10:00 a.m.

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

PIC Members Present: Kali Bronson, Shellie Eaton, Dan McGregor, Kate Mendoza (new), Rick Shean, and Kathleen Verhage.

Guests: Patrick Chavez (AMAFCA)

I. Call to Order

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

II. Approval of Agenda

Chair Thacher requested a motion to approve the agenda.

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

III. Approval of Minutes

Chair Thacher requested a motion to approve the draft July 2017 meeting minutes. Chair Thacher abstained because she was absent from the July meeting.

Motion was made by member Ms. Suzanne Busch to approve the draft July 2017 meeting minutes and was seconded by member Mr. Russ Pederson. Motion to approve the draft July minutes carried unanimously.

IV. Presentation: Combined Presentation Including an Update for the Middle Rio Grande Watershed-Based Municipal Separate Storm Sewer System (MS4) Permit, Debris Removal Summary, and Water Quality Sampling

Ms. Kali Bronson, Stormwater Program Compliance Manager with Bernalillo County (County) Natural Resource Services; Mr. Patrick Chavez, Storm Water Quality Engineer with the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA); and Ms. Kathy Verhage of the City of

Albuquerque (City) Storm Water Quality Program provided the board with an update on the implementation of the watershed-based MS4 permit for the Middle Rio Grande (MRG).

Ms. Bronson told the board that all New Mexico National Pollutant Discharge Elimination System (NPDES) permits are issued by the U.S. Environmental Protection Agency (EPA) Region 6. Ms. Bronson explained that MRG MS4 permit issued by the EPA in December 2014 has 18 permittees and offers opportunities to collaboratively address, as a watershed, stormwater-related issues. Ms. Bronson added that the parties to the MS4 permit must meet general permit requirements applicable nationwide while also meeting special conditions, including adhering to Isleta water quality standards, meeting discharge water quality requirements for state impaired waters with and without Total Maximum Daily Loads (TMDL), and Endangered Species Act water quality requirements.

Ms. Bronson provided the board with the details of the Stormwater Management Program: eight control measures, the requirements for each control, and control measure assessments. Ms. Bronson said that as permittees with regulatory authority in the MS4 permit area, the County and City have developed stormwater quality and drainage ordinances to reduce pollutants in stormwater runoff and help prevent illicit discharges to the MS4. Ms. Bronson added that the County Stormwater Quality Ordinance has been in effect since June 2017 and the City has a drainage ordinance in place that is currently being updated to address additional permit requirements.

Ms. Bronson said the County and AMAFCA are currently updating a study examining local obstacles to the use of green infrastructure and low impact developments (GI/LID) as sustainable practices to manage stormwater runoff post-construction for developments. Ms. Bronson added that the County got a guidance document from the State Engineer's Office to implement the GI/LID techniques that allowed 96 hours for infiltration of captured stormwater to promote groundwater recharge in accordance with New Mexico state water rights. Ms. Bronson added that in response to the permit requirements the City and AMAFCA are members of a Stormwater Quality Team that promotes public outreach, involvement, and participation in stormwater quality education events. The County addresses these requirements individually as well as in cooperation with other co-permittees.

Mr. Chavez showed the board results from a study of debris removal and floatables in stormwater discharge that was conducted cooperatively with the County. Mr. Chavez said the characterization of floatable materials conveyed in the MS4 must be tracked as a part of the requirements for the permit. The results for FY17 found that 17,670 cubic yards (cy) of sediment, 925 cy of vegetation, 1858 cy of trash, and 93 cy of homeless debris (e.g., shopping carts etc.) had been removed from the MS4.

Mr. Chavez also told the board about the “Mutt Mitt” stations placed strategically around the city in an effort to decrease E. coli inputs to the river. Mr. Chavez explained that the Albuquerque reach of the MRG has a TMDL for E. coli and that AMAFCA is tracking total rainfall and runoff volumes discharged to the North Diversion Channel to help track E. coli inputs for the TMDL. Ms. Bronson and Mr. Chavez explained to the board the MRG in Albuquerque is also impaired for dissolved oxygen, gross alpha, polychlorinated biphenyls (PCBs), and temperature per Section 303(d) of the Clean Water Act and that the City and AMAFCA are completing sediment assessments to analyze for PCBs. Analyses show no PCBs above the detection limit thus far.

Ms. Bronson discussed the stormwater monitoring program. This was created by a working group of MS4 permittees called the Compliance Monitoring Cooperative, which coordinated with the New Mexico Environment Department (NMED) and EPA to develop a wet weather monitoring plan. Ms. Bronson told the board the permittees have collected five of the seven required samples for this year’s stormwater quality sampling event. Ms. Bronson noted that each of the permittees share the monitoring costs by cooperatively sampling in different jurisdictional areas to reduce the overall sampling costs for monitoring.

Mr. Chavez presented the board with further details about the TMDL for E. coli in the MRG and current studies examining sources of E. coli. Ms. Verhage mentioned that there is currently a draft TMDL for nutrients in the Tijeras Arroyo and that MS4 permittees had submitted comments on the draft. Ms. Bronson added that the Tijeras Arroyo draft TMDL will be presented to the Water Quality Control Commission on Sept. 12. Ms. Verhage mentioned that the City funded a study with the Bosque Ecosystem Monitoring Program (BEMP) to do E. coli monitoring in the Albuquerque reach of the MRG.

Mr. Chavez told the board that the study showed that E. coli concentrations increase from north to south. Mr. Chavez explained that all sampling was completed over a six-month time period during the dry season over winter, with results indicating that E. coli is already above the allowable threshold in the river during the dry season and additional discharges occurring during the wet season would exceed the TMDL. Mr. Chavez said the NMED is aware of the potential for exceedance and AMAFCA is working to identify illicit sources to reduce future E. coli loads.

Mr. Chavez also presented the results of public outreach and education studies conducted at stormwater equality education events to better understand how the public perceives stormwater quality, runoff, and sources of water contamination. Mr. Chavez said there was a public perception that stormwater runoff is affecting the quality of the river but there were results indicating a generally decreasing willingness to pick up after pets, recycle, and pay minor fees to help address issues with stormwater quality.

Ms. Bronson concluded by reminding board members that there will be an annual report prepared by each permittee for the watershed-based MS4 permit that will be available for public review during a 30-day public comment period ending on Oct. 15, 2017. Ms. Bronson added that the notices of publication for each of the annual reports will be sent to WPAB members for review and input.

V. Board Discussion on Presentations

Member Dr. Kerry Howe asked Ms. Bronson how the watershed-based permit works compared to the individual permits. Dr. Howe said members understood that the outreach and monitoring for the permit is shared, but there was still question about how the permit was implemented by each entity within the group. Ms. Bronson explained that each permittee must address their own stormwater control measures required by the permit within their jurisdictional area. Ms. Bronson said the EPA held multiple meetings with all permittees prior to issuing the watershed-based permit because the EPA wanted to look at the watershed as a whole so the control measures would be combined and each entity could work with one another to share the responsibilities. Dr. Howe asked if there were ordinance differences between the permittees. Ms. Bronson answered that indeed there were differences among the ordinances and that they must be separate because of jurisdictional requirements. Ms. Bronson explained that when the ordinances are being drafted, they try to have all permittees at the table to craft ordinances that mirror and complement one another. PIC member Ms. Shellie Eaton added that the City shared its ordinance with the City of Rio Rancho and the County to assist them in drafting their ordinances.

Further, Dr. Howe asked what the permittees can do cooperatively. Ms. Bronson elaborated that the investigations into illicit discharges occur as individual entities and when an individual entity notices an illicit discharge, there is a notably increased effort to notify the jurisdictional agency because the entities must work together under the permit. Ms. Bronson added that the cooperative element of the permit has been helpful because entities can share the work of developing and understanding the paperwork.

Mr. Penttila asked if the watershed-based permit for the MS4 was still an experiment for the EPA and if this idea for watershed-based permits will be the model for the EPA across the nation. Further, Mr. Penttila asked if the EPA would be developing a guidance document for the watershed-based permits. Ms. Verhage said they would be continuing the watershed-based cooperative permit and added that it would be useful to have a local stormwater utility that would manage the MS4 so that jurisdictional areas could be eliminated from implementing the MS4 permit.

Ms. Bronson elaborated that there were previously three other watershed-based MS4 pilot permits issued by the EPA but that the other pilots failed,

perhaps because there was already a jurisdictional oversight agency in place for stormwater management. Ms. Bronson suggested that perhaps the reason the MRG permit survived the pilot process is because the permit provides incentives for the numerous entities to work together. Mr. Penttila added that it was good news to hear the MRG is currently the only successful MS4 watershed-based permit from the EPA.

Member Ms. Julia Maccini asked when the permit would expire. Ms. Bronson answered that the permit expires in 2019 which means that a sediment reduction study must be conducted and benchmarks must be met by the expiration of the permit. Ms. Bronson said that for the most part benchmarks are being met and the EPA is working with permittees to fine tune implementation efforts. Ms. Bronson added that the consequences are high for being out of compliance with the MS4 permit and permittees could be fined up to \$30,000 per day.

Dr. Howe asked what measures the permittees have taken to show that the things they are doing to decrease E. coli concentrations are working. Ms. Bronson informed the board that during the last round of Section 303(d) assessments completed by NMED, the impairment for E. coli dropped off in the Albuquerque reach of the MRG. Mr. Chavez and Ms. Bronson also added that we do not have any historical (i.e., 1800's) E. coli concentrations in this reach. Mr. Chavez noted that current background E. coli concentrations used are measured upstream of the urbanized area at Angostura and that even if it is not stormwater, there is E. coli being contributed to the Albuquerque reach from the urbanized area.

Ms. Verhage told the board about a BEMP study that sampled the river upstream and downstream of a bridge with lots of birds present. Ms. Verhage explained that E. coli concentrations downstream of the bridge and its flock of birds was starkly higher than the concentrations observed upstream of the bridge.

PIC member Mr. Dan McGregor commented that it is difficult to measure a modification of human behavior, such as removal of dog waste, and just as challenging to link it to a statistical result. Mr. McGregor added that it may be beneficial to have a social economic study to help the group determine if the measures they are taking to reduce E. coli are effective. Chair Thacher suggested that perhaps University of New Mexico (UNM) professors could work with the Water Authority to add questions to the annual customer satisfaction survey to help address these questions.

Vice Chair Glass noted that the Ciudad SWCD recently cocollaborated with the County, City, and NMDOT in their submittal of comments regarding the proposed Tijeras Arroyo TMDL and all the collaborating agencies would like to see the comments incorporated into the final draft. Ms. Bronson noted that although the MS4 urbanized area within the Tijeras Arroyo watershed is only

1.5% of the total area defined in the TMDL, the City and County could be held responsible for reducing the nutrient loading from the entire contributing watershed.

Vice Chair Glass also asked if there were any of the six entities that do not participate in the MS4 permit that the WPAB should encourage to participate. The presenters mentioned that Kirtland Air Force Base and Sandia National Labs have federal restrictions that keep them from participating, but that EXPO NM might be a good candidate. Ms. Verhage added that EXPO NM does have a Confined Animal Feeding Operation (CAFO) permit, but most of their drainage goes to sanitary wastewater. Other entities not involved in the MS4 permit are sovereign Tribes not subject to federal regulations.

VI. Board Business

The board welcomed new PIC member Kate Mendoza, Water Resources Specialist with the Water Authority.

Mr. Shean informed the board that the Fruit Avenue Plume public comment period for the amendment of the Record of Decision ended at the end of August. The Water Authority and City of Albuquerque submitted comments.

In addition, Mr. Shean told the board that there was a Technical Working Group Meeting for the Kirtland Bulk Fuels Facility spill this past week. Dr. Scruggs informed the board that Ms. Diane Agnew from NMED is going to be at UNM on Sept. 25 at 12:00 p.m. in George Pearl Hall room P133 to present information about the spill.

Mr. Shean also informed the board that the Water Quality Protection Policy and Action Plan (WQPPAP) is going to be updated. The Water Authority hopes to have a draft of this updated plan available to board members for the November WPAB meeting. Mr. Shean also proposed that NMED and Daniel B. Stephens & Associates present information about the update at the November meeting. Mr. Shean added that the Water Authority will be hosting a series of Customer Conversations regarding the WQPPAP in the spring. Mr. Shean would like the board to review the policies and the updated document to assist creating a better guidance document for the PIC and WPAB that will be updated on regular basis.

Mr. McGregor informed the board that there will be \$75,000 coming from the U.S. Geological Survey to the County and AMAFCA as part of a cost-share agreement for a study on the Tijeras Arroyo and Valle de Oro Wildlife Refuge.

VII. Public Comment

No public comments.

VIII. Adjournment

Ms. Busch motioned to adjourn the meeting at 10:00 a.m. and Ms. Maccini seconded the motion. The motion unanimously approved.