



Kerry Howe, *Chair*  
Steve Glass, *Vice-Chair*  
Suzanne Busch  
Camilla Feibelman  
Julia Maccini

Roland Penttila  
John Pietz  
Roberto Roibal  
Caroline Scruggs

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

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Minutes: February 8, 2019  
Location: City of Albuquerque, One Civic Plaza, 9<sup>th</sup> Floor Conference Room (RM 9081)  
Time: 8:30 to 10:30 a.m.

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**Board Members Present:** Dr. Kerry Howe, Steve Glass, Julia Maccini, John Pietz, Roberto Roibal, Roland Penttila, Suzanne Busch, and Camilla Feibelman

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

**PIC Members Present:** Bart Faris, Ken Ziegler, Diane Agnew, Liz Anderson, Kate Mendoza, Kali Bronson, Dan McGregor, Patrick Chavez, and Kathleen Verhage.

**Guests:** Mark Motsko (City of Albuquerque), Kelsey Rader (City of Albuquerque)

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**I. Call to Order**

Chair Dr. Kerry Howe called the meeting to order at 8:37 a.m.

**II. Approval of Agenda**

Chair Howe requested a motion to approve the agenda. Mr. Roland Penttila moved to approve the agenda and Ms. Julia Maccini seconded the motion. Motion to approve the agenda carried unanimously.

**III. Approval of Meeting Minutes**

Vice-chair Mr. Steve Glass provided edits to the January meeting minutes and board members reviewed his edits. Chair Howe asked board members if there were any additional comments on the January meeting minutes and board members had no additional edits or comments. Ms. Maccini moved to approve the January meeting minutes with Vice-chair Glass' edits and Mr. John Pietz seconded the motion. Ms. Suzanne Busch and Mr. Penttila abstained from the vote for approval of the minutes. Motion to approve the January meeting minutes carried unanimously.

**IV. Board Business**

**a. PIC Agency Updates**

Mr. Bart Faris, PIC member, told board members that the City of Albuquerque (City) is hosting a training for board and committee members appointed to City boards. Mr. Faris said the training will cover rules and regulations that apply to the boards and committees as well as general information on the Open Meetings Act and Inspection of Public Records Act. Mr. Faris said that the board member training will be on February 26<sup>th</sup> and Ms. Kate Mendoza or Ms. Diane Agnew, PIC members, would forward the information to the board in case members are interested.

Mr. Faris updated board members on the oil and gas ordinance guidance document being crafted by a technical sub-committee of the Water Resources Board for the Mid-Region Council of Governments Executive Board. Mr. Faris said he and Mr. Dan McGregor, PIC member, are co-chairs of the technical sub-committee that also includes Vice-chair Glass, Mayor of Bernalillo Jack Torres, and Dr. Bruce Thomson from the University of New Mexico. Mr. Faris added that the technical sub-committee is continuing its discussions and anticipates updating the Water Resources Board with its progress in May.

Ms. Kali Bronson, PIC member, told board members that the municipal separate storm sewer system (MS4) watershed-based permit issued for the Middle Rio Grande (MRG) in 2014 expires on June 22<sup>nd</sup>. She said that stormwater permittees have not yet heard anything about the new permit from the Environmental Protection Agency (EPA) and expect that operations will continue under the expired permit until a new one can be established or the permit is rewritten. Ms. Bronson added that there are a few studies the stormwater permittees are working to finish under the current permit, including a sediment study.

Mr. McGregor shared that Bernalillo County (County) is working to bring all liquid waste disposal systems (septic systems) into compliance with the County septic system ordinance. He said that the County sent about 300 letters last week to septic system owners known to be out of compliance and the County plans to take about 50 septic system owners to court in the near future.

Mr. McGregor told board members that the County's Natural Resources and Solid Waste Divisions met last week and will be hosting nine hazardous waste pick-up events this year, with several of them planned for the South Valley area. Chair Howe asked about how event locations are chosen and Mr. McGregor replied that they focus on areas that have the most complaints from the public about waste. Mr. McGregor shared that they will be sending out a mailer about the upcoming event and residents must bring the mailer with them to drop-off their hazardous waste. Ms. Kathy Verhage, PIC member, added that the City typically hosts two hazardous waste pick-up events per year and supports the County with funding to host additional events. Ms. Verhage told board members that about 300 people showed up to the City's Earth Day event and about 600 people showed up to the Balloon Fiesta Park event in 2018. She said that the events ended up costing the City more money than expected because of the amount of waste they received. Ms. Verhage told board members that the City will only host the Balloon Fiesta Park event this year, but not the Earth Day event. Ms. Agnew added that Albuquerque Bernalillo County Water Utility Authority (Water Authority) customers that attended spring 2018 Customer Conversations meetings indicated that they enjoy the

convenience of the neighborhood hazardous waste pick-up events and would like to see more in the future.

Regarding the fall 2018 Customer Conversations meetings, PIC Member Ms. Liz Anderson told board members the gatherings focused on water quality and improving the Consumer Confidence Report (CCR). She shared that they received excellent feedback and that most customers think that there is way too much information presented in the current CCR, which makes it hard to read and understand. Ms. Anderson said that Water Authority staff are now re-designing the CCR with this feedback in mind and that everyone should expect a newer and flashier CCR this spring.

Ms. Anderson told board members that the Water Authority is doing testing this year for the fourth unregulated contaminants monitoring rule (UCMR4). Last year, the Water Authority collected samples quarterly for haloacetic acids (HAA9) and disinfection by-products at 12 points in the water distribution system. She said the Water Authority will be doing 8 weeks of sampling for cyanotoxins at bi-weekly intervals on the surface water source in March. Ms. Anderson said that this year's CCR will include the UCMR4 sampling results from 2018 and next year's CCR will include the results of the 2019 UCMR4 testing. Mr. Penttila asked if customers are concerned about lead in their drinking water and Ms. Anderson responded that the Water Authority adds a corrosion inhibitor to prevent lead contamination. Ms. Anderson said that the Water Authority did lead testing last summer and saw extremely low levels (the highest observed lead concentration was 3 micrograms per liter [ $\mu\text{g/L}$ ]) and all were below the action level for lead (15  $\mu\text{g/L}$ ). She added that the Water Authority offers free lead and copper testing for its customers if requested. Ms. Anderson added that the Water Authority still gets a lot of questions about lead but test results have shown nothing of concern. Furthermore, she said, the Water Authority had resolved many potential lead and copper problems in preparation for introduction of San Juan-Chama surface water to the water supply.

#### **b. 2019 State Legislative Update**

Ms. Agnew provided board members with a tracking sheet she developed to track bills of interest for the 2019 State legislative session. She said she looks for water-related and environment bills. Ms. Agnew highlighted a few of the bills currently presented, including House Bill (HB) 276 which was signed into law by the governor on February 4<sup>th</sup> and includes funding for mapping and technology to support source water protection. Ms. Agnew then talked about HB 220 and said that the bill would impact discharge permits in the state. She said certain language in that bill would affect aquifer storage and recovery projects. Other bills discussed by Ms. Agnew include HB 506, which provides assistance for septic system owners to come into compliance with regulations or help hook up to an existing wastewater system, and Senate Bill (SB) 459, which places a four-year moratorium on all new hydraulic fracking permits statewide. She said that the Mid-Region Council of Governments (MRCOG) Water Resources Board (WRB) sub-committee for oil and gas are also tracking SB 459. She said that the bill was likely in response to concerns that permitting is moving too quickly without the appropriate protections for land use and the environment. Mr. Roberto Roibal asked if the Bureau of Land Management (BLM) would still sell leases for oil and gas and Ms. Agnew said that the bill, as written, did not include language to prohibit new leases of land. Ms. Agnew

added that BLM would still sell the lease for the land, but under the proposed law, the lessee could not get the permit with the state to begin operations for four years. Ms. Agnew concluded by telling board members about SB 464, which would provide a gross receipts tax deduction for outdoor water conservation product purchases for one week every year until 2024.

Mr. McGregor said the County is tracking HB 206, which requires an environmental assessment or environmental impact statement to be prepared by government agencies for any action that may impact public health, ecosystems, and the environment in New Mexico. He said that the National Environmental Policy Act (NEPA) process would be applied for any commercial construction. Mr. Penttila mentioned that he saw a summary of HB 206 in the Albuquerque Journal and the newspaper indicated that it would not be a full NEPA process, but more of an environmental assessment that would be required. Both Ms. Agnew and Mr. McGregor said that the bill reads that the full NEPA process would be required instead of how the newspaper presented the bill. Mr. McGregor said that the County would need additional staff to support more environmental review if HB 206 passes.

## **V. Update: 2019 General Obligation Bond Allocation**

Mark Motsko, capital planner with the City's Municipal Development Department, told board members the City is preparing for the upcoming 2019 November election, which will include a vote on general obligation bonds. Mr. Motsko said the planning process for the election started about a year ago, when the city was going through the mayoral transition. He said Mayor Berry's administration had originally recommended that \$14 million in bond proceeds be allocated to stormwater, but that Mayor Keller had revised this downward after taking office. The current proposal is now at \$5.6 million. Mr. Motsko said that markup and comments to the allocation proposal will be incorporated on February 21<sup>st</sup>. Mr. Motsko told board members that the allocation proposal is a planning document only and that details can change. Mr. Motsko said that some capital improvement projects have been delayed until fiscal year 2021 in order to increase funding for the stormwater program. He added that there are \$1 billion in needs for the City in 2019 and the City is doing its best to avoid raising taxes.

Mr. Motsko told board members that Mayor Keller had originally reduced funding for National Pollutant Discharge Elimination System (NPDES) permit implementation from \$2 million to \$1 million and then reversed the decision after discussions with the EPC and Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA). Mr. Motsko said there was also a request for \$500,000 for stormwater system water quality facilities and low-impact retrofits for municipal facilities to improve stormwater quality, but the request has not been added to the budget at this time. Ms. Camilla Feibelman asked how those funds normally be allocated if approved and Ms. Verhage replied that the City would use the \$500,000 to retrofit stormwater detention ponds with water quality improvement features and add trash racks to other stormwater features that do not have them. Ms. Verhage added that the \$500,000 would also add flexibility for funding low-impact development projects on City properties as well. Mr. Penttila said he did not consider the stormwater facilities retrofit as optional and that those retrofits are required for NPDES permit

compliance. Mr. Penttila added that fines for noncompliance could be much more expensive than the \$500,000 being requested. Chair Howe said that the WPAB is concerned with stormwater quality issues. Mr. Faris added that the Mayor's budget proposal had been emailed to board members if they wanted to review it further. Mr. Penttila asked Mr. Motsko if he was familiar with the letter the board sent to the Mayor's office regarding a potential reduction in stormwater funding and Mr. Motsko said he was familiar with the letter. Mr. Motsko said that if the board is particularly interested in a specific line item for stormwater quality, the board should write an additional letter. Chair Howe said it seemed as if the board's letter had been heard and that the City had responded to some degree with the adjustments in budget items.

## **VI. Presentation: Middle Rio Grande Stormwater Quality Team Overview**

Ms. Verhage, stormwater engineer for the City's Municipal Development Department, introduced herself and other presenters including Ms. Bronson, stormwater program manager for the County, and Mr. Patrick Chavez, stormwater quality engineer with AMAFCA. Ms. Verhage started by describing the stormwater infrastructure system in Albuquerque, which is a series of channels and drains that empty into the Rio Grande. She said that a Phase I stormwater permit was issued by the Environmental Protection Agency (EPA) to AMAFCA, City, New Mexico Department of Transportation (NMDOT), and University of New Mexico (UNM) prior to the County stormwater permit that was issued in 2007. Issues with urban stormwater management were highlighted at the federal level in 2009 and discussions began regarding the issuance of watershed-based permits. In 2014, the municipal separate storm sewer system (MS4) partners were issued a watershed-based permit by the EPA for the Middle Rio Grande. Ms. Verhage told board members that New Mexico is one of three states that does not have primacy of the NPDES program; therefore, the EPA Region 6 issues all NPDES permits and conducts all NPDES-related enforcement in New Mexico.

Ms. Verhage explained to board members that there are differences in how each permittee is classified for the watershed-based MS4 permit. She then showed the board maps of the MS4 permit area and then zoomed in further to show the storm drainage network in Albuquerque. Ms. Verhage said it is a complex conveyance system for stormwater drains and channels and added that there are an additional 360 miles of ditches in the Middle Rio Grande Conservancy District (MRGCD) system.

Ms. Verhage told board members that the goal of the permit is to promote collaboration and cooperation among agencies in addressing stormwater quality. She said the permit incentivizes demonstration of cooperative efforts among MS4 permittees and can result in extension of permit deadlines, provide cost savings, and provide further opportunity for collaboration. Ms. Verhage said that the City typically spends about \$800,000 a year for stormwater outfall monitoring for the MS4 permit. Ms. Verhage highlighted the benefits of collaboration, including collaboration on stormwater ordinances for agencies that need them. She said that when the MS4 permit was first delivered, the permitted agencies got together to figure out the approach to combine their efforts to address issues they struggled with as separate agencies.

Ms. Verhage told board members about general MS4 permit requirements that include special conditions for water quality monitoring. She said that there are impaired waters within the permit area that must be addressed in addition to Endangered Species Act requirements. Ms. Verhage added that the City has additional stormwater monitoring program control measures and apply best management practices to improve in specific areas.

Ms. Verhage discussed construction and post-construction site stormwater control measures. She mentioned that construction site stormwater runoff control and drainage requirements in the City and County ordinances were updated in 2016. Ms. Verhage said that the City must implement green infrastructure, low-impact development, and sustainable practices at post-construction development and redevelopment sites. She added that the County and AMAFCA worked on a study to understand the impediments to implementing green infrastructure and low impact developments and that study was submitted to the New Mexico Office of the State Engineer (NM OSE) and the New Mexico Environment Department (NMED). Ms. Verhage said that all stormwater programs are limited by state water regulations and cannot hold more than 10 acre-feet in any stormwater pond. She discussed some nuances of the regulations including that any ponds that are deeper than they are wide require an underground storage and recovery (USR) permit and that stormwater can be captured on personal property, but not water that would otherwise leave the property. Ms. Bronson added that ordinances can help enforcement because the City and County have jurisdiction, but other agencies, such as AMAFCA, do not have the ability to put forth ordinances and rely on the City and County for enforcement.

Ms. Verhage discussed the control measures for illicit discharges and improper disposals. She said the City has an ordinance to protect against illicit discharges and they reach out to MS4 permit partners to address problems. Ms. Verhage said that the Water Authority has been helpful for sanitary discharge issues. Ms. Feibelman asked if the City uses Corrective Action Funds (CAF) to help remediate gas storage tank leaks and Ms. Verhage said they do not get money from the CAF directly but work with the Petroleum Storage Tank Bureau at NMED to address spills. Ms. Verhage added that the City bills the facility if the City must clean up the spill. Ms. Feibelman mentioned HB 333, which would take money from the CAF to give to Superfund cleanups. Ms. Agnew said she would add HB 333 to the legislative tracker. Ms. Verhage continued to say that the stormwater programs have sanitary discharge issues with trailer parks. She said the City has had issues in the past with people flushing needles and the stormwater program needs money to address those types of illicit discharges.

Ms. Verhage told board members about the control measures for industrial and high-risk runoff sites. She said this usually includes industrial businesses like salvage yards, chemical companies, and cement companies and those businesses are regulated by the City. Ms. Verhage said that the City has inspectors to make sure those businesses comply with the stormwater ordinances.

Ms. Verhage told board members about the control of floatable discharges. She said the stormwater program estimates the annual volume of floatables and trash removed each year and the estimate includes a characterization of the trash and debris. Ms. Verhage said that the results are analyzed each year to see where a difference can be made in different

parts of the city. She added that homeless camps are a specific issue contributing to the floatables and trash in stormwater. Mr. Chavez told board members that the stormwater permittee partners really rely on one another to get issues addressed. He said that they all respond to City 311 calls related to stormwater issues.

Mr. Chavez told board members about the sediment pollutant load reduction study that AMAFCA is working to assess the sediment loads in the system and working to figure out targets for reducing sediment. He said there was a preliminary study completed a few years ago and AMAFCA will be updating the study this year. Mr. Chavez explained that AMAFCA staff are analyzing the sediment and what pollutants may be attached to the sediments.

Mr. Chavez told board members about the rainfall-specific monitoring events required by the MS4 permit. He said that the Middle Rio Grande Stormwater Quality Team is required to monitor stormwater quality and collects stormwater during storm events for quality samples. He explained that the team does wet-weather monitoring and dry-season monitoring for background. Mr. Chavez explained further how the wet-weather monitoring works among the permittees and said that one of the limiting factors for water quality monitoring is funding because the costs are not shared equally among permit partners. However, because there are multiple partners, he said it is easier to make the sampling happen instead of requiring just one entity do the sampling and pay for it. Mr. Chavez added that the water quality samples are only accepted for the permit if they come from a qualifying storm event as defined by the permit. Additionally, stormwater quality samples must be collected in-stream from the Rio Grande and not from stormwater outfalls. Mr. Pietz asked about where he could read more about the stormwater programs and Mr. Chavez and Ms. Bronson said that the annual report for the permit is the best source of information and would include the previous years' sampling results.

Mr. Chavez showed the board the sampling locations for upstream and downstream monitoring and shared that the stormwater quality team does real-time monitoring of basic water quality parameters in those locations including dissolved oxygen, pH, turbidity, and temperature. Mr. Chavez showed the board a map of impaired stream and arroyo segments in the permit area. He added that there is a total maximum daily load (TMDL) set for *Escherichia coli* (*E. coli*) in the Middle Rio Grande and although the impairment was recently removed, MS4 permittees still must adhere to the TMDL requirements. Mr. Chavez said AMAFCA and others are updating the *E. coli* study from 2005 which the City is funding now and AMAFCA will be contributing to in the future. He added that the study is utilizing the qPCR method for updating the study to determine the largest source of *E. coli* in the Middle Rio Grande. Mr. Chavez said that the Bosque Ecosystem Monitoring Program (BEMP) have done some dry-weather sampling to establish background for *E. coli* levels and that stormwater runoff may not be the reason for consistent exceedances for *E. coli* concentrations.

Ms. Bronson talked about the total maximum daily load (TMDL) for nutrients in the Tijeras Arroyo. She said that the TMDL came into effect during this permit period and therefore was not included as part of the requirements for this permit. Ms. Bronson told board members she expects the TMDL to be part of the next MS4 permit to be issued soon. She added that they are working with many partners, including the permit partners, to create a watershed-based plan to address the TMDL in Tijeras Arroyo.

Ms. Bronson told board members about public outreach and public involvement to help improve stormwater quality. She said that the Middle Rio Grande Stormwater Quality Team works with several partners, such as the Bosque Ecosystem Monitoring Program (BEMP), in addition to the MS4 permit partners to do additional sampling and outreach. She mentioned that the stormwater quality team has put out a survey to see how much members of the public already know about stormwater quality issues and what they currently do to improve stormwater quality. Ms. Bronson said 4,000 surveys have been collected so far and the stormwater quality team has several outreach events planned during the year where additional surveys will be collected and additional stormwater education will occur at each event.

Ms. Bronson highlighted the urban stormwater study that reviews the impacts of green infrastructure and low-impact development on stormwater quality and identifies cities with a lack of infiltration areas. She said that places with greater impervious area contribute to more stormwater volume due to a lack of infiltration. She added that it is also a concern from a pollutants standpoint in Albuquerque because the drains go directly back to the river. Ms. Bronson highlighted that the direct connections of parking lots to streets is the largest contributor of stormwater runoff. She said that a solution to that problem could be adding green infrastructure and low-impact developments to help disconnect those areas and promote infiltration to reduce the amount of stormwater delivered to waterways. Ms. Bronson provided pictures and examples of green infrastructure and low-impact development measures, such as permeable pavers and the addition of plants to promote infiltration.

Ms. Bronson concluded her presentation by telling board members about the annual report that the MS4 permit partners submit to the EPA on December 1<sup>st</sup> each year. She then asked board members for any questions. Ms. Maccini asked about MRGCD and why they are not party to the permit and Ms. Bronson said they are exempted from the permit because they are an agricultural entity. Ms. Bronson said that MRGCD does show up to green infrastructure and low-impact development meetings to discuss projects even though they are not required to do so.

## **VII. Presentation: City of Albuquerque Green Team Overview**

Kelsey Rader, sustainability officer for the Mayor's Office, presented board members with an overview of the City's Green Team. Ms. Rader started off by telling board members that the City won a grant from the Bloomberg American Cities Climate Challenge (ACCC). Ms. Rader then told board members more about her position with the City and that she is tasked with managing, coordinating, and supporting sustainability initiatives within the City. Additionally, she also supports the ACCC grant, Green Team, community actions, and sustainability working group.

Ms. Rader told board members that the City Green Team was started in 2018 by former Chief of Staff Sunalei Stewart. She said that the effort was really spurred by President Trump's exit from the Paris Climate Accord and the City's desire to participate in the accord regardless. Ms. Rader said that the Green Team is more than just installing solar panels but rather it is a City-wide commitment to sustainability. She said that she hopes to have



City employees lead by example and create a culture of sustainability in city government. Ms. Rader said that the City Green Team is made up of volunteers who implement sustainability initiatives and that members get training on initiatives that can be implemented within City departments.

Ms. Rader told board members that the City Green Team promotes recycling and green purchasing. She said that all City Green Team members in each department are supposed to be ambassadors to their department to help promote green initiatives such as reducing carbon footprints and turning off lights and electronics at the end of the day. She says the City Green Team meets quarterly and hosts lunch-and-learns to share information City-wide. Ms. Rader said the Green Team decides at quarterly meetings which department in the City will host the next lunch-and-learn. She said the Green Team posts videos and presentations to YouTube after the lunch-and-learn so that everyone can participate. She added that they typically cover topics such as waste minimization, green purchasing, and recycling correctly.

Mila Romero from the City Solid Waste Department briefly discussed the content of the lunch-and-learns. She said that the Solid Waste Department is promoting a “recycle right” campaign online, on television, and anywhere they can post more information. Ms. Romero said that the City is trying to promote recycling correctly and that it helps prevent contamination and minimizes waste. Ms. Romero highlighted the Recycle Coach app for smart phones where users can ask about recycling specific items and how to do it. She mentioned that the department has a flyer for the top 10 recyclable items and they ensure that every City department has a recycle bin.

Ms. Rader talked about future goals of the City Green Team. She said that the Green Team is working on developing and presenting Earth Day ideas and securing ongoing funding sources to promote sustainability. Ms. Rader added that the Green Team is also considering establishing a certification program. Ms. Rader explained that a separate leadership team determines lunch-and-learn topics, schedules meetings, coordinates department participation, and sets agendas for quarterly meetings. She said the Green Team itself develops sustainability initiatives for departments and connects with the leadership team to develop future goals.

Ms. Rader told board members that the City is part of the ACCC that aims to reduce climate impacts. She said the City is trying to achieve 100% municipal renewable energy use by 2022. Ms. Rader highlighted a few of the goals to achieve the objective including a 65% measurable reduction in energy use by City buildings. She said the City is supporting the New Mexico City Coalition and bills in the current legislative session such as HB 210. Ms. Rader said the City also wants to replace City fleet vehicles for more green vehicles to reduce the City’s carbon footprint. Ms. Rader then told board members about sustainability projects in other departments such as Aviation, Environmental Health, and Solid Waste.

Ms. Rader concluded her presentation by discussing the opportunities for water policy and offered City Green Team presentations and connections to department initiatives. She told board members that the City has been discussing developing a sustainability cabinet and considering officer suggestions. She said they are still discussing the goals of such a group among the leadership team and asked if any board members would be interested. Ms.

Rader said she would have more information on the formation of a sustainability cabinet in March or April and added that she is open to further policy suggestions for sustainability initiatives.

Ms. Suzanne Busch mentioned that there was a previous sustainability effort in the City under a previous mayor's administration. Mr. Penttila shared that he was disappointed that stormwater quality was not included in the Green Team's initiatives and suggested that it be added to the Green Team. Ms. Rader said the Green Team is still new and they will consider adding stormwater quality initiatives in the next quarterly meeting. Ms. Feibelman noted that a lot of the Green Team goals focused on reducing the carbon footprint and stormwater quality should be included in the future. Ms. Feibelman also expressed her concern that a small team is not enough and it should be a City-wide initiative in order to best address climate change. She added that if the administration only leads by example, it likely will not be near enough. Ms. Feibelman said that more will be required, such as resolutions and ordinances to address building codes, for example, in order to reduce climate impacts. Mimi Burns, with the Dekker/Perich/Sabatini architecture and design firm, added that there are lots of initiatives, such as adding green infrastructure and low impact development and reducing energy use. Ms. Burns said there are opportunities to reduce energy use in multiple ways. Ms. Rader said that she champions the idea of mixed-use zoning in the City to promote areas where you can eat, play and work in the same zone to reduce travel and ultimately climate impact. Ms. Agnew asked about ways to connect stormwater to the Green Team and Ms. Rader replied that the Green Team primarily focuses on employee behaviors, but there are opportunities to address stormwater quality.

## **VIII. Other Board Business**

Chair Howe covered the Procedures for Drafting and Finalization of Official Board Correspondence and Documents. He asked board members for any discussion of those items and asked the board to review the changes proposed. Mr. Penttila asked where the procedure for board correspondence came from and Ms. Agnew shared that she developed it with the Water Authority general counsel as a first-draft approach. Chair Howe suggested, because the meeting was already over the planned time, that the board discuss the procedure at the next meeting. Ms. Busch shared that she was concerned about a specific statement in the process document and moved to address it in further detail at the next meeting. Ms. Agnew shared that the process document is a result of a concern that the board was working in a rolling quorum when drafting correspondence. Chair Howe added that it is not that board members cannot make comments to board correspondence, it just cannot be done via email. Essentially, he said, all of comments must be discussed in a public forum. Mr. Faris added that the board member training the City is hosting would address the Open Meetings Act and the schedule would be forwarded to board members. Mr. Penttila asked if this process document only applies to WPAB or would it apply to every board and Ms. Agnew said that it would only apply to this board, but its conditions would apply to any entity operating under the Open Meetings Act. Mr. Penttila said that it should be a city-wide policy and not just WPAB specific. Mr. Faris said that it is City policy to comply with the Open Meetings Act. Mr. Penttila said that the WPAB would be setting the example for the rest of the City. Mr. McGregor said that it really does not matter much what other boards do, but the WPAB has a responsibility to comply with the Open Meetings Act because it adopts the act annually. Mr. McGregor expressed concerns about legal

complications. Ms. Agnew pointed out that the procedure had been developed at the request of board members. Mr. Ken Ziegler, PIC member, said that he had forwarded the draft procedure to the City general counsel and that they had approved it. Mr. Ziegler added that other boards may have their own legal representation that can decide compliance procedures with the Open Meetings Act. Mr. Faris added that guidance and policies that are created should be reviewed by legal departments. Chair Howe clarified that the procedure had been drafted to address the rolling quorum issue.

Mr. Penttila seconded Ms. Busch's motion to table review of the process document until the next meeting. Chair Howe asked for approval of the motion to table the discussion until the next meeting and the motion passed.

Mr. Roibal asked for the presenter's contact information to be added to the agendas because it would be helpful in the future. He also added that BEMP gave a great presentation to his neighborhood association and suggested it would be good for the board.

## **IX. Public Comment**

Mr. Dave McCoy, Citizen Action New Mexico, suggested board members add a topic on the next meeting agenda to discuss a document he produced that reviews the final orders for environmental sites at Sandia National Labs and Kirtland Air Force Base. Mr. McCoy said that the preferred alternative selected for the mixed waste landfill on the base was to dispose of materials on-site and that excavation of the landfill material was an option. Mr. McCoy said there is a relatively low risk of exposure to workers for excavation of the landfill. He said that in order for Sandia National Labs to select the alternative to excavate the landfill, the request must come from NMED. Mr. McCoy said that NMED must order Sandia National Labs to submit a Corrective Measures Implementation Plan (CMIP) for excavation of the landfill. He said that once the CMIP is approved, there would be a review of permit documents one year later followed by a regulatory review, site preparation, and finally the excavation of the landfill five to six years later. Mr. McCoy said the cost to excavate the landfill would be \$527 million that would occur over several years. He requested that the board consider asking NMED to request a CMIP for excavation of the mixed waste landfill.

## **X. Adjourn**

Chair Howe asked for a motion to adjourn. Vice-chair Glass moved to adjourn the meeting and Mr. Penttila seconded the motion. Motion passed unanimously. The meeting was adjourned at 10:52 a.m.