



Julia Maccini, *Chair*  
Roberto Roibal, *Vice-Chair*  
Camilla Feibelman  
Steve Glass  
Kerry Howe

Darrell Kundargi  
Alejandría Lyons  
John Pietz  
Caroline Scruggs

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**January 10, 2020**

**Location:** Bernalillo County Public Works Division, 2400 Broadway SE

**Time:** 8:30 a.m. to 10:30 a.m.

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**Board Members Present:** Chair Julia Maccini, Vice-Chair Roberto Roibal, Camilla Feibelman, Steve Glass, Kerry Howe, Darrell Kundargi, John Pietz and Caroline Scruggs.

**Board Members Absent (excused):** Alejandría Lyons

**PIC Members Present:** Diane Agnew, Kali Bronson, Mo Hobbs, Dan McGregor, Kate Mendoza, Danielle Shurn, Kathy Verhage, and Ken Ziegler.

**Guests:** none

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**I. Call to Order**

Chair Dr. Kerry Howe called the meeting to order at 8:35 a.m.

**II. Approval of Agenda**

Chair Howe requested a motion to approve the agenda. Mr. Roberto Roibal motioned to approve the agenda and Dr. Caroline Scruggs seconded. Motion to approve agenda carried unanimously.

**III. Approval of Meeting Minutes**

Chair Howe asked if there were any edits to the December meeting minutes and Vice-Chair Steve Glass stated that he provided edits electronically to the minutes. Chair Howe requested a motion to approve the December meeting minutes with the edits provided by Vice-Chair Glass. Ms. Julia Maccini motioned to approve the minutes and Vice-Chair Glass seconded. Motion to approve the December 13, 2019 meeting minutes carried unanimously.

## **IV. Board Business**

### **a. Elect 2020 WPAB Officers**

Chair Howe asked for nominations for new chairs of the Board for 2020. Ms. Camilla Feibelman nominated Ms. Maccini for chair. Ms. Maccini accepted the nomination. Ms. Camilla Feibelman also nominated Mr. Roibal for vice-chair. Mr. Roibal accepted the nomination.

Chair Howe requested a motion to vote on the positions of chair and vice-chair to Ms. Maccini and Mr. Roibal, respectively. The Board unanimously approved the new chair nominations and Ms. Maccini and Mr. Roibal assumed the new positions for the remainder of the meeting.

### **b. Approval of 2020 WPAB Open Meetings Resolution**

Chair Maccini asked Policy Implementation Committee (PIC) member Ms. Kate Mendoza with the Albuquerque Bernalillo County Water Utility Authority (Water Authority), if the 2020 Open Meetings Resolution reflected the language in the WPAB 2019 Open Meetings Resolution. Ms. Mendoza responded that the content was the same and was updated only to reflect the new year.

Chair Maccini asked if there was any discussion regarding changes to the 2020 Open Meetings Resolution. With no requests for further discussion, Chair Maccini requested a motion to approve the 2020 Open Meetings Resolution. Mr. Glass motioned to approve 2020 Open Meetings Resolution (WPR-2020-01) and Vice-Chair Roibal seconded the motion. Motion to approve the 2020 Open Meetings Resolution carried unanimously.

### **c. Approval of 2020 Workplan**

Chair Maccini asked if there were any edits to the 2020 workplan. Ms. Diane Agnew, PIC member with the Water Authority, stated that the 2020 workplan had been updated to incorporate Board requests which included topics such as the Bernalillo County (County) glyphosate ban, New Mexico Office of the Natural Resources Trustee (ONRT) priorities and projects, and a Produced Water Act update. Dr. Howe asked about the inclusion of the proposed Lead and Copper Rule changes in the 2020 workplan and pointed out that it is a finished water quality rule and not source water quality rule. Ms. Agnew replied that the proposed changes have implications for water quality but it could be removed from the 2020 workplan if the Board wished. PIC member Ms. Danielle Shurn with the Water Authority said the Water Authority is investigating public and private lines for lead, posting notices and implementing mandatory lead sampling at schools and child care centers. Dr. Howe asked if there was a place where the update could be inserted into the workplan schedule and Ms. Agnew said it could be part of the Water Authority update on Safe Drinking Water Act sampling results in May.

Mr. Glass requested that the update on the Mid-Region Council of Governments (MRCOG) Oil and Gas Ordinance Guidance document be combined with the update on the Produced Water Act.

Mr. Glass asked if the Rivers and Aquifers Protection Plan (RAPP) update was the Water Authority's replacement for the previous source water protection plan update. Ms. Mendoza replied that the language would be updated to reflect the name change from Water Quality Protection Policy and Action Plan (WQPPAP) to the RAPP. PIC member Mr. Ken Ziegler with the City of Albuquerque (City) stated that City ordinances still refer to the Groundwater Protection Policy and Action Plan (GPPAP). Ms. Agnew said the GPPAP and WQPPAP were the previous source water protection plans and that concepts from those plans were incorporated into the RAPP.

Chair Maccini requested a motion to approve the 2020 workplan. Vice-Chair Roibal motioned to approve the 2020 workplan and Dr. Scruggs seconded. The motion to approve the 2020 workplan carried unanimously.

#### **d. Draft Presenter Schedule**

Ms. Mendoza told board members that the presenter schedule for 2020 is tentative and depends on presenter availability. Ms. Agnew acknowledged that there was a board request for a presentation from the New Mexico Acequia Commission and suggested it could be added to the schedule either in the fall or as an alternate in the event another scheduled presenter was unavailable. Ms. Feibelman asked if the New Mexico Acequia Commission would include discussions about glyphosates and Vice-Chair Roibal responded that it would not necessarily.

Dr. Scruggs suggested inviting Representative Melanie Stansbury to provide an update on the implementation of the Water Data Act (NM-HB651-2019). Ms. Agnew and Mr. Ziegler responded that the implementation of the Water Data Act is still in the initial stages and would unlikely warrant a presentation at this time. Mr. Ziegler said he would provide a PIC agency update on the topic during the next agenda item. Ms. Agnew said she would provide the board with a link to the summary report on the Water Data Act workshop held in October 2019.

The Board discussed scheduling for the February meeting given the timing of the scheduled meeting and the 2020 State Legislative Session. The Board decided to schedule the February meeting for the third Friday in February for the Office of the Natural Resources Trustee (ONRT) presentation in order to accommodate potential schedule conflicts with the legislative session. Chair Maccini requested a motion to tentatively schedule the February meeting to the third Friday in February, pending availability of the ONRT for a presentation. Dr. Scruggs motioned to approve the tentative meeting date and Dr. Howe seconded. Motion to tentatively move the meeting based on ONRT availability for a presentation carried unanimously.

#### **e. PIC Agency Updates**

Mr. Ziegler informed the Board that the Water Data Advisory Group is meeting biweekly to discuss implementation of the Water Data Act. The Water Data Advisory Group is composed of federal, tribal, local, and nongovernmental stakeholders with the objective of identifying water data and information needs and to collaborate on water data integration. Mr. Ziegler said the Water Data Advisory Group chose Comprehensive Knowledge Archive Network (CKAN), an open-source data portal software, as the tool for building the comprehensive water database. Mr. Ziegler said there is an initial data set available online (see: [www.newmexicowaterdata.org](http://www.newmexicowaterdata.org)). Dr. Scruggs asked if the intent is to have the University of New Mexico (UNM) Earth Data Analysis Center (EDAC) manage the public data and Mr. Ziegler said the goal is to have each agency host their own data but use a central portal (i.e., CKAN) that connects it all and makes it easier to reference from one location. Mr. Ziegler stated that some state agencies have existing electronic databases for water data while others do not. For agencies without electronic data, digitization of paper databases will be complex and timely. Mr. Ziegler said there may be a demonstration of the database at the upcoming 2020 legislative session to request additional funding for building and maintaining the database which currently lacks adequate funding. Ms. Agnew asked if funding was being requested as part of a water budget and Mr. Ziegler said he was unsure but he would learn more at the next meeting. Mr. Ziegler said the Water Data Advisory Group is also considering how to accept donations.

Mr. Dan McGregor, PIC member for Bernalillo County (County), said the County is in the second phase of their compliance campaign for unpermitted liquid waste systems and is approximately 60 days out from filing records of unpermitted liquid waste systems with the County Clerk's Office. Mr. McGregor said if the unpermitted liquid waste system poses a known hazard and the responsible party demonstrates neglect, the County will file a legal action to address the threat to the environment. Mr. McGregor said responsible parties who are unaware of permitting compliance will be educated, the liquid waste system will be brought into compliance according to County ordinances, and the liquid waste systems will be properly recorded at the County.

Ms. Kali Bronson, County PIC member, informed the Board that the Cuidad Soil and Water Conservation District (SWCD) had received additional funding for the Tijeras Creek Watershed-Based Plan from the New Mexico Environment Department (NMED) and plan development will be moving forward in the coming months. Ms. Bronson told board members that there will be a public meeting to discuss the plan at the Bernalillo County Public Works building on January 14, 2020 at 2:00 p.m.

Mr. McGregor told board members that the County received an Environmental Protection Agency (EPA) Greening America's Communities grant (Grant) to combat the urban heat island effect in Albuquerque. Mr. McGregor said the County is currently planning large-scale tree plantings in the South Valley area of Albuquerque, with focus on industrial areas and the Albuquerque International Sunport. Dr. Scruggs asked if a UNM master's student could be helpful to analyze the success of this project and Mr. McGregor said any help from UNM students would be welcome.

Ms. Bronson reported that the County is updating their water conservation plan which was last updated in 2006. The update will include revisions to County conservation

incentive programs and revised procedures for working with other partners such as the Middle Rio Grande Conservancy District (MRGCD), Natural Resource Conservation Service (NRCS), SWCDs and the acequia associations. Mr. McGregor said the County has spent the last several months revising the plan and anticipates it to be available for public comment this Spring. Mr. McGregor also mentioned that the County is working with Mr. Carlos Bustos, Water Authority Water Conservation Program Manager, to align conservation efforts.

Ms. Bronson informed the Board that the Land and Water Summit (Summit) will take place in Albuquerque February 26-28, 2020 and will have NMED Secretary James Kenney as the keynote speaker.

Ms. Kathy Verhage, PIC member with the City, informed the Board that the City Stormwater Management Section (SMS) submitted the Municipal Separate Storm Sewer System (MS4) annual report to the City Department of Municipal Development for review. Ms. Verhage said the SMS is working on an ordinance that addresses sewer overflows into waterways. Ms. Verhage said the SMS currently lacks enforcement capabilities for violations and is partnering with the City Environmental Health Department and the Water Authority to limit sewer overflow into waterways.

Ms. Agnew told board members that the Laun-Dry Supply Company (Laun-Dry) contamination site is performing additional shallow vapor monitoring to investigate other possible contributing sources of trichloroethane (TCE) and tetrachloroethylene (PCE).

Ms. Agnew said the Water Authority is currently reviewing several documents regarding the Kirtland Air Force Base (KAFB) Bulk Fuels Facility remediation project including a source zone characterization report and a work plan for data gap wells. The Water Authority plans to provide its comments on the documents to NMED. Ms. Agnew said beginning in March 2020, NMED will require KAFB to provide data in a machine-readable format (i.e. spreadsheets).

Ms. Agnew informed the Board that the Water Authority is working on updating capture zones that were used in the RAPP. Ms. Agnew said source water protection areas for groundwater (i.e. Water Authority supply wells) were previously delineated using a ½-mile uniform radius for identifying potential sources of contamination. Ms. Agnew said the update to the RAPP will utilize groundwater modeling to define capture zones for each well to get a more representative analysis of well susceptibility to contamination.

Ms. Agnew told the Board that the New Mexico Geological Society (NMGS) Annual Spring Meeting theme is *Our Common Future: Reliability, Robustness, and Resiliency for Effective Risk Management*, and that the meeting will include a panel discussion about diversity in geosciences.

#### **f. Legislative Update**

Ms. Mendoza told the Board that she is tracking legislation related to water and the environment during the 2020 New Mexico legislative session. Ms. Feibelman requested

Ms. Mendoza add any bills in the upcoming legislative session related to oil and gas operations to the legislative tracker and Ms. Mendoza replied that those bills would be tracked. Ms. Mendoza said the funding requests from water and environmental agencies including Energy, Minerals and Natural Resources Department (EMNRD), Interstate Stream Commission (ISC), NMED, ONRT and the Office of the State Engineer (OSE) (collectively “State Entities”) are under review by the Legislative Finance Committee (LFC). The Board discussed the importance of having adequately staffed and funded state agencies to protect New Mexico’s water resources. Mr. Glass recommended the Board hold a special meeting to draft a letter of support to the LFC that relays the importance of adequate funding for the State Entities. Board members unanimously agreed that a letter of support for adequate and/or increased funding of the State Entities was within the purview of the Board.

## **V. Other Board Business**

The Board discussed revising the Board’s approved 2020 Open Meetings Resolution (WPR-2020-01) to have the meeting notice requirement align with the state’s Open Meetings Act (NMSA 1978, Section 10-15-1). Chair Maccini requested a motion to amend the 2020 Open Meetings Resolution from a 24-hour special meeting notice to a 72-hour special meeting notice. Mr. Darrel Kundargi motioned to approve the amendment and Vice-Chair Roibal seconded. Motion to amend the 2020 Open Meetings Resolution carried unanimously.

Ms. Feibelman asked about a brief filed by the Water Authority at the Public Regulation Commission (PRC) related to the closure of the Public Service Company of New Mexico’s (PNM) San Juan Generating Station (SJGS). Ms. Agnew said the brief was being handled at the senior management level and she could provide an update at a future meeting, if needed.

Dr. Howe announced that his term for serving on the Board was up and offered to continue attending meetings until his jointly appointed position could be filled by the City and County.

## **VI. Public Comment Period**

None.

## **VII. Adjourn**

Chair Maccini requested a motion to adjourn the meeting. Vice-Chair Roibal motioned to adjourn the meeting and Mr. Kundargi seconded the motion. The meeting was adjourned at 10:45 a.m.