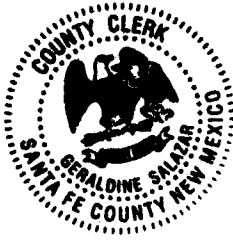


I Hereby Certify That This Instrument Was Filed for  
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Witness My Hand And Seal Of Office  
Deputy  Geraldine Salazar  
County Clerk, Santa Fe, NM



**MINUTES OF THE**

**SANTA FE COUNTY**

**WATER POLICY ADVISORY COMMITTEE**

**July 10, 2014**

**Santa Fe, New Mexico**

This meeting of the Santa Fe County Water Policy Advisory Committee (WPAC) was convened at approximately 6:00 p.m. by Chair Charles Nylander on the above-cited date at the Santa Fe County Public Works Building Conference Room, 424, NM 599, Santa Fe, New Mexico.

A quorum was established as follows:

**Members Present:**

Charles Nylander, District 2  
Shelley Winship, Northern Planning Area  
Consuelo Bokum, BDD Board  
Steve Rudnick, District 5  
Sigmund Silber, Central Water Planning Area  
Rita Loy Simmons, District 3  
Gil Tercero, Mutual Domestic Water Consumers Assoc.  
Martha Trujillo, Acequia Association

**Member(s) Excused:**

Mukhtiar S. Khalsa, District 1  
Bill King, Soil & Water Conservation  
Neal Schaeffer, District 4

**Staff Present:**

Claudia Borchert, Public Utilities Division Director

**Others Present:**

Julie Filatoff, DBS&A Associates  
Bill Schneider, City Water Resources Coordinator

**III. Approval of Agenda**

The agenda was approved by consensus.

**IV. Approval of Minutes: June 12, 2014**

Action on the minutes was postponed until the next meeting.

V. Action Items

A. **Review and Approval of Regional Water and Wastewater Authority Concept White Paper and Recommendations prepared by the Water Policy Advisory Committee**

Chair Nylander said he revised the text in accordance with the comments from the previous meeting and comments he received via emails.

Ms. Bokum reminded that participants that the reader will not have the advantage of the discussions that occurred during the course of the advisory committee's meetings that led to the recommendations. It should be noted there was no consensus regarding any one avenue but rather a recognition that there are a multitude of possibilities each containing pros and cons. She advocated removing "should" from the six recommendations.

*[Bulleted items indicate agreed upon changes to the White Paper]*

- Delete "The Board of County Commissioners" from each of the six recommendations and start each recommendation with an active verb
- Eliminate "shoulds"

Ms. Borchert advised that County Resolution 2012-53 directs the County Attorney to work with the pueblos to prepare a proposed joint powers agreement pursuant to New Mexico state law that will create a joint board and will establish governance of the regional water authority. Aside from the wastewater piece, the BCC has already directed staff to accomplish what recommendation two sets out.

Speaking from experience, Chair Nylander said the communication process with sovereign nations needs to start early and be ongoing.

- Add reference to Resolution 2012-53 to Recommendation 2
- Include wastewater as an important component within conceptual water plans. There was agreement that the investigations of water systems should be conducted concurrently with those of wastewater.

Ms. Trujillo said her community welcomes a dialogue that includes both water and wastewater. Chair Nylander said an agreement between Pojoaque Pueblo and Santa Fe County to investigate a regional wastewater collection and treatment facility is provided in the sections following the recommendations within the white paper. Pojoaque Pueblo Governor Rivera invited the other three Aamodt-related pueblos to connect to a regional wastewater treatment system. There has been a great deal of conversation between the pueblos and the County in this regard. With the overwhelming focus on the water settlement and water system residents are unaware of how much work has been accomplished in terms of wastewater. Santa Fe County has oversized the headworks for the current wastewater plant so it would be adaptable to tying in the other pueblos and non-pueblo areas of the county.

Mr. Tercero said wastewater lines generally require gravity flow, are installed at a different depth than water lines and are very different projects.

The reason wastewater has not been addressed, offered Ms. Borchert, is funding. The federal share from Aamodt is only addressing the water settlement and funding needs to be identified for wastewater projects. Ms. Trujillo said pursuing funding for wastewater is an important component and she supported going after it. Chair Nylander mentioned that there had been \$1 million in state funding appropriated which reverted in 2011 because Santa Fe County had not been able to enact the plan. The County had been going to the legislature to get state money to start building collector systems. He was confident there would be a separate effort to put together funding for wastewater. There have been IHS projects that serve as partial steps to tie into Pojoaque.

Returning to the white paper, Ms. Simmons pointed out that many readers will not read further than the executive summary and recommendations.

Referring to Recommendation 5, Chair Nylander said the idea was to encourage the BCC to repeal and replace the resolution because of the issues brought up by the mutual domestics.

Apologizing for having to leave early, Ms. Bokum said she too recognized many of the readers will not venture further than the recommendations and in an attempt to better frame and add context to the recommendations she offered a stronger introduction on the recommendations page: "Opportunities for regionalization range from pursuing collaborative partnerships among small water and wastewater utilities and their functions to arranging a region-wide water and wastewater authorities requiring legislation."

Referring to Recommendation 6, Ms. Bokum advocated eliminating it in its entirety. However, she was willing to respect the Committee's desire. Mr. Silber suggested 6 start with "Consider the pros and cons of legislation enabling..." and Ms. Bokum said that would help. She excused herself from the remainder of the meeting.

Ms. Winship appreciated Ms. Bokum's concerns regarding 6 and added she did not want the BCC to consider legislation as a one-shot solution for Santa Fe. Broadening the Commission's view on the possibility of multiple regional authorities could be accomplished and evolve over time within the County, adding one size does not fit all.

Mr. Silber said he didn't read 6 as limiting; it contains regional authorities. Reference to the state legislation could be removed.

Ms. Simmons said her area is already involved in collaborations and mentioned a gas utility shared by Estancia, Mountainair and Willard and that that same association (EMW) is working on a water transmission line to facilitate farmers wishing to put their water rights to beneficial use. She said her area was already advancing and some in her area are suspicious of Santa Fe County. She noted that the Estancia Basin was the first to complete water planning and they have updated that plan.

Chair Nylander emphasized that the recommendations did not steer the BCC to form a regional authority; rather, to inform that the concept is viable and has its use in certain applications and that they should pursue discussions with people/entities.

Mr. Silber suggested expanding the language in Recommendation 3 to make it clear that regional authorities are not the only possibilities for consideration.

- Provide cross-referencing where appropriate after each recommendation
- Move page 25, the entity comparison chart to follow on the back of the recommendation page. In the index pages 5 and 6 should be listed under recommendations
- Rearrange Recommendations: 1, 2 and 6 under a separate heading of "Water Authority" and place 3, 4, and 5 under the heading of "Other Recommendations"
- Lettering was preferred over what could be perceived as weighted numbering of the recommendations

Bill Schneider, City Water Resources Coordinator, said the recommendations appear soft and there was an omission of the need for an engineering analysis in terms of dividing the County demographically and establishing viability in pursuing options.

Following discussion the six recommendations were revised with the understanding additional wordsmithing may be necessary, as follows:

The Water Policy Advisory Committee recommends that the Board of County Commissioners consider the following actions:

1. A) Take the initiative to hold joint meetings and discussions with appropriate representatives from the City of Santa Fe to determine the mutual level of interest and benefit in pursuing the regional authority concept to operate and maintain water and wastewater utilities in Santa Fe County within a site-specific area in the vicinity of Santa Fe and any other affected entities that provide water or wastewater service within the area.
2. B) Take the initiative to hold joint meetings and discussion with appropriate representative from the four (4) Aamodt Pueblos and any other affected entities that maintain service in that area to determine the mutual level of interest in pursuing the regional authority concept to construct, operate and maintain water and also, importantly, wastewater utilities in the Pojoaque, Nambe and Tesuque Valley areas, within a site-specific boundary. [Reference Resolution 2012-53 and map number identifying the area]
3. D) Endorse the concept of "regionalization" and encourage and assist other water or wastewater utilities, both public and private, to pursue collaborations and partnerships that achieve some of the same benefits of a regional authority in order to improve their economies of scale, long-term sustainability, and increase their technical, managerial, and financial capacity to construct, operate and maintain a water or wastewater utility.
4. E) Take the initiative to hold joint meetings and discussions with appropriate representatives within Rio Arriba County and Santa Fe County to discuss the potential for collaborative efforts to improve water and wastewater, watershed and stormwater

management in site-specific areas of the Española Basin in order to promote the sustainability of water resources.

5. F) Continue the on-going process to review and replace Resolution 2012-58 “A Resolution Articulating County Policy Regarding Funding Requests From Private Quasi-Public, or Public Water and Wastewater Systems for Capital Improvements” with a new comprehensive resolution to improve this public policy.
6. C) Consider the pros and cons of supporting legislation enabling creation and implementation of regional authorities for water and wastewater utility services, as well as for other beneficial community services including, but not limited to, stormwater management, solid waste management and disposal, recreational parks, streets and roads. The legislation should consider specifications for each service to be provided by an applicant for regional authority status, including an ability to allow any regional authority to reapply to add additional statute-authorized services in the future, using a streamlined application amendment process.

In terms of organization of the white paper, Ms. Winship said the paper lacks sufficient information about the materials that immediately follow the recommendations (Sanitary Projects Act, the Cooperative Associations governing document, the Non-Profit Corporation Act and the Water and Sanitation Act) and there was redundancy. Chair Nylander said rearranging the document could easily be accomplished with the regional projects information directly after the recommendations to provide greater supporting context with regionalization to follow.

The title “Regional Water and Wastewater Authority or Regionalization?” was changed to “Regional Water Authority.” The term water authority tended to be reduced to the legislative definition. Ms. Winship said she found that to be accurate because it is a legislative process.

Referring to page 4, Chair Nylander said Purpose and Introduction provides definitions and within the text regionalization (with a small r) has to do with other kinds of partnerships. He said he would work on reorganization and embellish the section on regionalization with a clarification that it is not a Regional Authority.

On page 4, for clarification the word “regional” was removed from the third paragraph: “This White Paper explores the concept of regional water and...” as well as other places within the text. Capitalizing Authority was also recognized as helpful in clarifying the paper.

- Rearranging titles to read with the entity first, followed by the governing act, i.e., Mutual Domestic Water Consumer Associations as governed by the Sanitary Projects Act

Mr. Tercero recommended consolidating the information on the two sections about mutual domestics and special districts with the appendix.

- Include specific organizations as examples under each of the categories.
- Referring to the Utton chart, there was agreement that it was out of date, had omissions, promoted misinformation and should best be left out. The chart provided in the text was more useful and appreciated by the Committee

- Page 16, first full paragraph, the sentence “However, creation of a regional authority works best when...” was eliminated
- Editorial comment: Check page orphans, pages 6 and 28 were identical, and search and replace statue with statute

Chair Nylander said with rearranging and wordsmithing he felt the document could be finalized and sent out.

The document will be presented to the BCC on August 26<sup>th</sup>. Chair Nylander offered to edit the White Paper and distribute to the members.

Mr. Silber moved to adopt the document authorizing the Chair to make the editorial changes as discussed this evening and unless there is a major issue, that the document be considered the WPAC’s submission to the BCC. Mr. Tercero seconded and the motion passed by unanimous voice vote.

The Committee commended and thanked Chair Nylander for his efforts.

## **VI. Discussion Items**

### **A. Workplan Task: Aquifer Storage and Recovery White Paper and Recommendation**

Chair Nylander distributed documents regarding Aquifer Recharge (AR) and Aquifer Storage and Recovery (ASR). Referring to the diagram contained in the white paper prepared by Daniel B. Stephens & Associates for the Jemez y Sangre Water Plan Alternatives Assessment, the Chair reviewed the water supply from the aquifer. The zone above the aquifer is the unsaturated zone or Vadose Zone which starts at the soil surface and goes down to the saturated zone. Depending on location it can be from a foot to hundreds and hundreds of feet thick. In the arid southwest and other places where there is a lack of water people try to save water by reinjecting (by pump or infiltrate) water under the surface to the aquifer where it will not evaporate. He described different methods; infiltration basin, infiltration galleries, Vadose Zone recharge well, and groundwater recharge well. Other methods include discharging treated effluent downstream into a river bed. He mentioned that letting treated effluent flow through the unsaturated Vedose zone achieves an additional treatment filtering of particles that enhances the purification.

Santa Fe County has conducted studies in the past that identify geological areas conducive to aquifer storage within the County either by infiltration or injection models. He mentioned Pojoaque’s subsurface caliche zone that when penetrated the water beneath it is under pressure and has an artesian quality. Typically unsaturated aquifer does not have a confining layer although geology can be very complex.

The Committee’s charge is to study the different concepts and make a determination whether the concept has any application in Santa Fe County. There are currently three aquifer storage projects in New Mexico: Rio Rancho, injection of treated effluent; Albuquerque/Bernalillo, pumping water up Bear Canyon Arroyo and discharging it down the arroyo for infiltration with monitoring wells; and Rancho Viejo, injection of treated effluent. He identified John Shomaker

as the pre-eminent in the field whose rule of thumb is that only half of the water that has been removed from the aquifer can be reintroduced. That is attributed to the collapse of the geologic materials.

Chair Nylander encouraged the committee to read the provided materials and be prepared to take a field trip to Albuquerque to look at one of the sites as well as having the County staff review the previous County studies.

Mr. Silber said he has followed the Bear Canyon project and the groundwater is currently not usable. The objective is to improve it to standard drinking water quality. The questions of where and why Santa Fe County should consider aquifer storage treatment needs to be addressed to identify the motivations. The rationale and the goals of aquifer storage need to be answered to determine whether it's a good idea for the County.

County Hydrologist Karen Torres was mentioned as a resource to provide information on the previous studies.

Ms. Borchert said where water is coming from is an important question. It only makes sense if there is water that is not already allocated. In the City's case the effluent was not already being used. The County is different because they have right to water that are not all allocated that could be treated and put in the ground. And there's also the use of effluent from the County's treatment plant. The City recently funded a feasibility study looking regionally at wastewater and opportunities that exist to make the best use of that. Stormwater can also be considered. She mentioned that the cost can be very high in infiltration/recharge wells.

Chair Nylander mentioned the Village of Cloudcroft had a water shortage issue and injected their reclaimed wastewater into the aquifer. They are now building a wastewater treatment facility to provide a toilet to tap project. A few places in Texas and Florida have ASR projects.

NMED has had a difficult time with ASR and requires that all water pumped back into the aquifer meet drinking water standards.

Ms. Simmons noted that there are jurisdictional considerations regarding runoff. "The more you define things, the more you confine and confound things."

Ms. Winship said what has troubled her about NRCS engineered projects in the acequia world is that a great deal of concrete and pipe is used contrary to current science that acequias are doing aquifer recharge. She questioned whether this was the right thing. Ms. Trujillo said water is metered at the head but not at the end. She said the community wants to retain/preserve their acequias and riverbeds which recharge the aquifers.

Chair Nylander said the acequia storage aspect will be discussed. There are so many different ways of keeping water from evaporating. The idea is to improve aquifer storage.

Staff with the Chair's input will develop an outline/framework/study guide on how to develop the issues surrounding artificial recharge technology; why do we want to use this technology.

Ms. Simmons said the New Mexico Water Resources Research Institute has a great deal of information on this as does the Bernalillo County Groundwater Protection Committee

Ms. Borchert said while the question has been asked in other places the question before this committee is whether ASR is applicable to Santa Fe County. She agreed that reviewing what others have done is valuable to inform the question.

A conversation regarding the sediment in Santa Cruz Lake occurred.

Concern of contamination of the water table and chemistry came up.

Mr. Tercero said it would be valuable to find out how the pond system used at the MRC golf course has affected the water table in the area.

**VII. Matters from the Committee**

Chair Nylander said he would meet with staff and develop a plan for moving forward.

**VIII. Matters from County Staff**

Ms. Borchert asked about having paper copies of the meeting materials rather than strictly electronic copies.

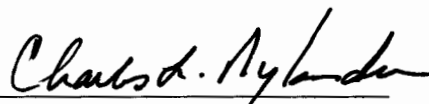
**IX. Matters from the Public**

Julie Filatoff, a resident of Rancho Viejo and market coordinator for Daniel Stephens & Associates said her firm worked the ASR projects mentioned and she was available to help set up a tour. She offered her proofreading assistance to the White Paper.

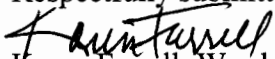
**X. Adjournment**

Having completed the agenda and with no further business to come before this Committee, Chair Nylander declared this meeting was adjourned at approximately 8:50 p.m.

Approved by:

  
Charles Nylander, Chair

Respectfully submitted by:

  
Karen Farrell, Wordswork

2014 JUL 15 10:15 AM