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4 **MINUTES OF THE**  
5  
6 **THE CITY OF SANTA FE & SANTA FE COUNTY**  
7  
8 **BUCKMAN DIRECT DIVERSION BOARD MEETING**

9  
10 **December 5, 2019**

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12 This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting  
13 was called to order by Commissioner Anna Hamilton, Chair, at 4:02 p.m. in the Santa Fe  
14 City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

15  
16 Roll was called and the following members were present:

17  
18 **BDD Board Members Present:**                      **Member(s) Excused:**  
19 Commissioner Anna Hamilton, Chair              None  
20 Councilor Peter Ives  
21 Commissioner Anna Hansen  
22 Citizen Member Denise Fort  
23 Councilor Michael Harris [4:20 arrival]

24  
25 Mr. Tom Egelhoff [non-voting]

26  
27 **BDD Board Alternate Members Present:**  
28 Mr. J.C. Helms [Citizen alternate]  
29 Ginny Selvin [Las Campanas alternate]

30  
31 **Others Present:**  
32 Rick Carpenter, Acting BDD Facilities Manager  
33 Nancy Long, BDD Counsel  
34 Mackie Romero, BDD Finance Manager  
35 Bernardine Padilla, BDD Public Relations Coordinator  
36 Randy Sugrue, BDD Operations Superintendent  
37 Jamie-Rae Diaz, City Administrative Assistant  
38 Alex Puglisi, City of Santa Fe  
39 Bryan Armstrong, BDD Maintenance Supervisor  
40 Regina Wheeler, City Public Works  
41 Kyle Harwood, BDD Counsel  
42 Dan Frost, S & W  
43 Joni Arends, CCNS  
44 James P. Bearzi, Glorieta Geoscience  
45 Jay Lazarus, Glorieta Geoscience  
46 Rachel Brown, Interim County Attorney

1 **3. APPROVAL OF AGENDA**

2 [*Exhibit 1: Agenda*]

3  
4 CHAIR HAMILTON: I wanted to ask if we could move Matters from the  
5 Board, to an earlier point in the agenda, maybe after either approval of the agenda or after  
6 approval of Consent. Nancy or Jamie or anybody or Rick, are there any other changes?

7 RICK CARPENTER (Acting Facilities Manager): Madam Chair, I do not  
8 have any changes but Jamie-Rae Diaz has one minor change she would like to make.

9 CHAIR HAMILTON: Thank you Jamie-Rae.

10 JAMIE-RAE DIAZ (Administrative Assistant): For the next regular  
11 meeting it states Thursday, January 9, 2019. It should be Thursday, January 9, 2020.

12 CHAIR HAMILTON: Circling back would be exciting, wouldn't it?

13 COMMISSIONER HANSEN: But it's still January 9<sup>th</sup>.

14 MS. DIAZ: It is.

15 COMMISSIONER HANSEN: Will you please send out a new request? I  
16 can't delete the request I have on mine that was sent out by Nick Schiavo.

17 MS. DIAZ: Yes, I will.

18 COMMISSIONER HANSEN: Thank you.

19 CHAIR HAMILTON: So what's the pleasure of the Board?

20 COMMISSIONER HANSEN: I move to approve with changes. So you  
21 want to move Matters from the Board after Consent?

22 CHAIR HAMILTON: Yes.

23 COUNCILOR IVES: Second.

24 CHAIR HAMILTON: Thank you. I have a motion and a second.

25  
26 **The motion passed by unanimous [4-0] voice vote.** [Councilor Harris was not  
27 present for this action.]

28  
29 **4. APPROVAL OF CONSENT AGENDA**

30 **12. Request for Approval of a Payment to the Bureau of Land Management in**  
31 **the Amount of \$68, 407.01 for BDDB Right-of-Way Rental Fees**

32  
33 CHAIR HAMILTON: Are there any items that people have questions  
34 about or that they want pulled? Or what's the pleasure of the Board?

35 COUNCILOR IVES: Move to approve.

36 MEMBER FORT: Second.

37 CHAIR HAMILTON: So is there any discussion? I have a motion and a  
38 second for the Consent. There's only one item.

39  
40 **The motion passed by unanimous [4-0] voice vote.** [Councilor Harris was not  
41 present for this action.]

42  
43 **MATTERS FROM THE BOARD**

44  
45 CHAIR HAMILTON: So that takes us to Matter from the Board. The first  
46 thing I want to do just to get it out of the way is my statement. I'll state for the record and

1 for our minutes, that the only matter discussed during executive session of our last Board  
2 meeting on November 7, 2019 was the matter as stated in the motion to go into executive  
3 session, and no action was taken.

4 And so then in other Matters from the Board I wanted to maybe – well, actually,  
5 this is awkward because Councilor Harris isn't even here.

6 COMMISSIONER HANSEN: So do you want to wait?

7 CHAIR HAMILTON: I suppose we should try to give him a few minutes.  
8 Now that I formally moved Matters from the Board, do any other Board members have  
9 any matters to discuss?

10 NANCY LONG (BDD Counsel): Madam Chair, I did see Councilor  
11 Harris in the hallway earlier so I know he plans to be here. He just maybe got caught up  
12 in another meeting.

13 CHAIR HAMILTON: I would beg everybody's – I hear a voice. Is  
14 everybody looking to the door for a reason?

15 COMMISSIONER HANSEN: We could do it after the minutes.

16 CHAIR HAMILTON: If I can ask everybody's indulgence and maybe we  
17 can do approval of the minutes.

18  
19 **5. APPROVAL OF MINUTES: November 7, 2019**

20  
21 COMMISSIONER HANSEN: Madam Chair. I have changes to the  
22 minutes. On page 4, line 28, the \$120,000 needs a comma instead of a period.

23 CHAIR HAMILTON: Very nice.

24 COMMISSIONER HANSEN: Okay. That's all I have.

25 CHAIR HAMILTON: So with that change, what's the pleasure of the  
26 Board?

27 COMMISSIONER HANSEN: I move to approve with changes, unless  
28 there's any changes from staff on the minutes.

29 MR. CARPENTER: Staff has no changes.

30 COUNCILOR IVES: Second.

31 CHAIR HAMILTON: I have a motion and a second.

32  
33 **The motion passed by unanimous [4-0] voice vote.** [Councilor Harris was not  
34 present for this action.]

35  
36 CHAIR HAMILTON: So we've approved the minutes and we still don't  
37 have Councilor Harris.

38 COUNCILOR IVES: Madam Chair, I would move that we postpone  
39 Matters from the Board until the arrival of Councilor Harris.

40 CHAIR HAMILTON: Thank you.

41 COMMISSIONER HANSEN: Second.

42 CHAIR HAMILTON: Thank you.

43  
44 **The motion passed by unanimous [4-0] voice vote.** [Councilor Harris was not  
45 present for this action.]

1 **5. REPORT ON DECEMBER 3, 2019 FISCAL SERVICES AND AUDIT**  
2 **COMMITTEE**

3  
4 MACKIE ROMERO (BDD Financial Manager): Madam Chair, members  
5 of the Board, a Fiscal Service and Audit Committee meeting was held on Tuesday,  
6 December 3, 2019. In attendance was myself, BDD Financial Manager, Rick Carpenter,  
7 Interim BDD Facilities Manager, Commissioner Hamilton, Councilor Harris. From the  
8 Las Campanas we had Tom Egelhoff, Jeannie Sullivan and Linda Spingler. I provided an  
9 update on the fiscal year 18/19 audit and financial statements in which our auditors,  
10 Clifton Larson Allen, have submitted a letter on behalf of BDD to the State Auditor  
11 informing them that the submission of the financial statements was going to be late.

12 The City of Santa Fe as our fiscal agent is having difficulties with certain matters  
13 that have impacted the audit and financial statement preparation of the Buckman Direct  
14 Diversion but I am working closely with the City and our auditors for a timeline of  
15 deliverables to achieve a submission date to the State Auditor of March 31, 2020. I will  
16 continue to provide updates during our monthly FSAC meetings and to the Board.

17 In FSAC we discussed the first quarter financial report which I will provide  
18 additional details during my presentation of that item. The members had no major issues  
19 or concerns as we discussed timing of expenses and encumbrances due to the new  
20 accounting system and next year budget contributions to the major repair and  
21 replacement fund. We also discussed Consent Agenda item #12 and this is the annual  
22 payment to the BLM which is for our right-of-way rental agreement. This is done every  
23 year and is part of our operating budget.

24 We discussed our action item #14 and that will be discussed later by me and  
25 Bryan Armstrong. Are there any other questions or notes from our FSAC meeting?

26 CHAIR HAMILTON: I didn't have any. Does anybody have questions?  
27 There was certainly a little bit of discussion about having another late audit and I don't  
28 know if anybody had questions about that. Mackie is doing everything she can to get that  
29 in, but I don't know if there are any additional concerns.

30 MS. ROMERO: Okay. Thank you.

31 CHAIR HAMILTON: Thanks so much.

32  
33 **INFORMATIONAL ITEMS**

34 **7. Monthly Update on BDD Operations**

35  
36 RANDY SUGRUE (Operations Manager): Madam Chair, members of the  
37 Board, BDD diversions and deliveries for the month of November averaged – raw water  
38 diversions, approximately 3.6 million gallons per day; drinking water deliveries through the  
39 booster stations, 3.4 million gallons combined per day; Las Campanas just had a single daily  
40 pumping day so I did note that as an average. It was about 150,00 early in the month; onsite  
41 treated and non-treated water was about .2 million gallons per day on average, so BDD was  
42 providing approximately 58.8 percent of the water supply to the City and County for the  
43 month.

44 Canyon Road has eased off on their production a bit as we go through November, so  
45 BDD production is balancing that by picking up our production a bit as December begins.  
46 That's essentially it and I stand open for questions.

47 CHAIR HAMILTON: Thank you very much. Are there any questions? Yes,

1 Councilor Ives.

2 COUNCILOR IVES: Thank you, Madam Chair. Looking at page 2 of the  
3 report, the chart there on the San Juan-Chama in storage, I just wanted to say that I really  
4 enjoy the clarity in this particular chart, that sort of step function in the blue at the bottom,  
5 which is the water in Heron showing basically the releases of San Juan-Chama water into the  
6 system. And then of course it being pulled out and going into storage in Abiquiu. So this  
7 provided in my mind a really crystal clear picture of the movement of that water within the  
8 system which I really appreciate.

9 MR. SUGRUE: That compliment goes to Mr. Carpenter and Mr. Roach who  
10 assisted with updating this and adding that clarity to that page.

11 COUNCILOR IVES: Loving it.

12 MR. SUGRUE: Very good.

13 CHAIR HAMILTON: Just for the record, that's Dr. Roach.

14 MR. SUGRUE: Dr. Roach. Correct.

15 CHAIR HAMILTON: Are there other questions? Thank you.

16 MR. SUGRUE: Thank you very much.

## 17 18 **8. Report from the BDD Facilities Manager**

19  
20 MR. CARPENTER: Thank you, Madam Chair and members of the Board. At  
21 the last Board meeting there was a request made that what had previously been a verbal  
22 report from the facilities manager now be in the form of a memo to the Board, so that's why  
23 you see it in your packet now. So getting to it, all three BDD entry level operator positions  
24 have been filled. Basic operator and intermediate operator positions have also been filled and  
25 training for those new employees and orientation has begun and it's going very well.

26 The lead operator position is still open. We're working on that. We have not made an  
27 offer at this time but we expect to be able to use the existing list of eligibles so that should  
28 speed things up.

29 CHAIR HAMILTON: So there are adequate options there?

30 MR. CARPENTER: Yes, Madam Chair.

31 CHAIR HAMILTON: Thank you.

32 MR. CARPENTER: Mackie and I, mostly Mackie, have been working on  
33 filling those two financial administrative positions. I have an update to that. The contract  
34 administrator position did advertise as of today, so we've had some success there as well as  
35 the new facility manager advertisement went out today as well. I don't think it's been posted  
36 on the City's website but it is out there.

37 CHAIR HAMILTON: Excellent. Are there questions? Member Fort.

38 MEMBER FORT: I had missed the last meeting. I saw there was some  
39 discussion of the process. By what amount has the salary been increased? If it's not too  
40 repetitive, can you say anything more about the advertising for that position?

41 MR. CARPENTER: Madam Chair and Member Fort, yes. We made a  
42 number of changes that hopefully make the position more attractive, not the least of which is  
43 to increase the salary and to post the minimum salary an applicant might expect which is  
44 \$102,000, so that's a significant increase over the previous amount. Other changes that were  
45 made which won't appear in the job announcement but we have authorization from HR to  
46 make these offers which is to potentially cover any moving costs. I think it's up to \$5,000,  
47 and authorization to use a talent recruiter as well. We've got efforts underway to get that  
48 implemented as well. So those are the major changes that we requested and were granted.

1 MEMBER FORT: And Madam Chair, is the position open until filled or what  
2 is the nature of the posting?

3 MR. CARPENTER: Thank you for reminding me. It's a little more  
4 complicated. The City is in the process of switching over from its old system to a system  
5 called Munis, which runs pretty much everything, including HR functions. That system is  
6 slated to close out on December 13<sup>th</sup>. So this position, the facility manager position, would  
7 also close necessarily on December 13<sup>th</sup>, which isn't a very long run time. However, Munis is  
8 expected to be up and running on December 18<sup>th</sup> so the position will repost at that time for a  
9 period of 30 days.

10 MEMBER FORT: Thank you.

11 CHAIR HAMILTON: Are there other questions? Thank you.

12  
13 **9. City of Santa Fe Compliance with Safe Drinking Water Act Drinking Water**  
14 **Standards** [*Exhibit 2: City Water Quality Report*]

15  
16 CHAIR HAMILTON: Welcome, Alex.

17 ALEX PUGLISI (Environmental Compliance Specialist): Thank you,  
18 Madam Chair. Before I go onto that I want to take care of the Los Alamos permit  
19 application. [Mr. Puglisi distributed copies of the application on CD, which otherwise  
20 would be overly bulky.] The City of Santa Fe will be looking at that and making  
21 comments, if appropriate. I also have copies of what we call our annual water quality  
22 report, commonly referred to as the consumer confidence report, which is required by the  
23 Safe Drinking Water Act. It actually goes over a lot of the concentrations and pollutants  
24 that I'm going to be discussing today.

25 I heard there were some concerns on the Board with relation to a certain interview  
26 that occurred recently and it was publicized on radio. And just to let you know, there was  
27 a similar interview that was actually published in the paper several years ago basically  
28 trying to compare the City of Santa Fe's water to public health goals issued by the State  
29 of California. And we said it was inappropriate to make that relationship in the past and  
30 we still consider it inappropriate to basically use public health goals – which are goals –  
31 to basically determine what is considered the safeness of drinking water.

32 So let me just –

33 MEMBER FORT: Madam Chair, may I interrupt? If you had a handout – I  
34 didn't receive that.

35 MR. PUGLISI: It's not a handout. These are notes from myself. This is a  
36 verbal –

37 MEMBER FORT: I thought you had a little pile of the City report.

38 MR. PUGLISI: These are the annual report. Did you get a copy of this?

39 MEMBER FORT: No. Madam Chair, I receive my bill electronically and  
40 pay online so I don't get a lot of –

41 MR. PUGLISI: Actually, it may be good for everybody to have a copy.

42 MEMBER FORT: Thank you.

43 MR. PUGLISI: Because I will be pointing out one or two things on the  
44 report that haven't been mentioned in the interview. Let me read something from the  
45 State of California's website for the office that was referenced in this interview. "As long  
46 as drinking water complies with all MCLs it is considered safe to drink, even if some  
47 contaminants exceed public health goal levels. A public health goal represents a health

1 protective level for a contaminant that the State Water Resources Control Board and  
2 California's public water supply systems should strive to achieve if it is feasible to do so.  
3 However, a public health goal is not a boundary line between safe and dangerous levels  
4 of contaminants in drinking water. Drinking water can still be considered acceptable for  
5 public consumption even if it contains contaminants at levels exceeding the public health  
6 goal."

7 So this is basically a prelude to the public health goals that were being referenced  
8 in that interview. Basically, it's funny that they only referenced California's public health  
9 goals because EPA also establishes public health goals and they're called maximum  
10 contaminant level goals. So EPA regulates water systems under MCLs which are  
11 maximum contaminant levels but EPA has a set of goals that basically are associated with  
12 each MCL. And basically both EPA and the State of California have to start with a goal,  
13 and then EPA and the State and of California, another agency possibly, have to try to  
14 establish MCLs as close to that public health goal as technologically and economically  
15 feasible.

16 One of the things I would point out is some of the levels that were actually  
17 referenced in this interview are not even achievable through the best available  
18 technology, or any available technology, and that was not mentioned in the interview  
19 whatsoever.

20 MEMBER FORT: I'm sorry, Madam Chair, again to interrupt. I don't  
21 know to what interview. I missed –

22 MR. PUGLISI: I'm sorry. I thought the Board was aware of this.

23 CHAIR HAMILTON: Yes. Most of us were.

24 MR. PUGLISI: So apparently – was it two months ago – there was an  
25 interview on KSFR radio with the Environmental Working Group.

26 CHAIR HAMILTON: It was probably about six weeks ago. Six or seven  
27 weeks ago.

28 MR. PUGLISI: The Environmental Working Group is an advocacy  
29 organization that advocates for mostly standards that apply to organic foods, to pesticide  
30 levels in foods. They've actually recently gotten very involved in drinking water and  
31 they've used the California public health goals as a reference for their comparisons of  
32 drinking water around the nation for several years now. I would mention that part of why  
33 they do this is to raise funding for their organization.

34 I find it interesting that they seem to focus on Santa Fe so much. I'm not sure  
35 why, because there are a number of systems in New Mexico that actually have levels of  
36 contaminants in their drinking water much higher than ours and they never talk about  
37 those water system. Now twice in the last three years they've actually focused on Santa  
38 Fe for some reason, and that's what I'm referring to here.

39 So during that interview they were referencing California public health goals as a  
40 standard that should be met. And basically, I'm saying that standard is inappropriate and  
41 even the State of California recognizes that comparing standards to public health goals is  
42 not only inappropriate but not the way they do business.

43 So I really wanted to just stand for questions but I thought that some items should  
44 be pointed out. First, EWG made this comment that legal is not necessarily safe. Well,  
45 I'm not sure what they do consider safe then because under the system that we have to  
46 deal with in terms of all environmental regulation, legally is considered safe. And so

1 considering the levels that we have met in our drinking water, which are usually  
2 significantly below any contaminant levels, I would consider the City of Santa Fe's water  
3 safe, as well as the source water coming from BDD, which we have to cover in our report  
4 since we take that water and we distribute it throughout our system and wheel it to the  
5 County system also.

6 The other – I heard a comment on the way over here on the radio that it's not the  
7 facts, it's who delivers them. They do present some facts but they present them in a very  
8 misleading way. For example, they were pointing out numbers that if you look at our  
9 table, the numbers they were referring to are the maximum numbers that were obtained at  
10 any one source in our system. For example, they were using a number for nitrates that  
11 was 8.4. Well, that sample was a one-time sample taken from a well that was run maybe  
12 two weeks out of the entire year in 2018. And we have to sample that well. As soon as we  
13 put water into the distribution system, that well must be sampled. That is not reflective of  
14 what the citizens of Santa Fe or the County of Santa Fe are drinking on a daily basis.  
15 Number one, because that well serves a very limited geographic area, and number two,  
16 because that water is mixed in the distribution system, and number three, it accounts for  
17 1/150 of the time that you're drinking water throughout the year. And so it's neither  
18 representative geographically or in the matter of time.

19 Public health goals are actually based on consumption of water every day of a  
20 person's life for 70 years at a rate of about four to six liters per day. So the fact that even  
21 if everybody in Santa Fe were exposed to the water coming from this particular well,  
22 which by the way, is below standard, below Safe Drinking Water Act standards, for two  
23 weeks out of the year, there would be no adverse impact on that person's health  
24 anticipated under the public health goal.

25 And so I think they're somewhat misleading in the way they presented their  
26 numbers, very misleading. The other thing they reference was the disinfection  
27 byproducts. They talked about the highs that were noticed in the disinfection byproducts.  
28 They never talked about the lows, which were 1/50 of the highs, and actually 1/50 of the  
29 standard. And so to basically give the people of Santa Fe the impression that they're  
30 drinking these high levels – still below standard – 365 days a year is totally misleading  
31 and it's misleading in the fact that that level, the levels that we have achieved have never  
32 been shown to cause cancer, even for somebody drinking that water every day of their  
33 life for 70 years.

34 And so I don't disagree with some of the information they cited; I disagree with  
35 the manner in which it was cited.

36 So I would also mention that EWG never mentioned the fact that most sources  
37 sampled during 2018 were non-detect for most contaminants regulated under the Safe  
38 Drinking Water Act, and so didn't even appear on this table. So you can see, this table is  
39 very limited. We're actually required to sample over 80-something contaminants a year. I  
40 forget the exact number – 88 – I think it's going up almost every year. But out of the total  
41 number of contaminants we sampled for, only about 13 of them showed up at some level  
42 within our system and at some source. You have to remember, we have four primary  
43 sources of water – two surface water and two well fields.

44 And when these numbers showed up, they didn't show up in all sources. You can  
45 see for nitrates the well fields were non-detect, the ten million gallon tank was non-  
46 detect, and the same for other constituents such as gross alpha. They never mentioned



1 that fact.

2 So they gave the impression that all the water in our system basically had this  
3 high level of contamination when our very own annual report and the numbers that  
4 they've obtained from EPA show that most of our sources were non-detect for most of  
5 the year, and that only a few sources actually had some levels of contaminants below  
6 Drinking Water standards but present for a certain period of time during the year.

7 The surface water sources actually came out very – if you were to give it a clean  
8 versus less clean, surface water actually showed the least number of contaminants out of  
9 all our sources, and that's because we have contaminants that are naturally occurring  
10 basically within the soil, and so a lot of our wells actually pick up these contaminants  
11 because we're basically pulling water that has been leaching these contaminants from soil  
12 over time and so the surface water numbers are very low.

13 Basically, I could go on and on about the data. I sat up last night thinking about  
14 this point and that point, but I think they misrepresenting our report. They misrepresented  
15 the information from EPA, mainly to give people the impression that the water supply is  
16 unsafe and it is definitely not unsafe. In fact we're one of the cleaner systems in New  
17 Mexico, if you were to rank in terms of how close to the standards you got. And with  
18 that, I would actually just stand for questions.

19 CHAIR HAMILTON: Excellent. Thank you. Very much appreciated that  
20 you did this. And put so much time into it. Are there questions from the Board?

21 MEMBER FORT: Could you remind me with the California – has  
22 California actually set new MCLs, did you say? Or they're still using the federal MCLs?  
23 Have they set MCLs, or only MCLGs?

24 MR. PUGLISI: California sets public health goals, which is –

25 MEMBER FORT: Just goals.

26 MR. PUGLISI: And they're required to – I actually worked for the State  
27 Water Resources Control Board in California and the Office of Environmental Health  
28 Hazard Assessment is required to set these public health goals. They're required to  
29 review them once every five years. That does not mean they will change those. They will  
30 only change those goals if there is new information that warrants a change. Most often,  
31 there is no change in those five-year periods. It's much the same way EPA reviews its  
32 standards every five years and actually EPA goes a step further and there's a rule that was  
33 passed under the Safe Drinking Water Act. It's called the Unregulated Contaminant  
34 Monitoring Rule. So EPA will look at new contaminants every five years that have not  
35 been looked at before. And so what they'll do is they'll make almost every system in the  
36 United States sample for these contaminants to see if there's a predominance of that  
37 contaminant out there in water systems and whether it should be due for regulation.

38 So for example, we had to do, under UCMR 3 hexavalent chromium, which is  
39 cited by EWG, was the first time EPA actually required drinking water systems to sample  
40 for hexavalent chromium. By the way, that's one of the concentrations they brought up  
41 and on a regular basis we do not sample for hexavalent chromium; we sample for total  
42 chromium. That is the EPA standard at the current time. The number they used actually  
43 came from our UCMR sampling, and it was one source, and once again, it was a well in  
44 the Buckman wellfield.

45 MEMBER FORT: Thank you. So California, while it has a large  
46 epidemiological staff and toxicologists and so on, has not advanced from EPA's MCLs,

1 is your statement. They have goals but they have not adopted stricter MCLs.

2 MR. PUGLISI: I would say that some of their levels have become more  
3 stringent than EPA's levels but they have not been adopted as standards by the State  
4 Water Resources Control Board.

5 MEMBER FORT: Okay. Thank you. And then I have a question about the  
6 total trihalomethanes on the report. This would be – I think actually there aren't page  
7 numbers but you know where the trihalomethanes numbers are showing. It's on the other  
8 side here. So the trihalomethanes, so in the second, you've got the MCL of .08, and we  
9 have had a range of .004 to .060. This would be surface water, I'm assuming, where the  
10 trihalomethanes are showing up?

11 MR. PUGLISI: Yes. Trihalomethanes and haloacetic acids are basically  
12 part of the Surface Water Rule, and so basically we're required to sample under that rule.  
13 So it deals with mainly surface water sources. The reason for that being that's where you  
14 have total organic carbon that can actually be converted into trihalomethanes.

15 MEMBER FORT: And has – Madam Chair, if I could ask a question. I've  
16 been interested because there was a time that we were quite high, way back in the day,  
17 for trihalomethanes. How have we changed chlorination practices, or what have we  
18 changed with regard to surface water supplies to keep that number lower?

19 MR. PUGLISI: One of the things that I've tried to achieve and we as a  
20 system have tried to achieve, and in fact we had conversations about this this week is  
21 trying to keep the chlorine level as low as possible while still achieving disinfection as a  
22 residual at the end of the line. So what we're required to do is sample at the customer's  
23 tap for disinfection residual and so they actually recommend we try to achieve a .2, which  
24 is not necessary but recommended. We've actually tried to adjust our levels where we're  
25 still seeing disinfection at the end of the line but adding as little chlorine as possible.

26 Now, I'm not saying that we're always consistent in that. Sometimes the chlorine  
27 levels get a little bit high and we try to bring them down immediately when we see that  
28 happening. The other thing you could do is you could probably chlorinate in different  
29 areas instead of chlorinating at a large storage tank and sending water throughout the  
30 distribution system, because trihalomethanes go up in your distribution system. And the  
31 reason for that is because of the longer contact time you get more production of  
32 trihalomethanes.

33 However, your haloacetic acids actually go down, and so it's a trade-off.  
34 Haloacetic acids, which are also carcinogens are highest in the early part of the system  
35 because they peak rapidly and then decline after that. Trihalomethanes, it's a curve that  
36 eventually peaks but it's a long curve throughout the distribution system. So the longer  
37 the contact time the more THHMs.

38 MEMBER FORT: Thank you. And I wanted to ask about unregulated  
39 contaminants but maybe others do.

40 CHAIR HAMILTON: Go ahead and ask.

41 MEMBER FORT: So in terms of EPA, which as we know is not now  
42 setting standards, and we understand the State will be setting standards for the new class  
43 of unregulated contaminants and what is the City doing with respect to those?

44 MR. PUGLISI: The State of New Mexico has told us that there will be a  
45 rulemaking process. They haven't told us the specifics of that rulemaking process. We've  
46 been asking them for the last year when they announced it. They announced it about a

1 year ago and we still haven't seen anything in terms of the revision of their standards or  
2 their regulations.

3 EPA as of yet has not promulgated any new rules or standards and without  
4 making a political comment here I don't think you'll see that for a few years.

5 MEMBER FORT: I think I understand your political comment without  
6 your making it. And so my question would be, what is the position of the City with  
7 respect to – I would tell you I'm a supporter of the Environmental Working Group. I  
8 didn't hear the interview, however, but in an instance like that where there is not an  
9 MCL, what does the City do with respect to those contaminants?

10 MR. PUGLISI: So one of the things that under UCMR we looked at when  
11 we took our samples and got our results back is we actually compared them to  
12 California's standards and the public health goals. And only, like I said, in one instance,  
13 did we actually exceed the hexavalent chromium standard that was actually developed by  
14 the State of California. So that was very encouraging. The same thing for PFAs and  
15 PFAOs, the two classes of contaminants you're hearing a lot about these days. We looked  
16 at ours in comparison to some of the guidance that was out there and we found that in  
17 most instances we saw none. I think there was one instance where we saw some and it  
18 was at such low levels it was hard to determine whether that was even a real number of  
19 not. Part of the problem with the California public health goals is that those detection  
20 levels cannot even be achieved through current laboratory methods and they push it down  
21 below current laboratory detection levels, method detection levels. And so you can get a  
22 non-detect but that does not mean that you meet a California public health goal.

23 MEMBER FORT: Thank you.

24 CHAIR HAMILTON: Commissioner Hansen.

25 COMMISSIONER HANSEN: So with the hexavalent chromium found in  
26 moderate, low levels, is there any way that we can include that in our sampling from  
27 LANL so that they start paying for some of our sampling on the wells, since they have  
28 such a huge plume up above us?

29 MR. PUGLISI: Are you talking about with respect to the chromium  
30 plume?

31 COMMISSIONER HANSEN: Yes. If we found it in some of our wells.

32 MR. PUGLISI: One well.

33 COMMISSIONER HANSEN: Okay. One well.

34 MR. PUGLISI: And we attributed it to naturally occurring sources.  
35 Hexavalent chromium is naturally occurring in the environment.

36 COMMISSIONER HANSEN: Okay.

37 MR. PUGLISI: And what we have entered into with Los Alamos and  
38 we've actually been doing this for a number of years, but we actually changed – it's a  
39 good question, because we actually asked Los Alamos to change their method from total  
40 chromium to hexavalent chromium at the three wells that are being sampled under an  
41 agreement between us and LANL, so we have a memorandum of understanding in place  
42 with LANL for them to sample wells 1, 6, and 8 – Buckman wells 1, 6, and 8, because  
43 those are the closest to the river, and if we're going to see an impact from LANL it will  
44 be at those wells first. So we're using them kind of as sentinel wells for the rest of the  
45 wellfield, and we have not seen high levels of hexavalent chromium that can be  
46 attributed to LANL in those wells.

1 COMMISSIONER HANSEN: Okay. Thank you. I did see the monitoring  
2 of LANL-derived contaminants and it says wells 1, 2, 6, and 8, with the memorandum of  
3 understanding we're testing those wells for other contaminants.

4 MR. PUGLISI: Right. We're also testing those wells for radionuclides –  
5 tritium and other radionuclides. But we've actually dropped well 2 from that mix because  
6 we felt that wells 1, 6, and 8 were more representative.

7 COMMISSIONER HANSEN: Okay. Thank you.

8 CHAIR HAMILTON: Thank you. Councilor Ives.

9 COUNCILOR IVES: Thank you, Madam Chair. So just looking at the  
10 EWG website they do identify for Santa Fe – they have a page that covers contaminants  
11 detected and they compare this utility to the EWG health guideline. So they don't appear  
12 to reference California, at least here that I'm seeing quickly. So they base theirs on  
13 California?

14 MR. PUGLISI: I went into that page and actually looked up their  
15 comparison of our numbers to the EWG guidelines. So their numbers are mostly based on  
16 California public health goals and in a few instances they deviate from those, and those  
17 instances are instances where they have disagreement with the California public health  
18 goals. And so in a number of instances they're saying that they're most appropriate goals  
19 out there but where they disagree, like fluoride, for example, they deviate from those  
20 California public health goals.

21 The California public health goal for fluoride is 0.7, which is the CDC  
22 recommended level, and the EWG doesn't accept that number. They have a different  
23 number.

24 COUNCILOR IVES: And the numbers on this page, at least for this  
25 utility, are those presumably the high samples taken for these particular compounds over  
26 the course of a year?

27 MR. PUGLISI: That's correct.

28 COUNCILOR IVES: And not an average.

29 MR. PUGLISI: Because those numbers that you're seeing there are  
30 basically the numbers that are compiled by EPA in the database that we use to produce  
31 this report. The drinking water database, I go in there and I pull out these numbers and  
32 basically where we had hits we have to present a low, a high or an average if appropriate.  
33 For example, the disinfection byproducts – disinfection byproducts are actually based on  
34 a long-range actual average. And so it's not just one sample but it's our samples averaged  
35 over a year's time.

36 COUNCILOR IVES: And I notice they do cite then a legal limit and  
37 certainly all the measurements from our utility are beneath those legal limits so they do  
38 appear at least here to confirm that we are within limits that have been established for  
39 safe drinking water at this point in time.

40 MR. PUGLISI: Board member Ives and other Board members, yes, they  
41 do. But however, if you listen to the interview, the prelude was that legal is not safe.

42 COUNCILOR IVES: Right. And they do have that statement on the  
43 website as well, and not knowing more about how they establish their own guidelines and  
44 establish those as the safe limits, I can't comment further.

45 MR. PUGLISI: They basically used the California public health goals for  
46 most of the guidelines. They use some of the EPA MCLGs and then they went elsewhere

1 for those that they disagreed with.

2 COUNCILOR IVES: Very good. Thank you.

3 CHAIR HAMILTON: Councilor Harris.

4 COUNCILOR HARRIS: Thank you, Mr. Puglisi. You make a very  
5 convincing case, so my question is, will you consent to an interview at KSFR? I say that  
6 with a smile on my face but the fact of the matter is there's I think some  
7 misunderstanding that comes from these types of conversations or interviews that really  
8 our drinking water is unsafe. I feel it is very safe indeed. I think that as a representative  
9 and the man who really is responsible for understanding, gathering and conveying the  
10 data, I would encourage you to consent to some interviews.

11 The other thing too, I've read this at home. It's in wide circulation throughout the  
12 city in our utility bills. I think personally that this report can make a stronger assertion in  
13 fact that our water is safe. I mean really and truly. When you look at this, this is hard for  
14 me to really pull out kind of the affirmation that you provided that in fact our drinking  
15 water is safe. In fact it talks – it's too – I don't want to say it's too bland but it just is too  
16 straightforward almost. I really think that the City of Santa Fe should in fact make a  
17 stronger statement about our water quality and what we do. That's all I have to say.

18 So anyway, would you consider interviews? KSFR? KSWV I think is a great  
19 place.

20 MR. PUGLISI: I actually have gone on KSWV and talked about the report  
21 every year that it comes out.

22 COUNCILOR HARRIS: Good.

23 MR. PUGLISI: And I have consented to an interview with KSFR in the  
24 past but it never materialized.

25 COUNCILOR HARRIS: That's too bad. All right. Well, thank you. Thank  
26 you for your work.

27 MR. PUGLISI: You bring up a good point though. Basically, the City of  
28 Santa Fe's format for this is a format that's been mandated by EPA, so these things that  
29 we repeat year after year after year are repeated only because we have to. We have to talk  
30 about arsenic. We have to talk about voluntary monitoring. We wish we had more  
31 leeway. What we could do, and other cities have gone to doing because they're heard  
32 comments such as yours, is they're spending a lot more money on their report now and  
33 they're making a narrative to go along with it, a narrative that actually explains how the  
34 water is safe, why it's safe, and how it affects them.

35 And so I've noticed a lot of the California reports because this drove me to look at  
36 some of their annual reports. By the way, very few of them are meeting California public  
37 health goals in all instances, and they actually have to report that out in their California  
38 required CCR. So the State of New Mexico doesn't have a separate requirement for a  
39 CCR other than an EPA requirement. They adopted EPA's regulation by reference, but  
40 the State of California has their own regulation that applies to the annual report.

41 We could certainly – basically, this fits in an envelope that can go out with your  
42 bill. Something more extensive than this would have to be sent out separately. But I agree  
43 with you that it may be worth the extra expense of mailing this out to 26,000 households,  
44 I believe.

45 COUNCILOR HARRIS: I believe it would, because people – what does  
46 the City provide? Really and truly, of all the service, we absolutely have to provide safe

1 drinking water. And if we're doing that we need to tell that and make sure the people  
2 understand it. So that would be my point of view.

3 MR. PUGLISI: Thank you. So when I come to the council for some  
4 additional funding I will look to you.

5 COUNCILOR HARRIS: Seriously, I think there's a real audience  
6 amongst the governing body and others that we need to be clear. If in fact we're doing  
7 what we're supposed to do, well, let's say it.

8 MR. PUGLISI: I agree.

9 CHAIR HAMILTON: I just had one quick question, because I actually  
10 looked for it and I didn't have that much time to look, but on the EWG site to try to find  
11 out what they used as a basis for some of the numbers where they deviated from MCLGs  
12 and what not. Do you have a sense for where they get some of the numbers, like the  
13 fluoride number for example?

14 MR. PUGLISI: They've looked different guidelines off of different  
15 scientific sources.

16 CHAIR HAMILTON: Do they present that?

17 MR. PUGLISI: No. They never footnote it that this was obtained for the  
18 New York Department of Environmental Quality, or – so it does make it difficult to track  
19 down exactly where that number is coming from.

20 CHAIR HAMILTON: I was wondering if I was just missing it, but I  
21 wanted to be able to get that off the site and I couldn't.

22 MR. PUGLISI: Yes. For whatever reason they do not do that and it could  
23 be a little bit more in depth and I understand or realize why they're not doing that. One of  
24 the criticisms, you can actually find a lot of criticisms about how EWG presents their  
25 number is that they often look for relationships. Instead of looking for cause and effect,  
26 they look for relationships.

27 CHAIR HAMILTON: Correlations. Yes.

28 MR. PUGLISI: And so they often cite scientific studies that will say  
29 something like fluoride causes brain damage in your children and they're citing studies  
30 that were done on children right next to a coal-fired power plant and they fail to mention  
31 the fact that mercury is being emitted by that coal-fired power plant, which has a direct  
32 relationship between learning disabilities and neurological problems. But they'll use it to  
33 justify the fluoride level. So I have a feeling that the fluoride level comes from one of  
34 those studies.

35 CHAIR HAMILTON: Okay. Thank you very much.

36 MEMBER FORT: Madam Chair, if I could just comment on that. I think  
37 that we might agree on this Board and citizens that we would like an EPA that updates its  
38 standards more often than every two decades or every 40 years, every 20 years, and that  
39 we haven't. EPA has been slow to do this, very slow under current conditions. New  
40 Mexico is way too small to do it ourselves and the kind of resources that would be  
41 required. I guess I'm agnostic on whether EWG is in California but in the national  
42 committees I've been on we actually worked and relied on California standards. I think I  
43 wasn't clear that they were goals, not standards at the time, but we relied on California  
44 epidemiologists because they have a much bigger staff than any state except – than  
45 anything but the EPA.

46 And so I'm not negative on EWG. I'd like to see – and I'm not positive, I don't

1 have the background. I looked at one point for toxicologists to advise the Board when we  
2 were doing the source water review questions and couldn't find any toxicologists who  
3 were available to us to do this. So I would just say we're not going to write another letter  
4 as a Board but I hope EPA under a future administration will start doing more standard  
5 setting and reviewing standards so that we don't have to rely on a no doubt poorly funded  
6 environmental group to say here's what the standard should be, but that we can really rely  
7 on the EPA standards.

8 I second would say that I agree with Councilor Harris oddly enough about putting  
9 out some of the word. There's an environmental cost to people who think they're getting  
10 better water when they buy plastic bottled water, or even when they buy bulk water and  
11 they don't actually know what's in that water. It's less regulated than the City water  
12 system and it has an environmental cost for people to be using the plastic bottle or driving  
13 around filling up the big ones. So our telling the public that as far as we know, this is  
14 pretty good quality drinking water. You don't need to get an at-home treatment system  
15 that wastes a lot of water and you don't need to buy plastic bottles. I'm very much in  
16 favor of that.

17 CHAIR HAMILTON: Thank you.

18 MR. PUGLISI: And Board Member Fort, I would not give the impression  
19 that I'm totally in opposition to the public health goals that EWG has presented as being  
20 legitimate. I certainly believe that the California public health goals are legitimate goals,  
21 but they are goals. And they're not standards. And the fact that most water systems in the  
22 country right now could not either economically or technically meet those goals gives me  
23 cause to say that it's incorrect to evaluate water systems in public in that manner.

24 CHAIR HAMILTON: Thank you.

25 MR. PUGLISI: Thank you for your time.

26 CHAIR HAMILTON: We really appreciate the input. Well done.

27  
28 **MATTERS FROM THE BOARD (cont.)**

29  
30 CHAIR HAMILTON: So I think this can move us back to the remainder  
31 of Matters from the Board. I was going to initially – we have two Board members who  
32 are for totally inexplicable reasons leaving us, and I think I would initially turn to Rick to  
33 give them trouble about this.

34 MR. CARPENTER: Thank you, Madam Chair. Yes, we're sorry to see  
35 you both go. You've provided a great value and great service to the duties and the  
36 business of this Board and the way that it conducts its business. We are better off for  
37 having you on the Board. We're sorry to see you go. From a staff perspective we've  
38 always valued your input and your oversight and we thank you for your time on the  
39 Board. We do have a couple of things for you that staff has put together that are in the  
40 blue bags there. You may want to take a look, and I'm sure that the Board members  
41 would like to have a few words.

42 CHAIR HAMILTON: Exactly. Shall we start at the end? Do you guys  
43 want to start?

44 [Away from the microphones, Ginny Selvin thanked the Councilors for their wit  
45 and wisdom and stated she learned a lot from them. J.C. Helms indicated they were great  
46 colleagues and he was sorry to see them go.]

1 MEMBER FORT: I've also very much appreciated both of your work and  
2 I must say the seriousness about all of this. That's been impressive.

3 CHAIR HAMILTON: Commissioner.

4 COMMISSIONER HANSEN: Councilor Harris and I got off to a little  
5 rocky start in the beginning of our tenure together and we have worked through that and  
6 become quite good friends, at least I think of you as a good friend, and I am going to be  
7 very sorry to see you leave this Board. I have learned a lot from you. I appreciate your  
8 detail in contract reading and I think you could have a long career in teaching people how  
9 to read contracts, especially in this city, we could use that input. So I will miss you and  
10 thank you.

11 Councilor Ives, I have known you for a very long time. We have worked together  
12 for many, many, many, many years. I am sorry to see you stop being the Councilor for  
13 the City. I think you have brought your own unique perspective and I am grateful for all  
14 of your hard work and dedication to the City.

15 COUNCILOR IVES: Thank you, thank you.

16 CHAIR HAMILTON: Thank you. God, that comes to the Chair. OMG. It  
17 really has been a pleasure working with you. It is really one of the awards, both of you, of  
18 working people who have expertise and who bring all of that and dedication of service  
19 and just a congenial way of even arguing on things that we – I can't think of things we  
20 had great disagreements with. I can really only think of all the input of information and  
21 the support for whatever we need to do and it's been a pleasure and a pleasure to see all  
22 you contribute to the City and to the BDD.

23 Actually, before they get to say anything, is there anybody else in the audience  
24 who would like to say anything to these gentlemen: Okay, we got a thumbs up for them.  
25 That's good.

26 COUNCILOR IVES: Let me jump in first. When Mike and are in any  
27 other meetings together we sit side beside in the second and third chair over there, so it  
28 has been just a pleasure to be doing the City and of course this Board as well with him.  
29 You can only ask for folks who are attentive to the information that is provided, that ask  
30 probing and germane questions and have a passion for service, really, to the people of the  
31 City of Santa Fe, and the Buckman and the County as well and Las Campanas, and so for  
32 all of those reasons Mike has been a great colleague and just a delight to be able to work  
33 with over the past four years.

34 And for me, the service to the City is something that I have been actually thankful  
35 for having had the opportunity to do because the City as a construct is this close  
36 relationship between the government and the governed and you have capacity to actually  
37 have impact on people's lives in positive ways. And learning about the issues, figuring  
38 out what we can do with the resources available to try and address them, because there  
39 are inevitably a host of competing things as both intellectually engaging and really fun at  
40 some level. So for me it's been an honor and a privilege to be able to serve in all of the  
41 capacities I have while a City Councilor.

42 And Buckman is a great example of one of those significant constructs in this area  
43 that is critical the City's sustainability, the City's resiliency and will remain so and I am  
44 always impressed tremendously with the foresight that led to its creation and the fact that  
45 the Buckman is utilized to provide additional waters, 5,200 acre-feet to the City of Santa  
46 Fe and of course is the diversion point for the raw water and the County's water as well.



1 So significant, and to have been able to serve with all of you and deal with those issues as  
2 colleagues has been tremendously meaningful and delightful. So I am appreciative for all  
3 of you for having had that opportunity.

4 CHAIR HAMILTON: Thank you so much, Councilor Ives. Councilor  
5 Harris.

6 COUNCILOR HARRIS: So first of all, I need to talk about the gentleman  
7 – truly a gentleman to my right. Peter and I have known one another at a lot of different  
8 levels, not just as colleagues on the City Council and Buckman Direct Diversion Board,  
9 but as parents with children in the same schools, and the Trust for Public Land when he  
10 so admirably provided services throughout the West. My company several years ago  
11 provided services to TPL on the Railyard Park. So we've had a long-standing work  
12 relationship and appreciation for one another.

13 And it's true that we don't always agree on things but that's kind of beside the  
14 point. One thing we do agree on is what we consider is our refined sense of humor. Don't  
15 think we're talking about you when we're nudging one another. We're making some glib  
16 comment of some sort. But really, Peter is a real gentleman and a real intellect and I've  
17 always appreciated working with Peter.

18 To me, Buckman Direct Diversion, this Board has been extremely important and I  
19 think that from my own personal development, again, working in a capacity on behalf of  
20 the citizens of Santa Fe which for many years was on the Planning Commission and  
21 chairing that and that's one level of work that gets done and lessons that get learned. And  
22 certainly kind of dispute resolution almost when you're on any Planning Commission.

23 And then the City of Santa Fe, being a member of the governing body takes it to  
24 another level, but what I think is really important about this body, and quite frankly the  
25 Solid Waste Agency too is the professional attitudes that everybody brings: the County  
26 Commissioners, the City Councilors, Citizen Member Fort. This to me is kind of a model  
27 of other areas where there should be greater cooperation between the City and the  
28 County, and Commissioner Hansen and I have particularly talked about this, and actually,  
29 in my, what the Mayor calls exit memo, I will cite some areas that I think there should  
30 really be further involvement.

31 But Buckman Direct Diversion is a tremendous example of how you tackle a very  
32 complex situation – a lot of money on the table, technically difficult, but really is only – I  
33 think is best served by what we have now, with citizen members, Las Campanas, because  
34 they have an ever increasing seat at the table, which is very important, but actually in  
35 many ways it boils down to the elected officials, the County Commissioners and the City  
36 Councilors.

37 So this is what's extremely important, I believe, for the future of our region and  
38 trying to really tackle all the things that we need to do. When it comes to the Board and  
39 the staff, I've always been impressed from day one when I took the tour and started to  
40 understand what the system was about and the problems that were inherent almost from  
41 day one. It's been a long road; there's still a ways to go, but I think that the staff has  
42 really done an admirable job at the financial level, at the technical level. I hope we can  
43 really get all the positions filled that we need to so we can really – as well as get some of  
44 the other technical problems behind us.

45 So anyways, I really want to thank everybody for allowing me to participate and  
46 allowing my voice to be heard because, yes, Commissioner Hansen and I have disagreed

1 on occasion but we have a tremendous amount of respect for one another and  
2 appreciation. Certainly Commissioner Hamilton and Member Fort, thank you once again  
3 and Mr. Helms, you were right. You were right on the big one several years ago. I won't  
4 go into the details but you know what I'm talking about. So thank you for what you've  
5 accomplished as well as well as Ms. Selvin and Mr. Egelhoff, that really understands  
6 things. Tom understands things quite frankly on a technical level far better than I do. But  
7 anyways, thank you very much.

8 CHAIR HAMILTON: Well, we can't thank you enough. It's going to be  
9 hard shoes to fill. Is that the expression? Moving forward.

10  
11 **10. Report on First Quarter Financial Position for Fiscal Year 19/20**

12  
13 MS. ROMERO: Madam Chair, members of the Board, this report is to  
14 update the BDD Board and its partners on the first quarter financial position as of  
15 September 30, 2019. As I do every year I provided budget overviews and partner  
16 contributions, so I will just go over a few numbers and see if you have any questions. In  
17 the first quarter we've spent \$1,265,204. Of that we've billed back to the partners for  
18 reimbursement. I do have a graph there that shows how that allocation is getting  
19 reimbursed by our partners. The variable and the project-wide costs are projected based  
20 on water usage. I have encumbrances and projections through 6/30/2020.

21 There is some timing delays with expenses and encumbrances as we were in a  
22 new accounting system so it took us a little bit over two months to get invoices out and  
23 contracts encumbered, but with that we're looking at to spend about 90 percent of our  
24 budget. That does include some vacancy savings and some additional contracts that still  
25 need to get execute in our materials and supplies. We have some RFPs that got to get  
26 issued within the next six months to help spend down some of that money.

27 On page 2 of the report I do show the other funds. We have our emergency  
28 reserve fund and our major repair and replacement fund. We have cash balances and  
29 funds that have been authorized by the Board for expenditure. So we have \$576,000  
30 authorized by the Board for expenditure which will occur by the end of the fiscal year.  
31 Are there any questions on any of those specific numbers here?

32 CHAIR HAMILTON: Thank you. Does anybody have any particular  
33 questions? Okay. We're good.

34 MS. ROMERO: Thank you.

35 CHAIR HAMILTON: Thank you. Well done. That was quick.

36  
37 **11. Update on Solar Investment Grade Audit (IGA), possible arrays for BDD**  
38 **and next steps** [*Exhibit 3: Preliminary Solar PV Survey*]

39  
40 CHAIR HAMILTON: Welcome, Regina.

41 REGINA WHEELER (City Public Works Director): Hello, Madam  
42 Commissioner, members of the Board. Thank you so much for having me to talk about  
43 the solar project. As I was telling people when I walked in, I have two megawatts of good  
44 news for you.

45 CHAIR HAMILTON: Well framed.

46 MS. WHEELER: So I'll give you a little bit of an overview of what it is

1 we're talking about here. So the City has undertaken an investment grade audit as you  
2 said and that is part of an energy service contract. Our goal of this project is to put solar  
3 behind every City meter where it makes financial and physical sense.

4 So we evaluated 20 facilities approximately and approximately 20 pumping  
5 stations for feasibility for solar. So that for a survey they looked at the utility bills for at  
6 least 12 months if not up to three years to take a look at the financial feasibility, and then  
7 actually visited the sites to take a look at the physical feasibility. And what our criteria  
8 was for what made sense was if the payback is 15 years or less on a solar array, that's a  
9 really excellent investment, because the array's life is 40 years.

10 The warranty on the panels is 25 years. The warranty on the inverters, standard is  
11 ten years. Inverters can easily be swapped out after 10 of 15 years when they fail. The  
12 model that we're looking for for this project is ownership, so the City or Buckman Direct  
13 Diversion or the utility would own the arrays, and actually you might be thinking to  
14 yourself that with the 30 percent federal tax credit which actually just went down this  
15 December – next year it will be less – that you would want privates to own it. That's why  
16 we do the PPA things. Actually, with the low cost of capital for the public entity and for  
17 the lower transaction fees for the public entity and the control that we have, ownership is  
18 actually a better financial deal as well as a physical deal for us. So that's the model we're  
19 looking at is ownership model.

20 The City will definitely be using bond financing for their arrays. The Utility  
21 Department might have other resources that they might want to consider investing  
22 depending on the price here and we can talk a little bit about the prices. As part of this  
23 project and this process that we've undertaken for this project, the State of New Mexico  
24 Energy, Minerals and Natural Resources Department will review in detail every single  
25 array that's proposed and valid the proposed savings based on our analysis, so they'll do  
26 their own analysis, and what that does is that gives us a statewide stamp of approval to  
27 take with us to go get bonding on or loans on, and this is being done quite a bit  
28 throughout the state. In fact this is our second energy services contract here at the City of  
29 Santa Fe. So that's a nice piece of the process.

30 So that's kind of the background and the summary of the context and then one of  
31 the things we'll have to undertake as we move forward with the projects. The process  
32 would be that we'll finalize this list. The engineers will dive in a little bit more. We  
33 actually met with Rick and the other utility leaders today to go through and look at each  
34 array and have them raise issues that they might see with the siting or the usage patterns  
35 that we've done our evaluation on and got their feedback, so the engineers do have some  
36 follow-up from that, the solar engineers.

37 Once we get this list finalized it will come back to the governing body. We're  
38 targeting like end of January, and again, also to the Buckman Direct Diversion Board  
39 again of course, for approval as a project and a contract that will get us underway. We're  
40 actually already under contract for the project so there's no further procurement required,  
41 but the next step in an energy services contract, the first step is the IGA, and then the  
42 second step is a construction contract. And so that would have the scope of the list of  
43 solar arrays as well as we're doing lighting retrofits, water conservation retrofits and  
44 some energy envelope retrofits to really have a really good package of energy saving  
45 measures.

46 So then right after the governing body approves, then we would undertake the

1 process of preparing to construct the arrays. Of course with Buckman Direct Diversion as  
2 usual there'll be agreements for leasing land from the – it says it here, Forest Service,  
3 which is good news because the BLM leasing is a longer process. We had to do that for  
4 the booster station 2-A array. And so that would be – and then PNM interconnection is  
5 another pretty big lead time. That could take up to six months. So what we're  
6 recommending is that we don't actually pull our financing out of whatever mechanism it  
7 is, whether it's a loan or a bond or a savings account until after we get past these first  
8 hurdles of the land acquisition or lease and the PNM interconnection agreement, and then  
9 there'll be one other piece that's going to be important in the process for the Buckman  
10 Direct Diversion arrays, which is the public response to any visibility issues from across  
11 the canyon.

12 So we can move on to this list that I've handed you out. This is the big master list  
13 that you get to see and we're actually scooping the Mayor on this because he hasn't seen  
14 it yet. But the two arrays that are on here for BDD have stars next to them. They're about  
15 three-quarters of the way down the page. You can see one is proposed for the lift station,  
16 and that is a 281-kilowatt array. The Forest Service owns the land and the payback looks  
17 like about 12.7 years, which is really excellent. It means you're making money fast on  
18 that.

19 And then the second array that was identified was BDD booster state 1-A, which  
20 is an 875-kilowatt array, and it has an 11.9-year payback, which is really great. This one  
21 actually has an extra operational benefit which is working with booster station 2-A solar  
22 array, and then when you get booster station 1-A on the solar then you can move  
23 operations to daytime and have both of the booster stations running off of solar power  
24 during the daytime rather than buying expensive power from the utility, whereas right  
25 now, they have to pump at night to get the cheap energy and save operational money.

26 And so these both I think have some visibility sensitivity because of their  
27 proximity to the river and so that would be another – so there'd be three sort of longer  
28 lead time and maybe gating criteria that we have to cover before we could move forward  
29 with these arrays and we'd be carefully walking through those steps.

30 And then there's one additional array that's not on here which thankfully Mr.  
31 Carpenter pointed out to us today, which is another megawatt for the plant itself. And that  
32 one is probably very feasible in most ways except for that we will have to really have  
33 PNM see their way clear to having us connect another megawatt to that plant without  
34 losing our 15 cent per kilowatt-hour REC on the existing megawatt array. That's maybe  
35 about \$350,000 a year. So that's really important to preserve that REC and PNM will try  
36 to say that you lose the REC if you connect another array but there's a separate meter at  
37 the plant. We've done it once before so there is precedent for hooking up another  
38 megawatt to the other meter without losing the REC but if it were to lose the REC then  
39 that probably makes that array not feasible.

40 So with all of that, I'm happy to answer any questions.

41 CHAIR HAMILTON: Fabulous. Are there questions or comments?

42 COMMISSIONER HANSEN: Thank you, Regina. This is exciting and  
43 I'm excited to see the numbers and see what you're planning to do and I support this  
44 wholeheartedly. We get more solar out at Buckman, so thank you for working on this.

45 MS. WHEELER: You're so welcome. Thank you for your support.

46 MEMBER FORT: I wanted to thank you, Madam Chair, and I wanted to

1 thank you and apologize. I looked at the agenda and didn't see Regina was here, so this is  
2 great. For the ones that aren't asterisked, the ones that are below, it says COSF does not  
3 own the land. So what is the reason? That's a physical issue but can you say more about  
4 each of those?

5 MS. WHEELER: Actually, so those are not BDD. Those are Buckman  
6 wells so they're the Water Department, so I only thought we would talk about the  
7 Buckman Direct Diversion ones. Even though the City of Santa Fe doesn't own the land  
8 on that one you pointed out, anything that has an X in the far right-hand column we are  
9 planning to include in the project and work through the issues. I think one or two of them  
10 might have fallen off because when we looked at the renderings it ended up that the  
11 Water Division is using the land for other things or it really has other challenges, but  
12 we're really trying to make all of these happen. I think we only nixed a 50-kilowatt, that  
13 Buckman well #1 is probably the one that's at most risk right now, but I think all the rest  
14 of them looked pretty good. They may change in size.

15 MEMBER FORT: I also just want to thank you so much for getting on  
16 this, and then I would assume there will be some questions about the use of the water  
17 fund or bonding and so on in terms of how they're paid for, but it's a great thing to thing  
18 that we'll be cutting our emissions.

19 MS. WHEELER: Yes. Great. And I might just foreshadow that a little bit.  
20 Mr. Carpenter and I have begun that conversation because the finances of the City are  
21 significantly separate from BDD, which is also separate from the utility, and so I think  
22 each of those entities will be making some decisions about how to fund it and we'll see  
23 how we partner to leverage the best result for everybody.

24 MEMBER FORT: Thank you.

25 CHAIR HAMILTON: Councilor Ives.

26 COUNCILOR IVES: Thank you, Madam Chair. Regina, just a quick  
27 question. On the right-hand side you have two columns, base and enhanced. What's the  
28 difference?

29 MS. WHEELER: Yes. Thank you so much for that question. The base is  
30 what we have to do. You'll see that some of those that are marked down actually have the  
31 great payback, like one particular one is miserable. The public library, Southside. It's on  
32 the bottom of the top third there, has a 42-year payback. But we had actually listed that  
33 array in the grant from the state that we got last year and plus it's super high visibility.  
34 We really want to put solar on that Southside Library. So that's what base was. It's stuff  
35 we had to do. And then we could add to that all the things that made financial sense.

36 COUNCILOR IVES: And then the other question is the timing of  
37 everything. What's the pathway, and at least for the ones that we're talking about here, of  
38 particular interest to BDD, when would we expect construction to start and when would  
39 we think it would be complete?

40 MS. WHEELER: Thank you so much for that question. I can try to give  
41 you an estimate of that. So we're expecting to come back to the boards and the governing  
42 body for approval in early February. Then we would undertake those gating items, like  
43 having some public meetings to talk about visibility issues, submitting interconnection  
44 applications to PNM and starting to pursue the land acquisition. We would probably need  
45 to give that six months. PNM will easily take that long. I think the land acquisition would  
46 too, so that's February. That's puts us in August. And then if everything was a go, we

1 would probably go for funding at that point. So it would take us a couple of months to get  
2 our money in our hand, because we don't want to get the money if we can't do the  
3 project.

4 So then September/October, some of these can be constructed in the winter and it  
5 actually might be ideal out here, as long as we weren't in a muddy winter moment like  
6 we are right now. So depending on constructability, certainly over the next year from  
7 that date, I would say.

8 COUNCILOR IVES: Great. Thank you. And thank you for bringing this  
9 to us.

10 CHAIR HAMILTON: Councilor Harris.

11 COUNCILOR HARRIS: Well, although my other Board members seem to  
12 know Ms. Wheeler, all I want to say is that I'm glad always that Regina is on the job  
13 because she's the perfect person to drive this forward. She has been driving it forward  
14 and she will follow through, so, again, thank you.

15 MS. WHEELER: Thank you so much.

16 CHAIR HAMILTON: Thank you. And no other questions? Excellent.  
17 Thank you so much, Regina. Excellent to see.

## 18 19 **DISCUSSION AND ACTION**

### 20 **13. Citizen Member and Alternate Citizen Member Selection process**

21  
22 MS. LONG: Yes, Madam Chair and members of the Board. The current  
23 citizen member and alternate citizen member and thank you to Citizen Member Fort for  
24 hanging on another year when she thought she was out of here last year. Their terms  
25 expire March 3, 2020, so with that in mind the BDD staff advertised for these positions  
26 and extended that advertising for the position until the end of November. There have  
27 been six applications of interest, as I understand it, so it is timely now for the Board to set  
28 up the process for selecting that member and citizen member.

29 What I would recommend is that the Chair appoint a committee with the  
30 appropriate representation to include a County member. I think last year the Chair was on  
31 there so that could be fulfilled by the Chair. The City member, obviously you would have  
32 to wait until after the first of the year and staff and whoever the Chair would think would  
33 be appropriate on that committee. Hopefully conduct the interviews in January and bring  
34 recommendations to the Board at your February meeting so that they can commence their  
35 two-year term in March of next year.

36 CHAIR HAMILTON: So could you just – you went over the general  
37 timing, but the applications are already in, and so presumably we would sit the panel and  
38 have meetings and do interviews, and we would do it presumably between January when  
39 there are new City members. So after the holidays, so January, February timeframe? Is  
40 that the target?

41 MS. LONG: Yes, Madam Chair. Hopefully the interviews and review of  
42 applications could occur in the month of January with recommendations from that  
43 committee coming to the Board at your February meeting. Then we would be right on  
44 time for when the terms expire of the existing citizen members in March. Although if that  
45 doesn't happen by then, the current citizen members, if they agree, obviously continue to  
46 serve until their replacements are appointed.

1 CHAIR HAMILTON: Excellent. And so is it our task tonight to name the  
2 review committee. You mentioned me as Chair for the County representative, the City  
3 member, but you didn't mention anybody else. I certainly have had some ideas and we've  
4 talked about them. Do we want to do that tonight?

5 MS. LONG: Madam Chair, you could do that tonight. The Board could  
6 simply say that the Chair will appoint that committee and we'll find out if those members  
7 are willing to serve on the committee and that would happen presumably early January.

8 CHAIR HAMILTON: Councilor Ives.

9 COUNCILOR IVES: I have submitted as a possibility, so I could recuse  
10 myself from any consideration of how the process is to move forward, and make that  
11 disclosure. So I'm happy to step out. Whatever is appropriate because I don't know what  
12 is contemplated in terms of –

13 CHAIR HAMILTON: I had a recommendation but I'm happy to hear –  
14 and I will present that. Commissioner Hansen.

15 COMMISSIONER HANSEN: I feel that in reality in January  
16 Commissioner Hamilton and myself will be the only two members who have actually  
17 served on this Board. There will not be anyone else. I mean possibly Denise might be  
18 interested in serving on the committee. But I would be interested in serving on the  
19 committee to see whoever is there.

20 CHAIR HAMILTON: Councilor.

21 COUNCILOR HARRIS: Thank you, Madam Chair. I think that as  
22 alternate, Councilor Vigil Coppler should receive consideration. I would imagine – I have  
23 no idea. I don't think anybody does of how the committee assignments will roll out after  
24 January 1 when new people are sworn in, but I have to believe that Councilor Vigil  
25 Coppler will be asked to serve as the transition person.

26 COMMISSIONER HANSEN: Excuse me, Madam Chair. I hope so, and I  
27 didn't mean to ignore her but –

28 CHAIR HAMILTON: To be honest, to have a small committee for doing  
29 the review, we were talking about having one County person, one City person, the Water  
30 Utility Director, which would be Jesse Roach, the facility director, which would be Rick,  
31 and Nancy as the attorney, as representative of all the functions. So that's just putting that  
32 out on the table as a possibility.

33 COUNCILOR HARRIS: I think that's workable, certainly. I don't think  
34 you need any more than that but those are kind of the key stakeholders in this. So if you  
35 would like a motion – do you need a motion?

36 CHAIR HAMILTON: I have no idea.

37 MEMBER FORT: Madam Chair, I would offer, as the oldest person here,  
38 that I was interviewed by Liz Stefanics and Joe Maestas and that was – the committee  
39 consisted of those two.

40 CHAIR HAMILTON: Of two people.

41 MEMBER FORT: I think the applicants may have consisted of one, who  
42 didn't actually apply. That would be me. So there were two people on the committee and  
43 one applicant.

44 CHAIR HAMILTON: That's so interesting. I heard rumors that the very  
45 first citizen member was interviewed in public by everybody. Like that just seems  
46 horrible plus it would take a lot of time to do that.

1 MEMBER FORT: Madam Chair, in the interests of telling anecdotes,  
2 could I say that my predecessor warned me that it was a very uncomfortable position.  
3 You sat between the City and the County and you decided. So I'm happy to say I was not  
4 in that position. I have not had to make the City and County unhappy. She said it was  
5 rather sweating.

6 CHAIR HAMILTON: So, Nancy, what do we need to do to proceed with  
7 this because I think the idea of keeping the committee down. I think having staff and  
8 legal, it's just a diversity of points of view. Otherwise having two County and two City  
9 are only – it's just numbers that we're talking about. So the intent was to do the Chair and  
10 Vice Chair, but we're losing a Vice Chair so we have no way to do that.

11 MS. LONG: Madam Chair, I think you also want to avoid a quorum issue  
12 as well. So Board members, there's a maximum, and then I think a motion to have the  
13 Chair appoint a committee along the lines of what the Chair has proposed, to interview  
14 the applicants and bring recommendations to the Board would be appropriate.

15 COUNCILOR HARRIS: Then if I may, Madam Chair, I'd like to make a  
16 motion that as Chair of the Buckman Direct Diversion Board Chairwoman Hamilton be  
17 allowed to engage one City Councilor, the Water Division Director, Mr. Roach, our  
18 interim facility director, Mr. Carpenter, and Ms. Long in her capacity as our legal counsel  
19 in arranging and conducting the interviews for the citizen members.

20 CHAIR HAMILTON: Excellent. I have a motion. Do I have a second? For  
21 appointing a committee? I guess not. I guess the motion dies.

22 MS. LONG: You can also second the motion.

23 CHAIR HAMILTON: Well, then I'll second the motion. So I have a  
24 motion and a second. I didn't know I could do that. Thank you, Ms. Long. Ms. Fort, are  
25 you abstaining?

26 MEMBER FORT: I'm sorry to be so weak on parliamentary procedure.  
27 This would not be the time for discussion?

28 CHAIR HAMILTON: I thought we had discussion, but it would be.  
29 You're absolutely right. Before the vote there is time for discussion. Please.

30 MEMBER FORT: And I would offer, because of the City-County issues,  
31 which really have not been major issues, but if one were to have the Water Division  
32 Director in addition to a City Councilperson, that would be two City people and one  
33 County person. And so that was my reluctance. There could be an additional staff person  
34 from the County.

35 CHAIR HAMILTON: I consider them staff, not elected representation but  
36 that's certainly a valid point. What would your suggestion be?

37 MEMBER FORT: And additional person from the County who could be –  
38 I really don't want to speak for the County, but the Sustainability person would be the  
39 person I know, Claudia Borchert.

40 COMMISSIONER HANSEN: The Utility Director of the County would  
41 be a possibility.

42 MEMBER FORT: Or, Madam Chair, you have a Water Advisory  
43 Committee and a member from that could be appropriate.

44 CHAIR HAMILTON: That's a good point. Would you consider – because  
45 there are two City water people. Would you consider adding the County Water Utility  
46 person?



1 COUNCILOR HARRIS: Well, certainly I'd consider it. It just seems a  
2 little cumbersome to me. I'd almost drop the City Water Division Director and just leave  
3 it at County Commissioner, City Councilor, interim facilities director Carpenter and Ms.  
4 Long and everybody gets to keep doing the other work they have to do during the day.

5 CHAIR HAMILTON: So is that a revised motion?

6 COUNCILOR HARRIS: That's a revised motion.

7 MEMBER FORT: Second.

8 CHAIR HAMILTON: Okay, so is there further discussion? So I have a  
9 motion and a second.

10  
11 **The motion passed by unanimous [4-0] voice vote with Councilor Ives having**  
12 **recused himself.**

13  
14 CHAIR HAMILTON: Thank you. And thank you for the points. Very  
15 well made.

16  
17 **14. Request for approval of Amendment No. 4 to the contract with Alpha**  
18 **Southwest for the BDD Raw Water Pump Project, Bid No. 16/38/B to**  
19 **increase the contract sum by \$68,974.37 for a total contract amount of**  
20 **\$1,144,692.61 and an extension of the contract term**

21 **a) Request of approval to authorize funding of \$68,974.37 from the Major**  
22 **Repair and Replacement Fund to cover the additional cost**

23  
24 MS. ROMERO: Madam Chair, members of the Board, in 2016 the  
25 Buckman Direct Diversion Board awarded RFP to Alpha Southwest to construct and  
26 install four raw water pumps at booster station 1-A and four raw water pumps at booster  
27 station 2-A. Over the past couple years we have several change orders. This particular  
28 change order will be to provide funding to continue with the oil lubricated mechanical  
29 seal setup with an added heavy seal to prevent any material from getting through the new  
30 seal. This will be done on three more pumps, in addition to the purchase of four vertical  
31 clamp couplings to allow for seal replacement.

32 This request will increase our contract by \$68,974.37 for a total contract amount  
33 of \$1,144,692.61. This request also includes authorization from the major repair and  
34 replacement fund to cover the additional cost of the contract.

35 I also have Bryan Armstrong here if you have any technical questions about this  
36 change order. Thank you.

37 CHAIR HAMILTON: Excellent. Does anybody on the Board have  
38 questions? Yes, Councilor.

39 COUNCILOR HARRIS: Thank you, Madam Chair. I don't have any  
40 questions but at FSAC – please step up, sir. No, I think people need to hear. We got some  
41 very good information from Mr. Carpenter at our FSAC meeting just about what this  
42 means, what's been done and what this means for these pumps and I just think it's  
43 important to hear. It seems to be, with any luck, a solution to a long-standing problem. At  
44 least a solution that will last for a few years.

45 BRYAN ARMSTRONG (Maintenance Superintendent): Madam Chair  
46 and members of the Board. I cannot say that this is a permanent fix.

1 COUNCILOR HARRIS: I understand.

2 MR. ARMSTRONG: This is a fix that we are trying. If it will last six  
3 months I will be happy. We have not seen a six-month run in quite some time. So far  
4 everything we're seeing points to, yes, this is a good idea. In two months, I may say, oh,  
5 boy, what a mistake, but what I'm seeing now, no more oil we're using on a regular basis  
6 and the fact that we don't have the pressure vessel down there anymore makes me think  
7 that, yes, we're on the right road. As we move forward I want to see after six months how  
8 the shaft looks and tell you whether or not, hey, we did a good thing.

9 COUNCILOR HARRIS: If I understand, again, from Mr. Carpenter's  
10 comments on Tuesday, Alpha Southwest and others were kind of out of really good ideas  
11 of what would be the next attempt, what the next attempt would look like. So we need to  
12 hopefully get some dependability out of this solution.

13 MR. ARMSTRONG: If this does not end up working the possibility of  
14 using a clean water seal and having to come up with a water supply would be an option,  
15 because I've worked on the other side of the fence with Canyon Road and took care of  
16 the wells out there I know the issues with the clean water seals also. It's not 100 percent  
17 fix. Nothing is 100 percent fix.

18 COUNCILOR HARRIS: Right. Thank you, Madam Chair.

19 CHAIR HAMILTON: That was good. Appreciate it.

20 COUNCILOR HARRIS: What our expectations are. Thank you, sir. If  
21 there are no more questions I'll move to approve, Madam Chair.

22 COMMISSIONER HANSEN: Second.

23 CHAIR HAMILTON: Thank you. So is there any further discussion? So I  
24 have a motion and a second.

25

26 **The motion passed by unanimous [5-0] voice vote.**

27

28 CHAIR HAMILTON: Thank you very much and thank you for giving us  
29 the information.

30

31 **15. Report and possible action on BDD Board 2019 communications regarding**  
32 **Water Quality Topics**

33

34 KYLE HARWOOD (Board Counsel): Thank you, Madam Chair. As you  
35 all know, in the packet is a summary of the activities over the last 14 months or so and  
36 I'm happy to orientate you to that. So we described here in this memo the letters to the  
37 congressional delegation regarding LANL cleanup priorities and a second letter also  
38 described there. We had a letter also regarding the LANL MOU number two. We had  
39 some letters regarding the WOTUS proposed rule, as you all remember, from earlier in  
40 the spring. We had a letter more recently in the fall regarding Section 401 of the Clean  
41 Water Act. We had initially a presentation and then updates and then I provided you by  
42 email a very late-breaking memorandum, opinion and order on the NukeWatch case.  
43 We've also discussed the MS4 designation for Los Alamos County, and then over the  
44 summer again the DOE order 140.1.

45 So I was asked to bring this summary forward so the Board could decide what it's  
46 priorities are for the coming year. This may be a little out of order given that we've got

1 the composition of the Board changing. I don't know how you want to address that but  
2 certainly I stand for questions and any direction you wish to give myself or the other  
3 staff. As you all know, I work a lot with Alex on the water quality issues that he's  
4 described and I think you also know the Board is engaged with Glorieta Geoscience to  
5 provide substantial technical expertise in supporting this whole set of water quality  
6 issues. So I'll stand for questions.

7 CHAIR HAMILTON: Excellent. So do people have questions?  
8 Commissioner Hansen.

9 COMMISSIONER HANSEN: I have asked to possibly have some limited  
10 comment on the consent decree. There is going to be a public hearing on the consent  
11 decree on December 16<sup>th</sup> at Los Alamos City Council hearing. So I am planning on  
12 attending. I am concerned about cleanup happening at a more rapid rate and that actually,  
13 fees being charged for late coming or not fulfilling their obligation to cleanup and any of  
14 the dumpsites that would be affecting the Buckman Direct Diversion.

15 MR. HARWOOD: Very good. Yes, I suspect that's going to be a weighty  
16 topic in 2020 in general, kicked off by this hearing in Los Alamos.

17 CHAIR HAMILTON: Does anything else flow from this in terms of  
18 direction for next year, which I don't think we necessarily have to finalize tonight. This  
19 can be an informational discussion and we can have a January and even February meeting  
20 where we generate additional – it's just informational at this point.

21 COMMISSIONER HANSEN: Yes. And then also I have one other – I'm  
22 going to attend a webinar that NACo is holding on WOTUS on the 11<sup>th</sup>. So that will be  
23 from a state perspective and a national perspective on how WOTUS is affecting states  
24 and what the waters of the US and how they are affecting it. NACo EELU, Environment,  
25 Energy and Land Use, is very concerned about the definitions and how they affect us in  
26 the West.

27 MEMBER FORT: I want to thank Mr. Harwood. It's great to have this  
28 and it's great to see how much, in our earlier discussion about what we're serving people  
29 in the drinking water and it's just great to see this level of concern about what we're  
30 doing on our source water. So it's good. So thank you for all the work that this represents  
31 and expertise, and I guess my personal interest might be in TMDLs, getting those  
32 established, but I need a discussion about that too to know.

33 COMMISSIONER HANSEN: Also, I want to thank Mr. Harwood and  
34 Glorieta Geoscience.

35 MR. HARWOOD: Thank you. Thank you, Professor.

36 COUNCILOR HARRIS: Yes. Member Fort mentioned it. It's really just a  
37 follow-up from Mr. Puglisi's presentation, his discussion, and really what may call out of  
38 our State Environment Department. I think it's very important. I know he's been in touch  
39 and although Mr. Harwood has already mentioned he works closely with Mr. Puglisi but I  
40 think that is something that we really need to pay close attention to. So I would agree.

41 MR. HARWOOD: I have a suggestion. We did receive a response letter  
42 from NMED right on top of, I believe it was the September Board meeting, and so one  
43 thing to consider is how you want to follow up on that invitation. There were a couple of  
44 slightly askew comments in that letter, if you all remember reading through it, so that is  
45 one area. Obviously, Ms. Roose, who has could and spoken to us several times is very  
46 open to hearing from the Board and staff if we have any concerns at all. Those lines have

1 been opened, both with the new staff under the new administration but also their  
2 acceptance of invitations by this Board to come address the Board and many of us have  
3 built a relationship with some of those folks. So there's a lot there that could be done, but  
4 I also know this Board has wrestled with what the appropriate level of engagement is on  
5 some of these topics.

6 COUNCILOR HARRIS: I was just saying, I appreciate what Mr.  
7 Harwood just said and he's correct in acknowledging that they've been generous with  
8 their time in coming in front of us, but I think this is something we need to be fairly pro-  
9 active on, would be my suggestion. As a follow-up, accepting the invitation for comment.  
10 Really being pro-active. Again, I think we had a very good presentation. I think Mr.  
11 Puglisi and others have a lot of credibility in the field and I think that they can represent  
12 our interest, but really to do it effectively, I think we need to be out ahead of it and help  
13 frame the discussion and what the determinants may be. But anyways, I would encourage  
14 the Board to do that next year.

15 CHAIR HAMILTON: Thank you. That's a good point. Councilor Ives and  
16 then Commissioner Hansen.

17 COUNCILOR IVES: Thank you, Madam Chair. So Kyle, at our last  
18 meeting I had asked for the memo –

19 MR. HARWOOD: I have an answer for you I have not gotten to yet.

20 COUNCILOR IVES: Okay.

21 MR. HARWOOD: Sorry. I should have mentioned that earlier. I  
22 apologize, Councilor.

23 COUNCILOR IVES: No worries. In that case, I'll wait. Thank you.

24 CHAIR HAMILTON: It's a never mind. Commissioner Hansen.

25 COMMISSIONER HANSEN: So I would like to suggest that possibly  
26 Commissioner Hamilton and myself go and meet with Secretary Kenney and Mr.  
27 Harwood included. I have met with Mr. Kenney a couple times already and have worked  
28 on developing a good relationship with him with respect to this Board, and I also want to  
29 thank Alex for all the work that he has been doing. I really appreciate it, especially  
30 WOTUS and everything. So thank you.

31 CHAIR HAMILTON: Excellent. An excellent suggestion. Anybody else.  
32 Thank you. I think if we keep up with this, because there are some other rolling things  
33 that early in the year we'll also want some report outs on, more broadly having to do with  
34 water quality issues. But this was clearly line the ongoing studies.

35 MR. HARWOOD: I think it's fair to say that with the short session in  
36 January it's going to be hard to get NMED folks' attention and with our new –

37 CHAIR HAMILTON: Triennial review.

38 MR. HARWOOD: We'll track the triennial review through – I believe  
39 that's supposed to kick off in the summer. If I can suggest, perhaps I should come back to  
40 the March meeting with some briefing for the new Board members and hopefully by then  
41 we can get on maybe the calendar to revisit with them. So if it's okay, I'll plan on that as  
42 a work plan for the first quarter.

43 CHAIR HAMILTON: Sure.

44 COMMISSIONER HANSEN: That's good with me.

45 CHAIR HAMILTON: Excellent.

46 MR. HARWOOD: Very good. Councilor Ives did present me with a

1 question at the last meeting that I'd like to just spend one minute on. So the question was  
2 whether – how to support the sentence in one of the letters that I've already mentioned,  
3 which was that the Buckman Direct Diversion supports NukeWatch's position that the  
4 2016 order on consent does not sufficiently protect the BDD project from potential  
5 impacts of contaminated LANL runoff. And I just wanted to make a couple of points to  
6 hopefully explain the context within which that sentence was written.

7 The first thing to note, of course, which you've heard from myself and other  
8 presenters through this past year is that the 2005 order on consent prioritized cleanup  
9 based on human health and the environment. This was mutually agreed upon after many  
10 years of tough negotiations and that those priorities were established and pursued until  
11 the site is cleaned up. By contrast, the 2016 order and consent allows the DOE to identify  
12 its own work plan for one to three years out and NMED has very little influence over that  
13 list.

14 So I think that is one of the biggest differences between the two orders on consent  
15 and really slow down cleanup, to be honest. Second of all, the earlier, the 2005 order on  
16 consent had stipulated penalties as we know. That's the whole basis of the NukeWatch  
17 case, and the 2016 order on consent literally – and I won't give you the citation, but it is a  
18 quote from the consent order – targets are not enforceable and not subject to penalties. So  
19 that is another massive change affecting the pace and duration of the cleanup.

20 And then lastly, this is something that I hadn't fully appreciated until our experts  
21 at GGI had sort of walked me through this is that the contaminated sites – the acronyms I  
22 will not bore you with – but those contaminated sites remained in investigation,  
23 monitoring and cleanup so long as stormwater monitoring revealed that the contaminant  
24 migration was still coming from the site, and then under this 2016 order on consent, it  
25 literally – again, I won't give you the citation but the quote is this consent order shall  
26 establish no requirements for the releases of contaminants from SMUs or AOCs. SMUs  
27 and AOCs are acronyms for different kinds of sites.

28 So that is again a very significant departure between the two consent orders. So I  
29 hope that context gives you comfort, Councilor and the rest of the Board, that the  
30 sentence in our letter is well founded. And I know you'll tell me if I'm not giving you  
31 comfort, but I hope I have.

32 COUNCILOR IVES: I understand the comfort from the perspective of if  
33 there were no wastes up there, clearly there would be no opportunity for those wastes to  
34 impact the Buckman. Earlier we were talking about EWG's report and they do have  
35 radium identified and they note that the EWG health guide is .05 – I'm not sure how to  
36 describe the monitoring unit. And that this utility reports .35

37 CHAIR HAMILTON: Picocuries per liter.

38 COUNCILOR IVES: Picocuries per liter. There we go. And so ours is  
39 seven times the EWG health guide, but the legal limit is 5 picocuries per liter, so ours is  
40 about roughly 1/15 of that. So we seem to be well under any of those limits and that's  
41 why I struggle with – it doesn't seem that they're doing anything that's going to  
42 necessarily increase the amount of radium, which seems to be the most significant  
43 contaminant of worry from Los Alamos.

44 So again, I certainly appreciate the larger points and would I have give up on the  
45 penalties? Probably not. Would I have – I'm still struggling to understand how that  
46 change definitively impacts us given reported levels.

1 MR. HARWOOD: I appreciate going to the numbers, because we are  
2 concerned with the numbers and this Board has always been very consistent about how it  
3 produces safe drinking water. But I think, and perhaps this is the part that was missing in  
4 the sentence, the regulatory structure is less protective under the newer order.

5 Let me finish with one final point, which is our MOU between the Board and  
6 LANL was initially conceived of and negotiated under that 2005 construct and we have  
7 an opportunity in 2020 as the Board knows, to do a new MOU, because we're coming to  
8 the end of our existing three-year MOU and we need to be mindful of negotiating an  
9 MOU that fits under the much more relaxed 2016 order on consent structure. That's  
10 going to be, I think, the Board's challenge next year is what direction you give us and  
11 how successful we are at getting those concessions frankly from the National Nuclear  
12 Safety Administration. So that's all to be determined.

13 CHAIR HAMILTON: I just want to add because I just can't control  
14 myself that the water quality numbers aren't static. So the concern about cleaning up the  
15 material is because materials are mobilized in storms and what not. We don't withdraw  
16 water in storms because of association of contaminants with sediments, so there's a  
17 dynamic process that helps us keep our water quality good. But that is the reason for  
18 being interested in what is there to potentially be mobilized, because it's a potential  
19 threat. If anybody wants to correct me.

20 COUNCILOR IVES: And I certainly don't disagree. Again, I just struggle  
21 with the positive affirmation against unclear, speculative future events. That said, I do  
22 have many strong opinions about the memorandum and what we should be doing to try  
23 and improve that and make it a more useful relationship in terms of the information that's  
24 provided to NMED.

25 CHAIR HAMILTON: I know we're pushing our time limit and I think this  
26 brings us to Matters from the Public.

## 27 28 **MATTERS FROM THE PUBLIC**

29  
30 CHAIR HAMILTON: Is there anybody here from the public? If you'd  
31 please come forward and welcome, but for the record just identify yourself.

32 JONI ARENDS: Good evening. Joni Arends, Concerned Citizens for  
33 Nuclear Safety. The Environment Department has put out proposed increases to the  
34 hazardous waste fees. The public hearing is taking place on Friday, December 16 at 9:00  
35 in Room 309 at the Roundhouse. And it would be great if somebody could come and  
36 support those fee regs. They haven't been raised in 18 years. The proposed regs have cost  
37 of living increases. They have a new name now but it's a COLA that allows for an  
38 increase. That's really an important point to support.

39 So let me just back up and say that these haz waste regs fee increases will support  
40 ongoing work by the Environment Department, which is very important as we keep our  
41 eye on LANL. And so it would be beneficial to the Board to be at the hearing at least for  
42 some period of time to show support for those fee regs. Industry is – some of the industry  
43 filings are very dismissive of the increases, including oil and gas. So it could be a fight  
44 and it could not be. But the information is on the right side of the Environment  
45 Department front page where it says Boards and Commissions. It's under the  
46 Environmental Improvement Board and then there's a listing of four cases that are

1 outstanding right now, and the fee regs are one of them and you can read the industries  
2 filings that were filed on Monday.

3 CHAIR HAMILTON: Could you clarify the date of the meeting, because  
4 the 16<sup>th</sup> is a Monday, not a Friday.

5 MS. ARENDS: It's the 20<sup>th</sup>. I'm sorry.

6 CHAIR HAMILTON: Thank you.

7 MS. ARENDS: I was going to clarify the meeting that Commissioner  
8 Hansen referred to is a public meeting required under the new consent order to talk about  
9 what their plans are for 2020. So it's not a hearing; it's a meeting. And the lab, I just  
10 attended a public meeting last night with regard to the hazardous waste permit. They are  
11 backsliding to periods that I haven't seen in decades in terms of public participation. It's  
12 important for our elected officials to talk to them and say this is unacceptable. We were  
13 only given 5 1/2" by 8" cards to make public comments. There was no ability to talk to the  
14 whole group. It was very stifling. The backsliding is tremendous by these new contractors  
15 that are running both the legacy and the operations right now. So thank you for your time.

16 CHAIR HAMILTON: Thank you very much. Is there anybody else here  
17 from the public who wanted to address the Board? Seeing none, I'm going to close public  
18 comment.

19  
20 **NEXT REGULAR MEETING: Thursday, January 9, 2020 @ 4:00pm**

21  
22 **ADJOURNMENT**

23  
24 Having completed the agenda, Chair Hamilton declared this meeting adjourned at  
25 6:01 p.m.

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27 Approved by:

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32 Anna Hamilton, Board Chair

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34 Respectfully submitted:

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36 Debbie Doyle, Wordswork

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39 **ATTEST TO:**

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42 \_\_\_\_\_  
43 GERALDINE SALAZAR  
44 SANTA FE COUNTY CLERK

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subject to approval

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