

**MINUTES OF THE
THE CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD
MEETING**

June 6, 2024

1. CALL TO ORDER

This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Carol Romero-Wirth, BDD Board Chair, at approximately 4:00 p.m. in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL: Roll was called and a quorum was present as shown:

BDD Board Members Present:

Councilor Carol Romero-Wirth, Chair
Commissioner Justin Greene [alternate]
Councilor Jamie Cassutt
Commissioner Anna Hansen
Rolf Schmidt-Petersen, Citizen Member
Tom Egelhoff, The Club at Las Campanas [non-voting member]

Member(s) Excused:

Commissioner Anna Hamilton

Others Present:

Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Bernardine Padilla, BDD Public Relations Coordinator
Delfin Peterson, BDD Administrative Assistant
Jesse Roach, City Public Utilities Division Director
Monique Maes, BDD Contracts Administrator
Julie Ann Grimm, Egolf + Ferlic + Martinez + Harwood, LLC
Peter Hunt, Glorieta Geoscience, Inc.
Joni Arends, Concerned Citizens for Nuclear Safety
Katherine Shera, Citizen

3. APPROVAL OF AGENDA

Councilor Cassutt moved to approve the agenda as published. Commissioner Greene seconded and the motion passed by unanimous [5-0] voice vote.

4. APPROVAL OF CONSENT AGENDA

CHAIR ROMERO-WIRTH: We do have a number of items on Consent; are there any changes?

NANCY LONG (BDDDB Counsel): No, Madam Chair, they are all amendments to existing contracts except for the last item which is for the HVAC repair service.

CHAIR ROMERO-WIRTH: Okay. Are there any items that the Board would like to pull from Consent and if not, is there a motion?

MR. SCHMIDT-PETERSEN: Madam Chair.

CHAIR ROMERO-WIRTH: Yes, Mr. Schmidt-Petersen.

MR. SCHMIDT-PETERSEN: I don't have anything to pull to talk about specifically but I noticed in reading item 7.a. which is amendment #1 to the agreement with GGI, a division of GZA, in the background section of that and also on item 7.b., there's a reference to August 3, 2024 the Board approved the Professional Service Agreement, I think that should be, in both of those instances, 2023.

CHAIR ROMERO-WIRTH: How should we handle that? Should we pull it and correct it; what's the best thing to do there?

MS. LONG: Madam Chair, I think that correction can be noted in the memo. I believe it is just as background material and not the contract itself.

CHAIR ROMERO-WIRTH: That's true. Okay. Thank you. Any other concerns? Anything the Board would like to hear?

COMMISSIONER HANSEN: I'll make a motion to approve the Consent Agenda as presented.

COMMISSIONER GREENE: I'll second.

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

7. ACTION ITEMS: CONSENT

- a. **Request for approval of Amendment No. 1 to the Professional Services Agreement with Glorieta Geoscience, a Division of GZA GeoEnvironmental, to add compensation for FY2024 in an amount not to exceed \$20,000.00 plus applicable gross receipts tax.**
- b. **Request for approval of Amendment No. 2 to the Professional Services Agreement with Glorieta Geoscience, a Division of GZA GeoEnvironmental, to extend the term through FY2025, and add compensation for FY2025 in an amount not to exceed \$65,000.00 plus applicable gross receipts tax.**
- c. **Request for approval of Amendment No. 3 to the Professional Services Agreement with Daniels Insurance, Inc. to extend the term through FY2025, and add compensation for FY2025 in an amount not to exceed \$148,119.00 plus applicable gross receipts tax.**
- d. **Request for approval of Amendment No. 2 to the Legal Services Agreement with Long, Komer, and Associates, P.A. to extend the term through FY2025, and add compensation for FY2025 in an amount not to exceed \$285,000.00 plus applicable gross receipts tax.**

- e. **Request for approval of Amendment No. 1 to the Professional Services Agreement with Snell & Wilmer, LLP, to extend the term through FY2025, and add compensation for FY2025 in an amount not to exceed \$200,000.00 plus applicable gross receipts tax.**
 - i. **Request for approval of a Budget Adjustment Request to utilize Settlement Funds for this expense**
- f. **Request for approval of Amendment No. 1 to the Professional Services Agreement with Wright Water Engineers, Inc. to extend the term through FY2025, and add compensation for FY2025 in an amount not to exceed \$150,000.00 plus applicable gross receipts tax.**
 - i. **Request for approval of a Budget Adjustment Request to utilize Settlement Funds for this expense.**
- g. **Request for approval of a Services Agreement with B & D Industries, Inc. for on-call HVAC repair service in an amount up to \$120,000.00 plus applicable gross receipts tax for FY2025.**

5. APPROVAL OF MINUTES

- a. **May 2, 2024 Buckman Direct Diversion Board Meeting**

The following corrections were noted for the record:

Page 17: CSheryl Rodriguez

Pages 22 and 23: Rolf was misspelled

Page 23: Roll call vote. It was Commissioner Hansen who voting against the motion not Commissioner Hamilton

Commissioner Hansen moved to approve the minutes as amended. Commissioner Greene seconded and the motion passed without opposition.

5. PRESENTATION/INFORMATIONAL ITEMS

- a. **Monthly Update on BDD Operations**

CHAIR ROMERO-WIRTH: We have a number of presentations tonight and are they all going to be handled by Dr. Director Roach?

MS. LONG: Madam Chair, item 6.c will be handled by Kyle Harwood. The first two items, a and b, will be handled by Dr. Roach.

CHAIR ROMERO-WIRTH: We'll go first to monthly update and Randy Sugrue is not here this evening/afternoon, Dr. Roach if you want to take that, that would be great.

JESSE ROACH (City Public Utilities Division Director): Thank you, Madam Chair and members of the Board. I will go through a high level of Randy's report and then stand for any questions.

The raw water diversions for the total diversions from the river in the month of May averaged almost 8 million gallons a day. And then 6.3 million gallons per day of that were potable deliveries from the BDD water treatment plant and the balance went to Las Campanas. We see that in May the diversions were greater than any month last year actually, and it was a pretty good month for diversions from the river for the project.

And then, going to the next page, the May – that doesn't seem quite right to me. Rio Grande flows at 2,000 CFS. Reservoir storage at Nichols, 50 percent, McClure, 50 percent and we're bringing Nichols down for construction that will start this summer, actually in July. And then Abiquiu Lake storage is showing City, San Juan-Chama water started at about 10,000 acre-feet and has dropped to about 7,000 acre-feet.

I think with that I would be happy to stand for any questions.

CHAIR ROMERO-WIRTH: Questions from the Board?

COMMISSIONER HANSEN: Yes.

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Dr. Roach. So we have really high diversion rate; is there a reason or is it just that people were consuming lots of water?

DR. ROACH: Madam Chair, Commissioner Hansen, generally I think, as you know, at the City we prioritize use of surface water when we have it and save the groundwater for times in need. And we have been running Canyon Road at about 5 MGD and asking BDD to make up the difference as available. And we have run some pumps – there's a couple of Buckman Wellfield wells that go artesian. They recover very quickly and so we do run them for a week at a time to manage that. But other than that, we ask BDD to fill in the gaps. BDD, the water quality in the Rio Grande and the equipment has allowed BDD to completely make up that difference.

I guess to answer your question in another way, Canyon Road Water Treatment Plant is probably treating a little bit less this year than it would in other years and part of that is that we only have three filters operational there not four.

COMMISSIONER HANSEN: Thank you. Also, because we have surface water now that we can divert, are you storing it also in the 10 million gallon tank or are we prepared?

DR. ROACH: Commissioner Hansen thanks for the question. So we typically try to maintain between two and three days of storage in our tanks throughout the system. Currently, we're seeing about 12 MGD/13MGD average daily use across the whole system. So we are in our summer target of 35, 38 million gallons of storage that we are maintaining.

In terms of our storage in reservoirs, we do store any allocations we get of San Juan-Chama water is Heron or Abiquiu and then we store what we can from the Santa Fe River. But as I mentioned, we're drawing Nichols down for projected repairs starting in July.

COMMISSIONER HANSEN: And then once you get the repairs done in Nichols, when do you expect that to be done?

DR. ROACH: Commissioner Hansen, we hope to have Nichols ready to catch water in the next spring runoff. So we're pedal to the metal now as we have stored this year's runoff and now we're drawing down the reservoir and starting to dry it out so we can start work on it and then the work will continue throughout the winter in the hopes that we'll be ready for the spring runoff next year in 2025.

COMMISSIONER HANSEN: Thank you, Dr. Roach. That is great news, thank you.

CHAIR ROMERO-WIRTH: Commissioner Greene.

COMMISSIONER GREENE: Thank you. When we're drawing down Nichols are we are using it all for potable water and processing it or are we actually running most of it down the river just to lower things faster?

DR. ROACH: Madam Chair and Commissioner Greene, that's a great question. The target flow ordinance that we follow also known as the Living River, sets aside a certain amount of water in April depending on snowpack. This year we were above average so we set aside the maximum 1,000 acre-feet and we have been following – that annual volume has been distributed through time with what's called a hydrograph that is proposed by the Santa Fe River Commission. So we're following that hydrograph and to this point, we haven't had any releases in excess of that hydrograph. We have been treating everything. Either treating it releasing it to the river or releasing it to the best use.

COMMISSIONER GREENE: So there isn't an over capacity that you have to like go to 1,200 or something like that because you're trying to do an accelerated drawdown?

DR. ROACH: Commissioner Greene, not this year. You'll remember maybe last year we had an excess of water and we weren't even trying to empty the reservoirs and we had maybe a month of over 20 CFS in the river that was excess flow. This year we did have a very good snowpack but we didn't have a wet spring so we were able to catch all of it. And, correct, we are just either treating or releasing what we were targeting to release to the river.

COMMISSIONER GREENE: Okay. And if the Rio Grande gets a little silty and dirty and we have to – it just goes to the wellfields for a couple weeks or until things clear up.

DR. ROACH: Commissioner Greene, that's a very astute question. Typically, we will see that occur in July and August during monsoon events. Those events can cause turbidity in the Rio Grande that we would rather not divert. But it is typically for half a day or a day not for weeks at a time. So the operators have a threshold turbidity at which they will stop diverting and then if we're unable to divert enough water at BDD to continue the production that we would like to see, then, yes, we'll make up for it with other sources.

COMMISSIONER GREENE: Thank you for clarifying the time scale. If it's a couple of hours that seems less of a threat than a big monsoon –

DR. ROACH: We do see in July and August, we can see in good monsoon years that, although it is 8 hours on or 12 hours off, we'll still see it reflected in the monthly numbers that we weren't able to produce what we might have hoped to produce. And I would just point out that there is an agreement in place between the City and County called, The Shared Pool Agreement, which gives us the flexibility to shut down BDD when we might just prefer not to run it and the County is not left in a position of needing to pay for a water resources agreement water – they may have a built up credit that we can tap into that gives the City the operational flexibility to stop using the BDD for discretionary reasons. So that's a nice agreement that we have in place that allows us to do that.

COMMISSIONER GREENE: Thank you for clarifying.

COMMISSIONER HANSEN: Madam Chair.

CHAIR ROMERO-WIRTH: Hold on just a second, Commissioner. I want to go to Board member Schmidt-Petersen first.

MR. SCHMIDT-PETERSEN: Thank you, Madam Chair. Dr. Roach, just a quick question about the BDD operation itself. I notice as we've discussed, the May

operations have been somewhat above average and I'm assuming from what I've heard that June will be the same. Does that cause any long-term issues or operational concerns at BDD or is it well within the operational bounds?

DR. ROACH: Madam Chair, Member Schmidt-Petersen, that's a good question and I guess I would point out that the capacity of the BDD at the diversion location was designed to be 18 million gallons per day and at the treatment plant 15 million gallons per day. Now there have been issues with us being able to run the diversion or the plant at capacity that we're addressing. But fairly comfortably in the years that I have been overseeing BDD, 6 to 7 MGD of treated water is very comfortable.

MR. SCHMIDT-PETERSEN: Thank you.

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I just wanted to mention that yesterday I did see water in the river at South Meadows. So it has made it quite a ways down there and I'm sure that people on the south side are appreciative. I know it's at San Ysidro because everybody complains about having to go through the water.

DR. ROACH: Madam Chair, Commissioner Hansen, I want to use that opportunity to point out a fantastic citizen science initiative that the Watershed Association have put out to try and track the leading edge of the river. And the idea being that you have an app and if you're at the river and see where it is actually going into the ground, you make a note of that so that we can have a sense of how fair is the water getting down through time.

COMMISSIONER HANSEN: I think it's important for people to know that the river does get wet and South Meadows is a good distance from the reservoir.

DR. ROACH: And last week I went on a tour of the lower Santa Fe River and the river was wet all the way to the treatment plant.

CHAIR ROMERO-WIRTH: Okay, other questions from the Board on this presentation? All right, we'll move on.

b. Report from the BDD Facilities Manager

CHAIR ROMERO-WIRTH: Dr. Roach, you'll be doing this one also on behalf of Rick Carpenter, the Facilities Manager.

DR. ROACH: Madam Chair, thank you. I want to just touch on the rebuild project progress. The Technical Working Group is working with Procurement and we have made it through the RFQ, the request for qualifications. We are now – and have received those responses and now we are evaluating and reviewing the responses.

And then on vacancies, the key here that I want to mention is that in this report it shows five vacancies that are open and advertised and five that are opened and not advertised. There's actually one more in each of those categories. The first one is for Rick Carpenter, the facilities manager, he has reached a point at which he can retire and has announced his intent to do so effective the end of July. We have reposted that position already and the plan there is to, if possible, double fill the position prior to July 31st so there can be some overlap between Rick and the incoming facilities manager. And if that doesn't occur, then we have ideas on interim facilities managers while we work on getting a permanent replacement for Rick.

And I guess the other one that I would mention is that Randy Sugrue has also reached that point and has announced his retirement effective the same day, end of July, as well. And

the plan for that is also very similar. I had hoped that that posting would also be up this week but it will be posted next week for Randy's position. Same idea is to try and double fill to get some overlap between Randy and his replacement before he leaves. In that case, I feel like we have more of a pipeline. It's historically been more difficult to find a facilities manager than an operation superintendent. And I would remind the Board that in the last few months you approved a proposal for the City to have a floater superintendent and that was set up to be ready for exactly this type of eventuality. So the plans for both positions are the same. If I had to bet a beer on which one would be able to be double filled it would probably be the operation superintendent even though we haven't quite posted that yet. It will post next week.

CHAIR ROMERO-WIRTH: Is that the end of your report?

DR. ROACH: And with that, I will stand for questions.

CHAIR ROMERO-WIRTH: And I'll just note that Mr. Sugrue and Mr. Carpenter will be here the July meeting. There is nothing weird about why they are not here. Mr. Carpenter is not feeling well and I'm not sure what's happening with Randy. But I just want everybody to know that they'll be here next month and we certainly will want to send them off because they had incredible service to this facility and to this Board and we want to make sure we send them off with the pomp and circumstance that they're due. So I just want to make that clear.

Also, I think another thing to make sure that the Board is aware is that there is an amendment to the Management Agreement, it's amendment 8, that dictates how a facilities manager is hired and we are in the process of following that. So I just wanted to assure the Board that that process will be used in filling the position. With that, questions from the Board? Commissioner Greene then Commissioner Hansen.

COMMISSIONER GREENE: Thank you, Madam Chair. Jesse, you had your hand raised in a clarification point but my question would be to you and hopefully you'll clarify. Did that floater position get filled or is that one of the positions that is here that is posted that can fill in for Rick's position?

DR. ROACH: Madam Chair, Commissioner Greene, that floater position did get filled. It was filled by Leroy Alvarado formerly of the County. He, at the moment, is being used at the wastewater treatment plant. So in a perfect world, at this point in the year, he'd be at Canyon Road but the nice thing about that floater is that when there is attention needed at one of those facilities that they can go there. So that's where he is now. Potentially, he could be available if we're unable to double fill by the time Randy is gone.

I wanted to mention that Randy does have a fair amount of leave built-up so he's out this entire week using some of that leave.

And then I wanted to also thank the Chair for reminding me, I also wanted to say that the interview committee for Rick's replacement for the facilities manager will myself, Brian Snyder from the County, and Board member Schmidt-Petersen from the Board. That will be the three that are involved in selecting a replacement.

CHAIR ROMERO-WIRTH: And I will just qualify that that is dictated by amendment #8 to the Management Agreement. So that's where that construct comes from. We didn't just make that up.

DR. ROACH: Madam Chair, the citizen member is dictated by amendment #8. And the County involvement is something that we feel is the right thing to do..

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: And then on amendment #8 isn't it brought to the full Board for approval of the facility manager?

CHAIR ROMERO-WIRTH: I'm going to defer to our legal counsel, Nancy Long.

MS. LONG: Yes, Commissioner Hansen, you are remembering correctly that the finalists to the position are brought to the Board in executive session, to the full board, before a selection is made.

COMMISSIONER HANSEN: Thank you.

CHAIR ROMERO-WIRTH: Other questions from the Board? Board member Schmidt-Petersen, jump right in, don't be shy.

MR. SCHMIDT-PETERSEN: Thank you. Just one quick question, I think I remember from the last meeting that the RFQ, that responses were due on May 17th and it sounds like you received them. I just wondered how many responses you received.

DR. ROACH: I'm not at liberty, I don't believe, to provide that information.

MS. LONG: We're in the middle of that procurement so it is all confidential at this point to preserve the integrity of that process. It's a good question but we just can't answer it right now.

CHAIR ROMERO-WIRTH: Any more questions on this point? Thank you, appreciate you filling in for both those folks.

c. Presentation and Update on the 2023 Annual Report of the Middle Rio Grande Endangered Species Collaborative Program
[Exhibit 1: 2023 Annual Report]

CHAIR ROMERO-WIRTH: Okay, so this is a presentation and update on the 2023 Annual Report of the Middle Rio Grande Endangered Species Collaborative Program; welcome, Mr. Harwood.

KYLE HARWOOD (BDD Counsel): Thank you, Madam Chair. Good afternoon. Some of you may remember that we did a 2022 annual report update not long ago. That annual report was quite delayed. This report is more on time which is why you're seeing two years worth of annual reports in just a couple of months. And in case you're feeling that you've heard this caption before, that's why. But it is for a different year.

So I've just handed out a printed copy of what is in the packet for everyone in the public which is a copy of the annual report. It goes on in some length to talk about the various partnerships, the various entities, the role of the executive committee of the collaborative program in working to keep the four listed species alive in the middle valley: two birds, a flower and a fish. With last year's very, very high runoff, the minnow did quite well. The propagation of the minnow did quite well and we were told what we call CPUE numbers which is "catch per unit effort" which is a number we have talked about before, and there are thresholds for CPUE numbers that trigger reopening of the biological opinion for the silvery minnow and the numbers that we are seeing are way, way, way above those thresholds for last year which is nice and comforting. It was an unusual water year but we also had mutually good numbers for the minnow.

I'm going to pivot just for a second and mention what is noted on the third paragraph of the background section which is kind of the big news that we're expecting for the Rio Grande chub and the Rio Grande sucker. There will be a listing decision made by next

Friday, a week from tomorrow, by court order that listing decision is required. It is a black box right now of what that decision is until it is within the Federal Register. So we don't know if the listing will be warranted or not and if it is warranted, whether it will be threatened or endangered for these two fish. And we also don't yet know some very important critical pieces of information as it might relate to water operations and as it might relate to affecting the Buckman project's environmental permits. There is a standard reopener at the back of the Record of Decision that says if there are new listing decisions made, the diversion project, such as ours and frankly Albuquerque's those, that coverage underneath the ESA can be reevaluated. So we are looking at some big news by no later than a week from tomorrow and we will bring that news back to the Board to follow.

I think with that, I'll stand for any questions, Madam Chair.

CHAIR ROMERO-WIRTH: Thank you. Questions from the Board. Commissioner Greene and then Board member Schmidt-Petersen.

COMMISSIONER GREENE: Thank you, Kyle. Given the scope of these two big decisions, what are the scenarios that we should be thinking about?

MR. HARWOOD: The scenarios run from no change to tremendous change and it is very, very hard to know yet given the full breadth of the possible decisions to know what we're looking at in terms of either water operations or whether any of the coverage documents need to be revisited. So it's really the whole range and until we learn what Secretary Haaland's decision is on these two petitions. They started as petitions from non-governmental entities many, many years ago pointing out that the service had failed to follow its own internal timeline for making decisions and that became a court case in the District of Columbia jurisdiction which is where those are brought and the opinion and order granted the service the additional time to this summer to make listing decisions. The decision is actually quite interesting where you can see the judge wrestling with the competing claims of the defendants and plaintiffs. But we have the order and the order says listing decisions for two of the species are due by a week on Friday.

COMMISSIONER GREENE: What does dramatic mean; turning off BDD and relying on wellfields or turning it off for a month during drier periods of time or how –

MR. HARWOOD: You would have to link together – so it's a very good question, Commissioner Greene. You would have to link together a fairly extraordinary series of decisions to get to anything as dramatic as that. We don't know, for example, what the decision is. It may be not warranted. It may be threatened not endangered. The big part in the process will be how the service designates what is called "critical habitat" which will presumably be a portion of the historic range where the fish are found now and then the really big question will be whether water operations need to change to support these fish. And then I think after that, we get to looking to see whether diversions that are currently covered under the current environmental coverage need to be revisited. And only then if it is found lacking would you start talking about what you would or could or should do if the current coverage is lacking.

As I said, there is a very long sequence there that needs to be resolved before we know whether there is any impact on our current coverage.

COMMISSIONER GREENE: I guess this question would be more for Dr. Roach. Are you scenario planning in your operations of the water resources of the City and BDD?

DR. ROACH: Madam Chair and Commissioner Greene, we do scenario

planning but we haven't scenario planned around potential changes to the EIS. We typically related to BDD look at either disruptions in San Juan-Chama water availability or fire near or in the Rio Grande watershed close enough to the diversion that we could be significantly disrupted and our operations at BDD for extended periods of time. And I will say that generally for the City-County system we try to prepare for scenarios that are beyond, necessarily our ability to really explain how it would occur but just say, if we lost BDD for multiple years, what would it mean to the system.

COMMISSIONER GREENE: Thank you very much for the doom and gloom and hope for the best.

MR. HARWOOD: If I could just add, Madam Chair. Perhaps it would help put this in context, Commissioner Greene, is for example for the silvery minnow we have a limited ban on diversions – limited range of diversions that we may do when the river gets down to certain flow levels in order to thread a support to the minnow – just so you have a frame of reference – that's the kind of mechanism that was used in order to support the silvery minnow specifically with its biology, when we got this project permitted now what is it 15 years ago,

The idea is to support the species but we have all of these unknowns that I've already listed before we get to knowing whether any water operations or project operations will be affected.

COMMISSIONER GREENE: I've got a lot more questions but I'll bet you we're going to ask those in a month when we have the answers.

MR. HARWOOD: Well, we're almost at the end of the meeting –

CHAIR ROMERO-WIRTH: Board member Schmidt-Petersen.

MR. SCHMIDT-PETERSEN: Thank you, Madam Chair. Mr. Harwood, Mr. Greene, thank you because those were similar questions to what I had. But just as a bit of a follow on to that collaborative program. Do you think that they will seek to take on additional species, maybe the chub and the sucker if the range is not the middle valley? Do you have a feeling for that and what that might mean one way or another?

MR. HARWOOD: As you know, Ralf, that's a great question. I think everyone is really waiting to see what the listing decision is before going down those paths. I should also mention, we are expecting a 60-day comment period after the listing decision and there have been a series of meetings convened for the non-federal members of the collaborative program to just make sure everyone's got the same background briefing on these decision and have the petitions and there's a conservation strategy that was prepared and approved by a lot of governmental entities after the petitions were processed. So there's a lot out there but how, when and whether the current Middle Rio Grande Endangered Species Act Collaborative Program will get its hands around these new listing species, I think we're just waiting to know what the decision is before we know whether we have a question to answer in that respect or not.

CHAIR ROMERO-WIRTH: Other questions from the Board? Thank you for the update. We will be very interested to hear.

MR. HARWOOD: Thank you.

8. ACTION ITEMS: DISCUSSION AND ACTION – There were none.

9. MATTERS FROM THE PUBLIC

[Exhibit 2: Katherine Shera: Public comment for the BDD B meeting of May 6, 2024]

CHAIR ROMERO-WIRTH: Matters from the Public. Do we have anybody who would like to speak? Yes, come on up.

KATHERINE SHERA: Thank you Madam Chair and members of the Board.

CHAIR ROMERO-WIRTH: You want the microphone to be on green. And you have two minutes to address the Board.

MS. SHERA: Oh, gosh, I'll talk fast. Thank you, Madam Chair and members of the Board. My name is Katherine Shera. I live here in Santa Fe. I provided you with a copy of my public comments because I wasn't sure –

CHAIR ROMERO-WIRTH: If you could speak into the mic just so that everyone can hear you. I am sorry.

MS. SHERA: Sure. So my comments today have to do with a letter I sent to you a week ago. I sent it to the City officials and the members of the Board and the letter has to do with the emerging problem of PFAS contamination in municipal drinking water sources and it includes every a Request for Information from the City regarding PFAS contamination testing. Because some of those questions in my letter pertain directly to BDD operations. I'd like to take this opportunity to bring it to your attention. Although I've asked City officials to respond to my full Request for Information in writing as well as a comments or discussion – for today, I'll begin by quoting some background information from the text of my letter in Questions 2, 3 and 6 on the attached Request for Information which pertain to BDD operations specifically. And I guess in the interest of time, I will skip over those quoted passages. The first one is basically it provides evidence from the literature regarding the relative ineffectiveness of granulated active carbon filtration process which is used at BDD to remove certain classes of PFAS compound which are known as short-chain PFAS compounds and branched PFAS isomers. Given that, and also given the need for regular replacement of spent activated granular activated carbon media to remove the long-chain PFAS; I'd like to raise question #2. Are alternative treatment methods currently available to or planned for the BRWTP to more effectively capture those short-chained and branched PFAS isomers? And question #2, how frequently are the GAC media at the BRWTP replaced or regenerated? How has the spent activated carbon media disposed of in order to prevent captured PFAS contaminants from leaching into nearby waterways and to prevent the emission of volatile PFAS precursor compounds into ambient air in the vicinity of municipal landfills.

And lastly, question #6, is the City working with LANL, Los Alamos County, NMED, DOE and other entities to identify PFAS compounds, especially those that are unique to past or present operations at LANL that threaten to contaminate regional water sources including the Rio Grande, and thus be relevant to operations at the Buckman, Rio Arriba and Española water treatment plants?

CHAIR ROMERO-WIRTH: So you are past two minutes.

MS. SHERA: All right. Okay.

CHAIR ROMERO-WIRTH: We did get your letter. I know as a City Councilor I received it the one you sent we did get it here today and we have it for the record. So thank you.

MS. SHERA: Wonderful. Thank you so much for the opportunity to comment.

CHAIR ROMERO-WIRTH: Other members of the public?

8. MATTERS FROM THE BOARD

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I wanted to share with you that last month at my Coffee and Tea under the Tree, John Dupuis who is the water director for the City and Hannah Risely-White who is the Interstate Stream Director, both spoke and it was a really great conversation. There was a lot of engagement. There was over 20 people there asking questions and everyone was really happy to have that interchange and an opportunity to talk about these questions.

In regard to PFAS, the County is doing a lot of investigation but at the moment there is no standards set. NMED does not even have standards. We are in an in-between state and yesterday I was also at a meeting with the technical working group from LANL that I sit on or have sat on since 2020 and there was a big discussion about PFAS and what we're going to do about it. And so your comments are extremely timely but I think we all have to think about the issues that PFAS and I do think we should engage with LANL and with NMED about this because testing is not available at the moment at least not from NMED so far that I have heard.

So I think we need to find some testing. I think we need to find some ways to help our citizens become more aware of the issue of PFAS and ways to screen it out. Thank you.

CHAIR ROMERO-WIRTH: Other comments from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. Okay, two points. One is Santa Fe County and it may be somewhat related to BDD but it has to do with water quality in our general region. Santa Fe County enacted a new part of the Affordable Housing Act and a homeowners' assistance program which is typically used for home efficiency upgrades and ADA upgrades but it has been allowed to be extended water filtration systems for those that are qualified. I don't know if this is something that maybe the City wants to look at as well. But I know that Santa Fe County has done that and so I encourage people in the County that feel that they need to implement or install those to seek County assistance.

And then I noticed it is the next item on the agenda of the next meeting of Thursday, July 11th. I am pretty sure that two of us in the room, including myself and the alternate and Commissioner Hansen are going to be on an airplane to NACo. So we will probably be unable to be here unless we are in a hotel and can zoom in.

CHAIR ROMERO-WIRTH: Commissioner Hansen. Oh, Commissioner Greene, are you done?

COMMISSIONER GREENE: Yes, I'm done. Thank you very much.

COMMISSIONER HANSEN: On that topic, I was just looking at my calendar also. I do recognize that July 4th is the first Thursday of the month. But I really am sad to miss this first meeting especially since it's Rick's last meeting and I don't know that you'll have a quorum but you might look into it. If there was some way that it could be the following week, I'm sure that Commissioner Greene and I would be happy about that.

CHAIR ROMERO-WIRTH: Thank you for letting us know. Other comments from the Board? Board member Schmidt-Petersen, you sort of look like you want to talk.

MR. SCHMIDT-PETERSEN: Madam Chair, I was just – in response to or just a question related to the public comment. I thought that Mr. Lazarus at the last meeting talked

about the different tier levels of the workplan and one of them is PFAS. I wondered if that evaluation would go into some subjects that we're presented today.

CHAIR ROMERO-WIRTH: So we can't really have a back and forth here. The public comment is one-way our comments as the Board are usually statements or asking questions and we can follow up on some of this stuff.

MR. SCHMIDT-PETERSEN: Great.

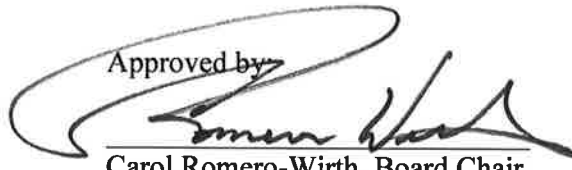
CHAIR ROMERO-WIRTH: Other comments from the Board?

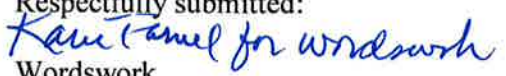
11. NEXT MEETING: Thursday, July 11, 2024 at 4:00 p.m.

CHAIR ROMERO-WIRTH: Our next meeting as has been pointed out, apparently is problematic. It's July 11th at 4 p.m. here.

12. ADJOURN

Having completed the agenda and with no further business to come before the Board, Chair Romero-Wirth declared this meeting adjourned at approximately 4:45 p.m.

Approved by

Carol Romero-Wirth, Board Chair

Respectfully submitted:

Wordswork

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