



Agenda

**Regular Meeting of the
Buckman Direct Diversion
Board
February 6, 2025 at 4:00 PM
Council Chambers
City Hall
200 Lincoln Avenue**

Procedures for Buckman Direct Diversion Board Meeting

The agenda and packet for the meeting will be posted at <https://santafenm.portal.civicclerk.com/>.

A Zoom link is available for this meeting: <https://santafenm.gov.zoom.us/j/85068470377>.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - a. Approval of the Minutes from the January 9, 2025 Buckman Direct Diversion Board Meeting.
5. Presentations and Informational Items
 - a. Monthly Update on BDD Operations. (Matt Sandoval, BDD Operations Superintendent, mgsandoval@santafenm.gov, 505-955-4501).
 - b. Report from the BDD Facilities Manager. (Bradley Prada, BDD Facilities Manager, bxprada@santafenm.gov, 505-955-4507).
 - c. Los Alamos National Laboratory Sitewide Environmental Impact Statement. (Verbal) (Jay Lazarus, BDDDB Consultant/Glorieta Geoscience Inc., lazarus@glorietageo.com, 505-983-1625).
 - d. Presentation of Rio Grande Water Quality Calendar Year 2025 Workplan pursuant to BDDDB Resolution No. 2022-2. (Jay Lazarus, BDDDB Consultant/Glorieta Geoscience Inc., lazarus@glorietageo.com, 505-983-1625, Kyle Harwood, BDDDB Legal Counsel, kyle@harwoodpierpont.com, 505-660-6818).
6. Action Items

- a. Election of Chair and Vice Chair of the Buckman Direct Diversion Board.
(Nancy R. Long, BDD Legal Counsel, nancy@longkomer.com, 505-982-8405).

7. Matters from the Public

8. Matters from the Board

9. Next Meeting: Thursday, March 6, 2025, at 4:00PM

10. Adjourn

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

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

January 9, 2025

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 4:06 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:

<u>BDD Board Members Present:</u>	<u>Member(s) Excused:</u>
Councilor Carol Romero-Wirth, Chair	None
Councilor Jamie Cassutt	
Commissioner Justin Greene [Alternate]	
Rolf Schmidt-Petersen, Citizen Member [remotely]	
T. Egelhoff, The Club at Las Campanas [non-voting member]	

[Santa Fe County had not yet appointed new BDD Board members.]

Alternates Present:

Peter Ives, Citizen Member Alternate

Others Present:

Bradley Prada, Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Jesse Roach, City PUD Water Division Director [remotely]
Delfin Peterson, BDD Administrative Assistant
Bernardine Padilla, BDD Public Relations Coordinator
Matt Sandoval, BDD Operations Superintendent
Danny Carter, BDD Chemist [remotely]
Jay Lazarus, Glorieta Geoscience, Inc.
Peter Hunt, Glorieta Geoscience, Inc.

It was established that Citizen Member Schmidt-Petersen's internet connection was strong and that he would serve as the voting citizen member for this meeting.

[Chair Romero-Wirth read the agenda captions throughout the meeting.]

3. Approval of Agenda

Commissioner Greene moved to approve the agenda as published. Councilor Cassutt seconded and the motion passed by unanimous [4-0] roll call vote.

4. Approval of Minutes

a. December 5, 2024 Buckman Direct Diversion Board Meeting

Councilor Cassutt moved to approve the minutes as presented. Commissioner Greene seconded and the motion passed by unanimous [4-0] roll call vote.

5. Presentations and Information Items

a. Monthly Update on BDD Operations

MATT SANDOVAL (BDD Operations Superintendent): Thank you, Madam Chair, members of the Board. This memorandum is to update the Buckman Direct Diversion Board of BDD operations during the month of December 2024.

The BDD diversions and deliveries have averaged in million gallons per day as follows: raw water diversions, 3.7 million gallons per day; drinking water deliveries through Booster Station 4A/5A, 3.61 mgd and; raw delivery to Las Campanas at Booster Station 2A was zero for the month of December.

The BDD provided approximately 54.3 percent of the water supply to the City and County for the month of December 2024. And I'll stand for questions.

CHAIR ROMERO-WIRTH: Great. Do we have questions from members of the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I like data and that's great. I'm wondering if we could start to get historic tracking of this. So you would show, we're talking about December, so what was December for the last three years. Then, sort of looking ahead, if it's possible, we'll have this same report for January next month, like looking ahead as to what our expectation is and then what our expectations and how we performed against expectation. There's obviously a bunch of variables here in saying, Oh, we're going to be using Canyon Road water and that's why we're diverting less from BDD or it's a hotter summer or whatever. But it will show that we're thinking ahead and sort of able to track from a least a Board member thing of expectations and historic usage. Just a point on the map is good but understanding and context is better.

MR. SANDOVAL: Yes. I was just going to say that I could include a projection. So we're talking one month our projection and then three prior years?

COMMISSIONER GREENE: Let's see the predictions for January so once January comes through you can say, we were projecting 3.7 and we delivered 3.69; good job, right?

MR. SANDOVAL: Okay.

COMMISSIONER GREENE: And then there's – so your projections show that you're sort of in tune with what the City is demanding and then the same thing sort of happens with you going backwards, not necessarily based on projections, but say, if we're looking at December 2024 and then what was December in 2023, and what was December in 2022, and then if there's some major number change in this then you – it makes me wonder

why and if it's pretty obvious and you know the answer as to why you could also put a note in there that says, The reason that we are using twice as much water this year is because it is really hot and dry and people are still irrigating or whatever the reason, right.

But you're our water expert so putting everything in context is definitely more educational to me.

MR. SANDOVAL: Thank you, Madam Chair, Board Member Greene. I'll definitely include that in the next meeting going forward.

CHAIR ROMERO-WIRTH: I guess I would just caution, we can talk about how best to do that and maybe work with you but just to be clear, this project, we are wholesalers. This project is not just the City, as you know. It's the County and Las Campanas. I'm not sure what you're asking for in terms of projections and what it means. It's not just the City as you referred it. It is your system as well.

COMMISSIONER GREENE: I would love to hear the County –

CHAIR ROMERO-WIRTH: And I'm not sure that Mr. Sandoval is in the best position to be able to say why or why not something happened or didn't happen or why expectations weren't met because, again, we are wholesalers as the BDD. And we deliver to the partners and they have systems and some of them are complex. So I think we might want to talk off line about what you're asking for and how best to give you some sort of historical context that is accurate for the role of the BDD.

BRADLEY PRADA (Facilities Manager): Madam Chair and Board Members, I think this needs to be an off line conversation to see what exactly you want to see. And we can definitely present it.

CHAIR ROMERO-WIRTH: Right, some sort of historical context but let's me careful about what it means or what we're drawing from it.

MEMBER SCHMIDT-PETERSEN: Madam Chair, I do have one question.

CHAIR ROMERO-WIRTH: Sure.

MEMBER SCHMIDT-PETERSEN: It's sort of a follow up from our last meeting where I believe Mr. Sandoval was ill at, and it was just a request from a number of the Board members for some snow pack status and what that mean as the year goes forward on the Rio Chama and the diversions and maybe the Rio Grande. It was just one of the things that was in our minutes and I thought I'd mention it here since Mr. Sandoval is giving the presentation.

CHAIR ROMERO-WIRTH: Okay, well, let's look that too and see what we can do to address that need or want. Board Member Ives, I think I saw you be kind of interested and I know you had some questions earlier. I don't know if they were satisfactorily answered, so I'll kick it to you.

MR. IVES: Thank you, Madam Chair. I had a question on some of the numbers. Looking at item #1 in the memo a and b, the diversion is at 3.7 million gallons per day on an average and then drinking water deliveries through Booster Stations 4A/5A have 3.61 million gallons per day with zero deliveries to Las Campanas. There's a difference of about 0.09 million gallons per day which equates to about 2,790,000 gallons for the month which is about 8.56 acre-feet and so I'm just trying to understand that difference and if there is that difference, what happens to that water?

MR. SANDOVAL: Sure, thank you, Madam Chair and member of the Board. That number does include or hasn't been subtracted the diversion, the return flow back to the river. So at Booster Station 1A some of the sediment return line is – it goes back to the river.

So that number is accurate. The other, .09 is the return flow back to the river which we get a credit for so it is all accounted for.

MR. IVES: Thank you. Thank you, Madam Chair.

CHAIR ROMERO-WIRTH: Okay. Any other questions? Thank you, Mr. Sandoval for your presentation. We appreciate it.

b. Report from BDD Facilities Manager

MR. PRADA: Madam Chair, Board members, thank you. This is the update for the Facilities Manager. There were no major repair and replacement for this past month. LANL, after the extension for the LANL MOU that we approved last month, we are hopeful that we will have something before April, I believe, to present to you guys and have an agreement at that point.

Due to the holidays the rebuild project stalled out a little bit. So we're still continuing to work on a lot of those things and when we have something ready to present, we will.

Partner billing is up to date. Staff has been working very hard to try and catch up on some of the past due billing. I want to give thanks to our staff and the hard work they did to get us up to date. Current job vacancies, as you can see in the list below, we're making some headway with those and continuing to hire people. That's the report.

CHAIR ROMERO-WIRTH: Thank you, great. Questions from the Board? Thank you, we'll move on.

6. Action Items: Discussion Agenda

a. Consideration and Possible Action on Resolution 2025-1, Relating to the New Mexico Open Meetings Act and Adopting Annual Open Meetings Act Notice Requirements

CHAIR ROMERO-WIRTH: We have one item on our discussion agenda. I believe our general counsel, Nancy Long, has this item.

NANCY LONG (BDD Counsel): Madam Chair and members of the Board, it is that time of year when we are to consider and act upon an Open Meetings Act Resolution as required by state law. This Open Meetings Act Resolution before you is very similar to last year's. There is always a little bit of fine tuning. There was some surplus language I think from the prior resolution that we took out. The resolution does allow for remote attendance which has to be in the resolution if you are going to allow that at your meetings. So we do allow for that and we see now that it is working for us to allow that remote attendance only if it is difficult or impossible for you to attend in person. And we kept in the emergency protocols which seem to be in all of the public meeting resolutions anymore just in case we need to cancel meetings or have them entirely remote in the event of a public health emergency.

I would ask for your approval of the resolution for this year.

CHAIR ROMERO-WIRTH: And just a quick clarification. This will allow us, like we had the snow cancelation, if we had had all of this in place including the Zoom capability we could have met by the Zoom, correct?

MS. LONG: Yes, Madam Chair. So long as we had –

CHAIR ROMERO-WIRTH: So it's not just public health emergencies?

MS. LONG: If the entire Board, if it would be difficult or impossible and it certainly was at that last storm. So as long as we could get it set up, we could have had the meeting.

CHAIR ROMERO-WIRTH: Okay, I think that's important because we already experienced that. Is there a motion on this and then I'm happy to have some more conversation.

COMMISSIONER GREENE: So I will move to approve as presented, but I would like to discuss.

CHAIR ROMERO-WIRTH: That's fine.

COUNCILOR CASSUTT: I'll second.

CHAIR ROMERO-WIRTH: With a motion and a second to approve this item and Commissioner Greene, I'll turn it to you.

COMMISSIONER GREENE: Thank you. So now we're going to be set up for Zoom including for public participation? Is that how it's going to be or is just going to be streamed for remote attendance by Board members?

MS. LONG: It does allow for public participation is what I understand. Is that correct, Delfin?

DELFIN PETERSON (BDD Administrative Asst.): Yes.

MS. LONG: So they can just click on the link on the agenda and then Delfin will let them in and when we call for public comment – if they just want to observe, they can do that or they can make a comment.

COMMISSIONER GREENE: Wonderful. And then is this archived? Is the recording archived?

CHAIR ROMERO-WIRTH: I think it is available if people wanted it but I am not sure -- it is not being screened on YouTube.

MS. LONG: That's right. It is not on YouTube so it is not archived in that way.

COMMISSIONER GREENE: All right, but it is available if somebody wanted to go back and look at it.

MS. LONG: It's something new for us.

COMMISSIONER GREENE: Okay, great. I love the way the County does it; it's great. You can go back and say, What did I say?

MS. LONG: Understood.

The motion passed by unanimous [4-0] roll call vote.

CHAIR ROMERO-WIRTH: And I just want to note that I believe Jesse Roach is listening. I don't know that he has been promoted to be a panelist but he was picking up kids. So this is another place where this new format helps us. He wanted to make sure that I let everyone know he is not here and why and he was sorry not to be able to be here in person.

MS. LONG: Madam Chair, if I could just follow up on the question of archiving. We have heard from IT here that these meetings will not be archived.

CHAIR ROMERO-WIRTH: Right, but I do think that they are available if somebody wanted to go back and watch; correct?

BERNARDINE PADILLA (BDD Public Relations Coordinator): They are not streamed and that's why they are not archived is what they told me.

CHAIR ROMERO-WIRTH: Okay. We'll get clarification on this because I think they do have a recording on it.

MS. LONG: We'll look into it.

CHAIR ROMERO-WIRTH: Councilor Cassutt.

COUNCILOR CASSUTT: Based on my experience with EDAC we can have it recorded but it is an active decision to be made. So I'm not sure that they will be recorded. I don't see the recording in progress but from my understanding we can record the meetings and therefore archive them.

CHAIR ROMERO-WIRTH: And at least have them if somebody wanted to go back and look later. We'll look into this and clarify it at the next meeting to make sure that we're providing the correct information.

7. **Matters from the Public** – None were brought forward

8. **Matters from the Board**

CHAIR ROMERO-WIRTH: Board Member Ives.

MR. IVES: I was just going to note that the next meeting coming up is in early February and I will be out of state and I will dial in if I can, but I may not be here.

CHAIR ROMERO-WIRTH: Okay and thanks for letting us know.

9. **Next Meeting**: Thursday, February 6, 2025 at 4:00 p.m.

10. **Adjourn**

Chair Romero-Wirth adjourned this meeting at approximately 4:26 p.m.

Approved by:

Carol Romero-Wirth, Board Chair

Respectfully submitted:

Wordswork

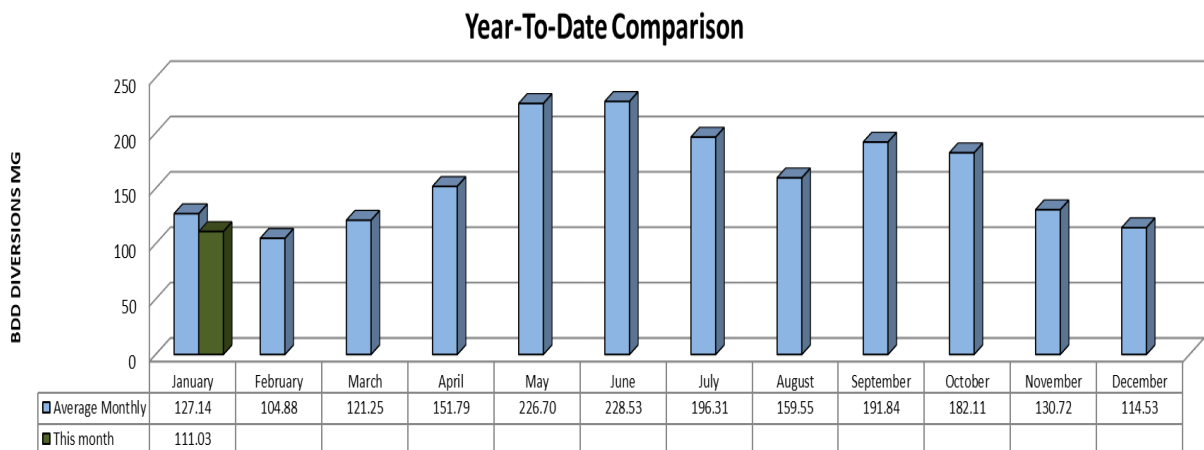
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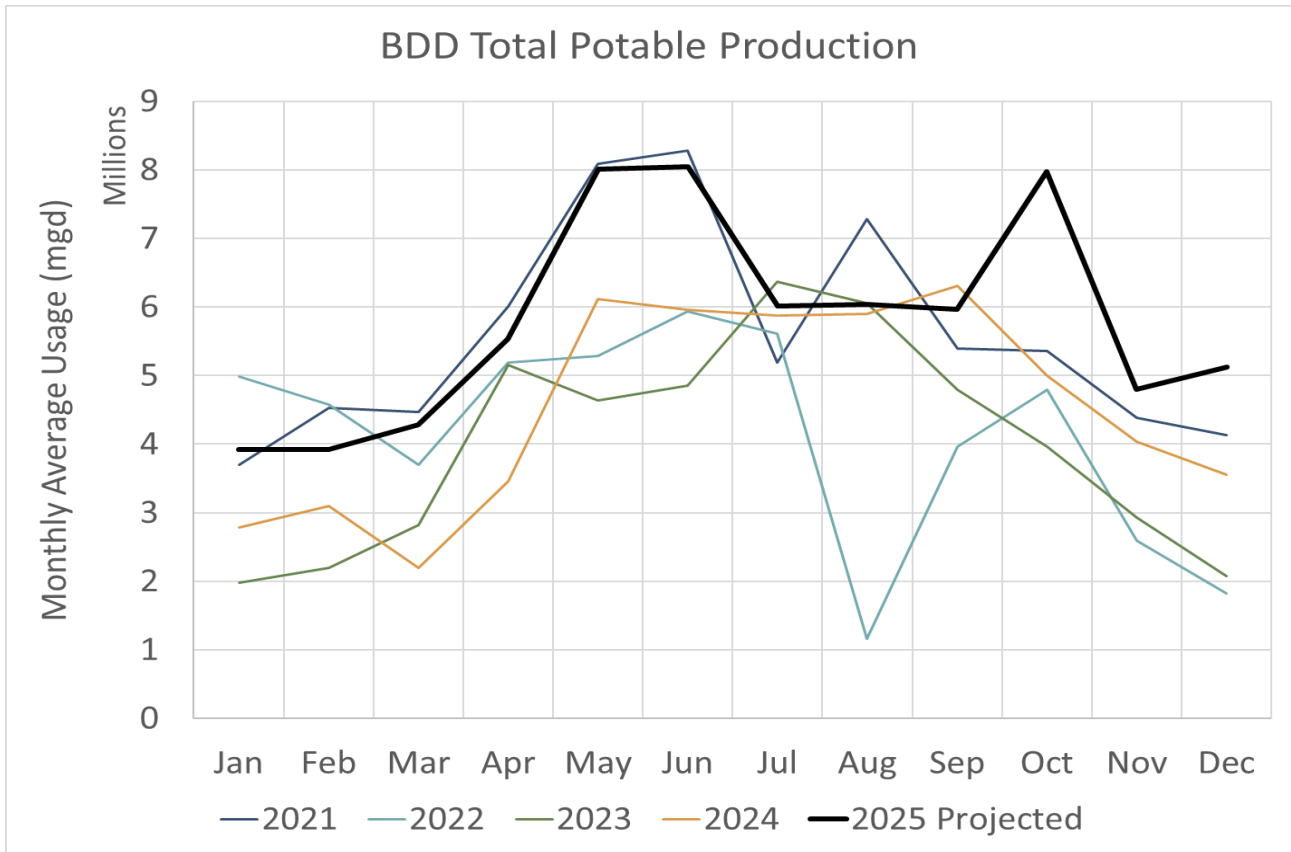
ANDREA SALAZAR
CITY OF SANTA FE CLERK

Date: February 6, 2025
To: Buckman Direct Diversion Board
From: Matthew Sandoval, BDD Operations Superintendent
Subject: Update on BDD Operations for the Month of January 2025

ITEM:

1. This memorandum is to update the Buckman Direct Diversion Board (BDDDB) on BDD operations during the month of January 2025. The BDD diversions and deliveries have averaged, in Million Gallons Per Day (MGD), as follows:
 - a. Raw water diversions: 3.43 MGD
 - b. Drinking water deliveries through Booster Station 4A/5A: 3.09 MGD
 - c. Raw water delivery to Las Campanas at BS2A: 0.15 MGD
2. The BDD provided approximately 48% of the water supply to the City and County for the month.
3. The BDD year-to-date diversions are depicted below:





Million Gallons per Day (MGD)

	2021	2022	2023	2024	Grand Total	2025 Projected
Jan	3.70	4.98	1.98	2.78	13.45	3.92
Feb	4.53	4.57	2.20	3.10	14.40	3.92
Mar	4.47	3.70	2.82	2.20	13.19	4.28
Apr	6.01	5.19	5.16	3.46	19.82	5.53
May	8.09	5.28	4.63	6.12	24.12	8.01
Jun	8.28	5.94	4.85	5.96	25.03	8.05
Jul	5.19	5.61	6.37	5.87	23.03	6.01
Aug	7.28	1.16	6.06	5.90	20.40	6.04
Sep	5.39	3.96	4.80	6.31	20.46	5.97
Oct	5.36	4.79	3.97	5.00	19.11	7.98
Nov	4.38	2.59	2.93	4.03	13.94	4.79
Dec	4.13	1.83	2.07	3.56	11.58	5.13
Grand Total	66.80	49.62	47.82	54.29	218.54	

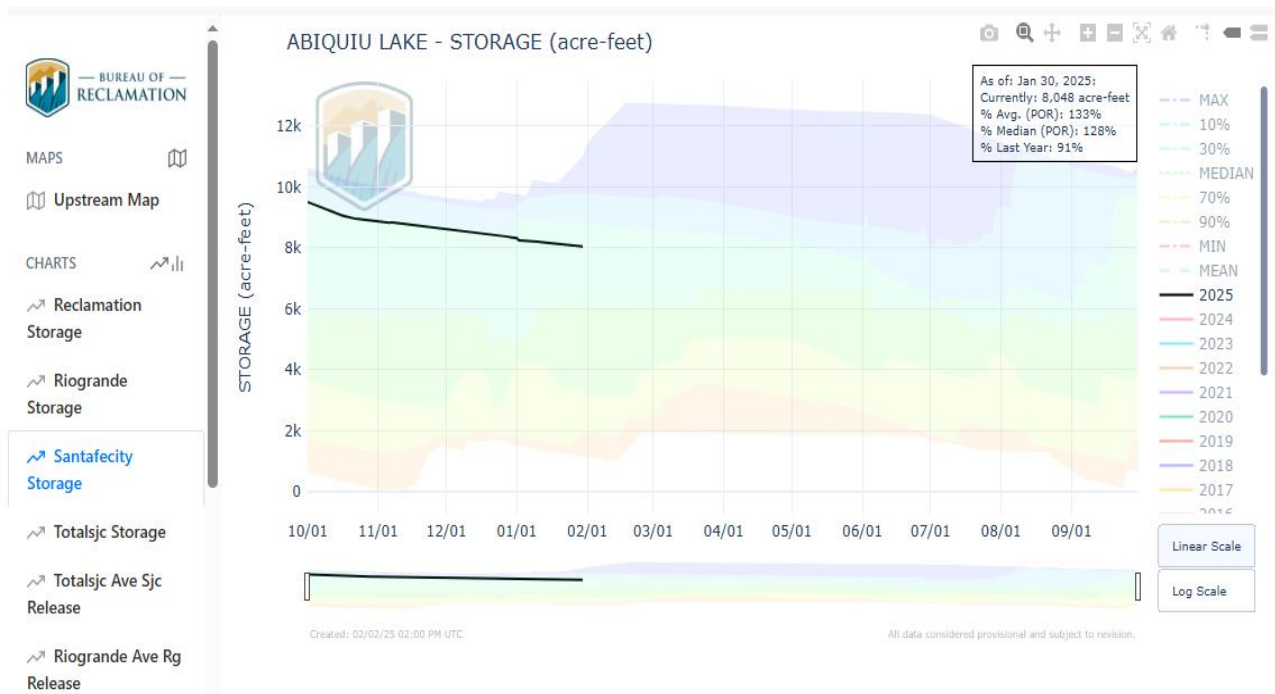
Regional Water Overview

Daily metered regional water demand for the month of January 2025 was approximately: 5.8 MGD

Rio Grande flows for January 2025 averaged approximately 707 CFS (cubic feet per second).

CRWTP reservoir storage: Nichols: 0% McClure: 33.47% Watershed Inflow: 1.15 MGD

City/County/Las Campanas Storage- as updated by partners. As of January 30, 2025 City of SF Abiquiu SJC storage is at about 8,048 AF.



As of January 1, 2025, the allocable volume in Heron Reservoir was zero acre-feet. There has been no significant inflow into Heron Reservoir for 2025.

ENSO Summary January 21, 2025

La Niña conditions are present.* Equatorial sea surface temperatures (SSTs) are below average in the central and east-central Pacific Ocean. La Niña conditions are expected to persist through February-April 2025 (59% chance), with a transition to ENSO-neutral likely during March-May 2025 (60% chance).



Buckman Direct Diversion Monthly SJC and Native Diversions

Jan-25								
In Acre-Feet								
Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-04842-A RG Native VIA SFC LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	SP-2847-E SJC Undiverted CITY	All Partners Conveyance Losses
JAN	328.640	136.122	0.000	192.518	192.518	0.000	0.000	1.986
FEB	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
MAR	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APR	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
MAY	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
JUN	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
JUL	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
AUG	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SEP	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
OCT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
NOV	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
DEC	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	328.640	136.122	0.000	192.518	192.518	0.000	0.000	1.986

In Million Gallons

Month	Native COUNTY	SFC Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	SJC Undiverted CITY	All Partners Diversions
JAN	44.340	0.000	61.974	61.974	0.000	0.000	106.314
FEB	0.000	0.000	0.000	0.000	0.000	0.000	0.000
MAR	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APR	0.000	0.000	0.000	0.000	0.000	0.000	0.000
MAY	0.000	0.000	0.000	0.000	0.000	0.000	0.000
JUN	0.000	0.000	0.000	0.000	0.000	0.000	0.000
JUL	0.000	0.000	0.000	0.000	0.000	0.000	0.000
AUG	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SEP	0.000	0.000	0.000	0.000	0.000	0.000	0.000
OCT	0.000	0.000	0.000	0.000	0.000	0.000	0.000
NOV	0.000	0.000	0.000	0.000	0.000	0.000	0.000
DEC	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	44.340	0.000	61.974	61.974	0.000	0.000	106.314



Buckman Direct Diversion Monthly SJC and Native Diversions								
Dec-24 In Acre-Feet								
Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-04842-A RG Native VIA SFC LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	SP-2847-E SJC Undiverted CITY	All Partners Conveyance Losses
JAN	283.691	91.173	0.000	192.518	192.518	0.000	0.000	1.986
FEB	293.064	112.967	0.000	180.097	180.097	0.000	0.000	1.858
MAR	217.014	95.914	0.000	121.100	121.100	0.000	0.000	1.475
APR	396.998	255.245	67.230	74.523	74.523	0.000	0.000	1.004
MAY	750.899	395.038	123.438	232.423	232.423	0.000	0.000	1.347
JUN	642.136	371.118	7.114	263.905	263.905	0.000	0.000	1.743
JUL	652.169	320.362	74.513	257.295	257.295	0.000	0.000	1.166
AUG	647.277	0.000	0.000	659.885	659.885	0.000	12.608	3.210
SEP	666.797	0.000	0.000	776.587	776.587	0.000	109.791	3.604
OCT	612.559	0.000	0.000	631.170	631.170	0.000	18.612	5.811
NOV	385.574	154.074	0.000	231.501	231.501	0.000	0.000	1.755
DEC	353.083	214.183	0.000	138.900	138.900	0.000	0.000	1.053
TOTAL	5,901.261	2,010.073	272.294	3,759.904	3,759.904	0.000	141.010	26.014
In Million Gallons								
Month	Native COUNTY	SFC Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	SJC Undiverted CITY	All Partners Diversions	
JAN	29.698	0.000	61.974	61.974	0.000	0.000	91.672	
FEB	36.797	0.000	57.976	57.976	0.000	0.000	94.773	
MAR	31.242	0.000	38.910	38.910	0.000	0.000	70.153	
APR	83.142	21.899	23.913	23.913	0.000	0.000	128.954	
MAY	128.677	40.208	74.921	74.921	0.000	0.000	243.805	
JUN	120.885	2.317	84.961	84.961	0.000	0.000	208.164	
JUL	104.352	24.271	82.879	82.879	0.000	0.000	211.503	
AUG	0.000	0.000	208.462	208.462	0.000	4.107	208.462	
SEP	0.000	0.000	214.522	214.522	0.000	35.762	214.522	
OCT	0.000	0.000	197.347	197.347	0.000	6.062	197.347	
NOV	50.187	0.000	74.729	74.729	0.000	0.000	124.916	
DEC	69.766	0.000	44.837	44.837	0.000	0.000	114.604	
TOTAL	654.747	88.695	1,165.432	1,165.432	0.000	45.932	1,908.874	



Date: February 1, 2025
To: BDD Board
From: Bradley Prada, BDD Facilities Manager
Re: BDD Facilities Manager Monthly Update to the BDD Board

Below is the monthly update from the BDD Facilities Manager for the February 2025 Board meeting:

- **Major Repair and Replacement (MR&R) Fund.**

There were no Major Repair & Replacement items for January 2025, although talks have started on the membrane module and GAC replacement projects.

- **BDD Re-Build Project Progress.**

BDD staff are continuing to work with City of Santa Fe Procurement to further the progress in selecting a design/build firm. The Design-Build RFP has now moved to Phase 2 where design solutions will be proposed along with a schedule, a cost proposal, a budget, and a phasing plan, among other items.

The procurement for the Owner's Representative was unsuccessful. We are now investigating whether any of the engineering firms on contract with the City might be suitable and willing to serve as our Owner's Representative. This would avoid the necessity of going back out for proposals if successful.

- **Current Job Vacancy Updates**

BDD staff continues to work diligently with City staff to get BDD vacancies filled.

<u>Title</u>	<u>Status</u>
Equipment Repairman Intermediate	Accepted, waiting on start date
Equipment Repair Ladder	Closed, interviews pending
Water Operator Advanced	Candidate selected, Pending Dept.
Contracts Administrator	Posted 1/17/25-2/17/25
Journeyman Electrician	Closed, reposted 1/24/25-2/23/25
Accounting Supervisor	Closed waiting on LOE
Water Operator Ladder	Closed, waiting on LOE



Memorandum

Date: January 31, 2025
To: Buckman Direct Diversion Board
From: Brad Prada (BDD Facilities Manager)
Jay Lazarus, Peter Hunt, Glorieta Geoscience (GGI)
Nancy R. Long (BDD General Counsel)
Kyle Harwood (Harwood Pierpont)
Subject: Rio Grande Water Quality Calendar Year 2025 Workplan pursuant to BDDDB
Resolution No. 2022-2

This memorandum is provided pursuant to Buckman Direct Diversion Board ("BDDDB") Resolution No. 2022-2, to set forth the anticipated water quality issues for the BDDDB in Calendar Year 2025.

These issues are ranked according to their priority to the BDDDB. Tier 1 is top priority with immediate attention required and impending actions. Tier 2 has future actions anticipated and ongoing monitoring. Tier 3 issues require no action at present but may require attention and actions in the future.

A copy of Resolution No. 2022-2 is attached to this memo for reference.

TIER 1 ISSUES:

1. Memorandum of Understanding ("MOU") with the U.S. Department of Energy ("DOE")

The BDDDB and DOE (collectively, the "Parties") entered a fourth MOU in February 2022 that memorializes their respective commitments through December 1, 2024, concerning stormwater and sediment migration from the Los Alamos National Laboratory ("LANL") to the Rio Grande above the Buckman Direct Diversion. Both BDDDB and LANL have agreed to extend the term of the current MOU to April 10, 2025, to finalize negotiations on the renewal and modification of the MOU.

Issues addressed in 2024 included:

- Ongoing operation and maintenance of the Early Notification System ("ENS"), including resolution of data transmission issues.
- Inspection of the flow measurement station (known as E110.7) in the falloff 2024 in lowermost Los Alamos Canyon installed in July 2022 and inundated in 2023 by mainstem Rio Grande flood flows.
- Ongoing sampling, data collection, and data sharing with DOE and the New Mexico Environment Department ("NMED").

- Conducting an Annual Review meeting with the Parties in June 2024, September 2024, and a field visit with LANL and San Ildefonso to E110.7.
- Discuss issues including ENS operation, replacement of E110.7, sediment and stormwater sampling studies conducted by DOE and its contractors in the Los Alamos and Pueblo Canyon watersheds, and sampling and analysis by the parties in the Rio Grande.
- Interaction with the Pueblo de San Ildefonso concerning monitoring and maintenance of existing ENS stations on Pueblo lands in accordance with the 2014 MOU.

Recommendations for 2025: Continue to negotiate the terms of the new MOU with LANL for approval by the BDDB. Continue to work with DOE in accordance with the terms of the current/extended MOU to monitor discharges of stormwater from the LANL property to the Rio Grande and finalize negotiations between BDD and LANL on the 2025 MOU. BDD General Counsel, BDD Facilities Manager, and GGI will participate in the Annual Review (anticipated to occur in May). BDD General Counsel, BDD Facilities Manager, and GGI will continue to work with DOE as operation, maintenance, and data transmission issues arise. The BDD Intake Sampling Program will continue, and BDD General Counsel, Facilities Manager and GGI will work on ENS and grant issues as necessary. The primary goal for the 2025 calendar year will be to renegotiate and execute a new MOU to replace the agreement expiring December 1, 2024.

Leads: BDD General Counsel, BDD Facilities Manager, GGI

2. Hexavalent Chromium ("Cr-VI") Water Rights Protest

DOE and Los Alamos County filed an application ("the Application") with the New Mexico Office of the State Engineer ("OSE") to transfer water rights from existing points of diversion to extraction, injection, and monitoring wells along with piezometers used in the remediation Interim Measure ("IM") for the Cr-VI groundwater plume. In 2020, the BDDB protested the application asserting that, among other deficiencies, DOE failed to provide information about impacts to the Rio Grande. Although two settlement conferences occurred in 2022, the protest is still pending. Also, in 2022, NMED took several regulatory actions that could affect the factual basis of the Application, including directives to cease injection of treated water at the current locations under the IM, and to consider land application or an alternative injection site outside of the plume for treated water under strict conditions. The outcome of these directives could affect the factual basis of the Application, potentially leading to its modification or even withdrawal.

In December 2023, Environmental Management-Los Alamos (EM-LA) issued its responses to comments on the *Draft Chromium Interim Measure and Final Remedy Environmental Assessment* ("Interim Measure"). Options 1 and 2 of the Interim Measure require a diversion of 1688 ac-ft/yr which greatly exceeds the original application to the OSE for 679 ac-ft/yr and will require filing a new permit. The BDDB has prepared and submitted comments on the draft Environmental Assessment (EA), describing its preferred remediation alternatives, including requiring DOE to specifically test and list results for Cr VI, and advocating for land application of treated water to create a cone of depression to

achieve hydraulic and hydrologic control of the Cr VI plume. In addition, the BDDDB has requested as a condition of any groundwater pumping that all impacts to the Rio Grande from that pumping be offset.

In December 2023, the U.S. Department of Energy (DOE) Office of Environmental Management Los Alamos Field Office (DOE-EM-LA), together with the State of New Mexico Environment Department (NMED), prepared a letter requesting that an independent technical review be conducted of actions taken by EM-LA to characterize, model, and contain the hexavalent chromium [Cr(VI)] plume at Los Alamos National Laboratory (LANL) (the LANL Chromium Plume Site [the site]) and the efficacy of chromium plume control interim measures (IM) taken to prevent plume migration offsite. The Independent Technical Review report was released in December 2024 and the report's conclusions are in agreement with GGI's previous assessment that the chromium plume boundaries have not been adequately defined.

Recommendations for 2025: Monitor the regulatory actions and, if appropriate, engage with the EM-LA and NMED in their resolution. The BDDDB will continue its protest of this 679 ac-ft/yr application and protest the new application (not currently submitted) to insure EM-LA offsets depletion effects on the Rio Grande.

Leads: BDD General Counsel, BDD Facilities Manager, and GGI

3. **PFAS**

In January 2024, the LANL NPDES permittees submitted the second Annual Data Report for per- and polyfluoroalkyl substances ("PFAS") as required by the settlement agreement with the DOE. As in 2022, three of the 15 locations proposed to be sampled were in the Los Alamos Canyon watershed, none of which were sampleable due to lack of triggering events (i.e., sufficient flow). One location - outside of the Los Alamos Canyon watershed - was sampled in 2023, with various PFAS detected. In the two years of monitoring under this program, no samples have been collected in sites in the Los Alamos Canyon watershed. The BDDDB has also approached NMED to adopt surface water standards for PFAS.. LANL has committed to continue PFAS sampling of ground water.

It is important to note that the Granular Activated Carbon (GAC) which is part of the BDD treatment train, is very effective in removing PFAS from water and if PFAS is present in the source water, the GAC will effectively treat it.

Recommendations for 2025: Potentially expanding the sampling scope at the BDD intake and upstream during times when the ENS is triggered to assess PFAS contaminant contributions during intake curtailments. Sample source water after the falling limb of the ENS 5 cubic feet per second (cfs) threshold to assess contaminants present when intake resumes. Continue outreach to NMED to stay apprised of amendments to state groundwater and surface water standards that may involve PFAS.

Leads: GGI, BDD Facilities Manager

4. New Mexico NPDES Primacy

New Mexico is one of three states that does not have authority from the federal government to implement the NPDES permitting program under the Clean Water Act. Consequently, NPDES permits in New Mexico are issued by the USEPA. The BDDB has expressed its support for state primacy, including in two meetings with NMED leadership in 2023. Senate Bills 21 and 22, introduced in the 2025 Legislative Session, propose funding and proposed outlines for new NM Water Quality Control Commission rules for development of a State-run NPDES permitting program. In these bills, NMED has requested funding for new staff to support a permitting program currently. If SB 21 and SB 22 are approved by the Legislature and Governor, NMED will propose permitting rules to the Water Quality Control Commission (WQCC) in the near future.

Recommendations for 2025: Follow the progress of SB 21 and SB 22 and continue to interface with NMED as appropriate to track development of the permitting program both as it may affect permitting at LANL and BDD's current NPDES permit for sediment return to the Rio Grande.

Leads: GGI, BDD General Counsel

TIER 2 ISSUES:

5. LANL National Pollutant Discharge Elimination System (NPDES) Permits

The BDDB provided comments to NMED in 2020 on the State certification of LANL's surface water permits for its industrial outfalls (NPDES Permit No. NM002835) and stormwater discharges (NPDES Permit No. NM0030759). The Board's comments centered on technical aspects of the permits, and how they relate to the cleanup activities for legacy pollution at LANL. The LANL operators petitioned for review of the State certification of the two permits and conditions imposed in the certification process, and hearings were granted although not scheduled. In a Settlement Agreement of the petition the parties agreed to address per- and polyfluoroalkyl substances ("PFAS") monitoring as described above in Issue #3.

In the wake of *Sackett v. USEPA*, the USEPA appears to continue its enforcement of NPDES permits issued for areas where outfall or stormwater discharges into intermittent streams where there is a confluence with a WOTUS (e.g., the Rio Grande). As part of its analyses of Jemez Mountain streams, USEPA determined that Los Alamos Canyon is a WOTUS and should be regulated under NPDES permitting.

Recommendations for 2025: Monitor these and other LANL permits, particularly when LANL is required to seek renewals or seeks to modify the existing permits. Monitoring results collected from Los Alamos and Pueblo Canyons and their tributaries under the Agreement will be reviewed. Monitor NMED's progress to obtain NPDES primacy and how NMED will regulate surface water discharges from LANL.

Leads: BDD Facilities Manager, GGI

6. DOE's Sitewide Environmental Impact Statement ("SWEIS") for LANL

In January of 2025, the U.S. Department of Energy, National Nuclear Security Administration and Los Alamos National Laboratory published a Draft Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory.

The BDDB's primary concern is contaminants originating from Los Alamos and Pueblo Canyons and their tributaries and groundwater discharge to the Rio Grande upstream of the BDD intake. The SWEIS, however, does not specifically address Los Alamos and Pueblo Canyons but presents a wide range of issues that LANL will address. The SWEIS broadly addresses the Hexavalent Chromium plume, PFAS contamination and water rights.

Recommendations for 2025: Continue review of the SWEIS and develop and submit comments on the SWEIS that focus on BDD's concerns regarding the Hexavalent Chromium plume, PFAS contamination and water rights and groundwater discharge to the Rio Grande.

Leads: GGI, BDD Facilities Manager

TIER 3 ISSUES:

7. NMED/LANL Consent Order

In August 2024, to avoid lengthy and costly litigation, NMED and LANL entered into a Settlement Agreement on the Consent Order. The general purposes of this Consent Order are to: provide a framework for current and future actions to implement regulatory requirements, establish an effective structure for accomplishing work on a priority basis through cleanup Campaigns with achievable milestones and targets, drive toward cost-effective work resulting in tangible, measurable environmental clean-up, minimize the duplication of investigative and analytical work and documentation and ensure the quality of data management, set a structure for the establishment of additional cleanup Campaigns and milestones as new information becomes available and Campaigns are completed, facilitate cooperation, exchange of information, and participation of the Parties, provide for effective public participation; and define and clarify its relationship to other regulatory requirements.

Recommendation for 2025: Work with NMED to track progress on the Settlement agreement and pursue BDD interests.

Leads: GGI, BDD General Counsel

8. CWA §303(d)/305(b) Integrated Report and List of Impaired Waters ("Integrated Report")

NMED prepares an Integrated Report every two years in compliance with Sections 303(d) and 305(b) of the Clean Water Act. The Integrated Report serves as a source of information on water quality and pollution control programs as well as how NMED assesses surface water quality data against water quality standards. The BDDDB has provided comments to NMED on the last three (2020, 2022, and 2023) Integrated Reports. The BDDDB's comments on the 2024-2026 Integrated Report centered on NMED's delays in implementing Total Maximum Daily Loads ("TMDLs") to address impairment of the Rio Grande and streams on the Pajarito Plateau, as well as assessing the entirety of Los Alamos Canyon and its tributaries in 2024 for its suitability as a Public Water Supply ("PWS"). NMED stated in the March 12, 2024, WQCC meeting that it did not intend to assess LA Canyon and its tributaries as a PWS. The WQCC voted unanimously to send the current 303d list and 305b report on to the USEPA.

NMED submitted the final Draft Integrated Report to USEPA on April 1, 2024. NMED plans to address TMDL data needs for the Rio Grande (Cochiti Reservoir to San Ildefonso boundary) in 2025, with TMDLs to follow the data assessments in 2027 at the earliest.

Recommendations for 2025: No action required for 2024. The next draft of the Integrated Report for 2026-2028 should be released for public comment in late 2025.

9. Los Alamos County Municipal Separate Storm Sewer System ("MS4") Permit

Prior to 2022, the USEPA was in the process of drafting a NPDES MS4 permit for Los Alamos County, the New Mexico Department of Transportation, and DOE to regulate stormwater discharges in Los Alamos County outside of LANL, which is covered by its own stormwater discharge permit. A significant portion of these discharge locations are in the Los Alamos Canyon watershed. In December 2023, the USEPA gave notice that it intends to determine that stormwater discharges from small MS4s located in the Los Alamos Urban Area as defined by the latest decennial Census and MS4s located on LANL property within Los Alamos and Santa Fe Counties, New Mexico require NPDES permit coverage because the discharges are contributing to violations of New Mexico Water Quality Standards in waters of the United States.

Recommendations for 2025: Monitor the development of this permit as it will cover numerous uncontrolled discharges that are in addition to those covered by the LANL stormwater NPDES permit. Prepare to develop comments on the draft permit, if released, for the BDDDB's consideration.

Leads: BDD Facilities Manager, BDD General Counsel, GGI.

10. Triennial Review of State Surface Water Quality Standards

In January 2024, the Board provided comments to NMED on the draft 2024-2026 State of New Mexico Clean Water Act (CWA) §303(d)/305(b) Integrated List of Assessed Surface Waters. The BDD has requested over the years for NMED to provide special provisions and assessments for stream segments from the Pajarito Plateau and the Rio Grande at the BDD intake in State Standards.

Recommendations for 2025: The next Triennial Review process will begin in 2025, when the public will be invited to review and comment on NMED’s surface water quality standards. BDD will participate and comment on NMED’s proposed standards for the Pajarito Plateau and Rio Grande as appropriate.

Leads: GGI

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**THE BUCKMAN DIRECT DIVERSION BOARD
RESOLUTION NO. 2022-2**

**A RESOLUTION
OF THE BUCKMAN DIRECT DIVERSION BOARD CONCERNING
THE MISSION, GOALS AND VALUES OF THE BOARD REGARDING
RIO GRANDE WATER QUALITY**

WHEREAS, the Buckman Direct Diversion Board (“BDDDB”) was formed in 2005 pursuant to a Joint Powers Agreement executed by the City of Santa Fe and Santa Fe County;

WHEREAS, the Joint Powers Agreement (“JPA”) delegated to the BDDDB all powers necessary to plan for, finance, design and construct the Buckman Direct Diversion Project (“Project”) and to operate and manage the Project in all aspects;

WHEREAS, the JPA states that “the Board may adopt By-Laws, Rules and Regulations as it deems necessary to conduct their affairs consistent with this Agreement.” JPA, Article 5;

WHEREAS, the BDDDB's core purpose is to provide the City of Santa Fe and Santa Fe County a safe and reliable source of drinking water that meets or exceeds regulatory requirements by diverting and treating surface water from the Rio Grande;

WHEREAS, the BDD Project, a critical component of regional Santa Fe conjunctive water resource management, diversifies the regional water supply under both normal and drought conditions, decreases reliance on non-sustainable groundwater pumping, and thereby allows for the provision of a regional drought reserve;

WHEREAS, the quality of water that is diverted is of paramount importance and priority to the BDDDB;

WHEREAS, the BDDDB seeks to monitor, protect, and positively affect the water quality of the Rio Grande and its tributaries to ensure that the BDD Project continues to produce safe drinking water for the Santa Fe service area; and

WHEREAS, the BDDDB's proactive water quality initiatives also provide for wise management of the costs and the technical challenges of treating Rio Grande water at the BDD Water Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED BY THE BUCKMAN DIRECT DIVERSION BOARD that the BDDDB hereby adopts the following goals and values with respect to its water quality objectives:

- 1) Focus resources on specific Rio Grande segments and their tributaries that have the greatest potential to affect the water quality at the BDD Project intake.
- 2) Foster the BDDDB’s engagement with key partners, stakeholders and regulators including the U.S. Department of Energy, the U.S. Environmental Protection Agency, Los Alamos County, and the New Mexico Environment Department.
- 3) Monitor and ensure adequate surveillance of the Rio Grande and its tributaries to promptly identify and address possible sources of pollution, contamination, and treatment challenges.

1 4) Maintain the capacity to substantively address unforeseen water quality issues as
2 they might arise, including those related to pollution, contamination, fire, climate change, and
3 drought.

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5 5) Manage public funds responsibly, fairly, and with integrity to continuously
6 improve and enhance the value of our service to the public.

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8 6) Support federal, state, regional, and local efforts to manage the water quality of the
9 Rio Grande.

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11 7) Foster public confidence through clarity, honesty, and transparency, particularly
12 with respect to communication of Rio Grande water quality sampling and monitoring; and

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14 8) Sustain the highest possible water quality of the Rio Grande above and at the BDD
15 intake, by appropriately monitoring BDD source waters that may be affected by upstream
16 discharges, climate change, fire and drought.

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18 9) Implement its water quality work by:

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20 i. In the first calendar quarter of each year, review the prior year's water quality
21 issues and BDDB actions.

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23 ii. In the first calendar quarter of each year, receive a staff presentation of anticipated
24 water quality issues for the current calendar year so the BDDB may prioritize its
25 engagement with those issues.

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27 iii. Periodically receive updates at appropriate milestones or when new issues arise,
28 such as new permit applications, new litigation, policy initiatives of other
29 stakeholders, or requests from the public.

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32 PASSED, APPROVED, and ADOPTED this 1 day of December, 2022.

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36 Carol Romero-Wirth
37 Chairperson


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40 ATTEST:

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42 Kristine Bustos-Mihelcic
43 City Clerk

44 Date:

1-31-2023

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47 APPROVED AS TO FORM:

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51 Nancy R. Long
52 BDDB Counsel

01/31/2023
Date:

Date: February 6, 2025
To: Buckman Direct Diversion Board
From: Nancy R. Long
Subject: Election of Chair and Vice Chair

ITEM AND ISSUE:

Election of Chair and Vice Chair to the Buckman Direct Diversion Board.

BACKGROUND AND SUMMARY:

The Joint Powers Agreement between the City and the County establishing the Buckman Direct Diversion Board (“Board”) provides that the Board shall annually elect a Chairperson and a Chairperson Pro-Tempore (Vice Chair).

The Rules of Order for the Board regarding the election of the Chair and Vice Chair provide as follows:

During the February meeting of each year, or as soon thereafter as possible a Chair and Vice-Chair of the Board shall be elected. The Chair position shall rotate between a City and County member each year. The Vice-Chair shall be elected from the opposite entity. Elections shall also be held when required to fill any vacancy that occurs in the Chair or Vice-Chair position.

Since the Chair elected at the last election was a City Councilor, the Chair to be elected at this meeting, shall be a County Commissioner and the Vice-Chair shall be a City Councilor.

ACTION REQUESTED:

It is recommended that the Board elect its officers for the next term.

