

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

May 3, 2018

1. This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Peter Ives, Chair, at approximately 4:20 p.m. the City Council Chambers, 200 Lincoln, Santa Fe, New Mexico.
2. Roll was called and a quorum was present with the following members present:

BDD Board Members Present:

Councilor Peter Ives
Councilor Michael Harris
Commissioner Anna Hamilton
Commissioner Anna Hansen [County alternate]

Member(s) Excused:

Commissioner Henry Roybal
Ms. Denise Fort, Citizen Member

Mr. Tom Egelhoff [non-voting]

BDD Board Alternate Members Present:

Councilor JoAnne Vigil Coppler [City alternate]
Ginny Selvin [Las Campanas non-voting alternate]

Others Present:

Charles Vokes, BDD Facilities Manager
Nancy Long, BDD Board Counsel
Kyle Harwood, BDD Counsel
Mackie Romero, BDD Financial Manager
Bernardine Padilla, BDD Public Relations Coordinator
Debra Harris-Garmendia, BDD Fiscal Administrator
Michael Dozier, BDD Operations Superintendent
Michael Kelley, County Public Works
Cheryl Vokes, Citizen
Marcos Martinez, City Attorney
Sandra Ely, County Utilities
Rita Bates, County Utilities
Dan Frost, Snell & Wilmer
Ellie Lockwood, Snell & Wilmer
Seth Fullerton, Katz, Herdman, MacGillivray, and Fullerton
Bill Schneider, City Staff
Kim Visser, Las Campanas Co-op
Joni Arends, CCNS

SEC. CLERK RECORDED 05/14/2018

3. Approval of Agenda [Exhibit 1: Agenda]

There were no changes offered and Commissioner Hansen moved to approve the agenda as published. Councilor Harris seconded and the motion passed by unanimous [4-0] voice vote.

4. Approval of Minutes: April 5, 2018

CHAIR IVES: Any changes from staff?

CHARLES VOKES (Facilities Manager): Mr. Chair, no changes from staff.

CHAIR IVES: Very good. Any changes from members of the Board?

COMMISSIONER HANSEN: I have a change.

CHAIR IVES: Commissioner.

COMMISSIONER HANSEN: On page -- where are the page numbers -- I don't see the page numbers on the page. [Page 22] On the top of the page where there are changes, I'm on Matters from the Public, and then you go to the next page and then I'm on the third paragraph and on the third line down, it says "something for new members to come up to speed" it's f-r-o and I think it should be "for." "It seems like there should be a packet or something for new members..." It should be f-o-r instead of f-r-o.

CHAIR IVES: So it's a typo and should be f-o-r as opposed to f-r-o.

COMMISSIONER HANSEN: And that was all I found.

CHAIR IVES: Very good. Councilor.

COUNCILOR HARRIS: Thank you, Chair. This would be Section 9, Update on Raw Water Lift Station Modification for Vibration Issues, it's the second page [Page 9] of that section and although this is one of those set of minutes when I read my comments and I even wonder what I was saying, I hate to say it. But I do know what I was saying so a little bit past half-way down under Councilor Harris, it starts, "No they're not engineers. They're certified inspectors. So they will inspect the welds." Not wells -- big distinction. And that's all I had, Chair.

CHAIR IVES: So changing the last l to a d.

COUNCILOR HARRIS: Absolutely.

CHAIR IVES: Excellent. Very good. Any other changes from the Board? What is the pleasure of the Board?

COMMISSIONER HANSEN: I move to approve with the changes.

COMMISSIONER HAMILTON: Second.

CHAIR IVES: Very good. We have a motion and a second.

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

INFORMATIONAL ITEMS

5. Monthly Update on BDD Operations

MICHAEL DOZIER (BDD Operations Superintendent): Mr. Chair, members of the Board, the raw water diversions for April have averaged 6.837 million gallons a day. The drinking water deliveries through Booster Station 4A/5A have averaged 5.405 million gallons a day. Raw water deliveries to Las Campanas have averaged 1.152 million gallons a day. And onsite treated and non-treated water storage has been around .8.

The BDD has been providing 77 percent of the City and County water supply for the month and I stand for any questions.

CHAIR IVES: Very good. Questions from the Board? Very good. This is an informational item, thank you.

MR. DOZIER: Thank you very much.

6. Report from the Facilities Manager

MR. VOKES : Thank you, Mr. Chair, members of the Board. A few items that I want to report on. First, per Councilor Harris's suggestion we have the inspection company he recommended under contract for the vibration and bracing inspection at the raw water lift station. That project, we're in the process of ordering materials. We've got a purchase order on it and so those materials will be arriving and that construction will begin hopefully within the month. So I just wanted to update that. So, any questions on that item?

CHAIR IVES: Councilor.

COUNCILOR HARRIS: I just wanted to say, thanks, Mr. Vokes, for following up so quickly. I didn't know the schedule for construction but it sounds – seems as though you got right on it and like you say, materials are being ordered, so we'll be able to work them into the schedule and I think you'll find them very good to work with.

MR. VOKES: Yes, sir, thank you. Okay, second item, I wanted to let the Board know that we were able to perform an inspection on the diversion structure last month using our coffer box. The river is in an excellent state of calm right now so that made that easy to do. The seals around the screens were intact except for Cell #3 which the staff repaired using the product suggested by Santa Fe County Public Works Director Michael Kelley. We installed that material, put it in service for a week and then reinspected it to make sure the material was holding and indeed it was. So that's a good thing.

Also, during those inspections staff replaced broken flex hoses within the cells and also the air control valves as was needed. So those should be good to go.

We also have contacted a company, Rain for Rent, about using one of their systems to provide the clean seal water for the pumps. We were told by that company that their system would not work in our application. Staff has also built a pilot plant to supply clean seal water using miniature centrifugal separators. That was Deere & Ault's

suggestion and their design. And this pilot was tested. Unfortunately, it did not work. So Deere & Ault is looking at their design and seeing if there's any modifications they can make to make that pilot actually work. But at this time it kind of flopped.

Staff has also contacted a valve company to discuss replacement of the air valves. Oh, yes, I'm sorry.

CHAIR IVES: There's a question on that particular item. So I thought we'd take them in turn if that's okay.

COMMISSIONER HAMILTON: It's probably a quick question. But could you explain a little better what that was a repair on – what Deere & Ault had recommended? Maybe I just missed the very beginning of what you said.

MR. VOKES: Commissioner, we received a design from Deere & Ault and if you're familiar with the big Lakos separators they're a centrifugal sand removal system.

COMMISSIONER HAMILTON: Yes, yes.

MR. VOKES: Well, they had talked to a manufacturer of some very small separators and so we constructed a pilot station that had six or nine of these separators built into it. So the idea was that we would pump the raw water through there. Those separators would then spin the sand out and provide cleaner seal water. So that was the idea because we're looking for options to avoid bringing a clean water line down from the plant.

COMMISSIONER HAMILTON: Thank you.

MR. VOKES: You're welcome.

CHAIR IVES: Just on that same point; you said it did not work and in what way did it not work?

MR. VOKES: It plugged up within a minute or so. It just failed and kind of fell on its face.

Also, the staff has contacted a manufacturer of valves to look at replacing of the existing air valves to see if there was a valve available that would allow us to put a valve key on it so that we could manually control that. And that particular company felt that they were pretty confident that they could build that. The conflict with this is we want to be able to install a new airburst system that is removable out through the hatch and we want to make sure that whatever we do with those valves does not conflict with the construction of the new airburst system. The design of the new system is that it will be in several panels that then we can detach and pull out as they wear out or as they need repair. So we're still looking at that and looking at a best solution.

I think based on the predictions for water in the river this summer we're going to have quite a bit of time that we can spend inside the cells because of the water levels. We're still investigation those things. So I just wanted to report on those items that the committee had brought forward and we're still pursuing those. I'll stand for questions on those items.

CHAIR IVES: Questions on that point? I do recall a discussion where the airburst system was of some significance in terms of potential shutdown of the system. So finding those solutions sooner rather than later in ways that address those issues is significant. Where are you in that search and when do you think you will have completed that prospect?

MR. VOKES: As I mentioned, during the inspection of the diversion one of the things that staff did is look at each one of those air valves and if there was any wear on those, we replaced them. Typically, those valves have been lasting anywhere from six months to a year. So by doing that, we feel like we have bought ourselves some time so we won't make the wrong decision on replacing those valves with something we can put a valve key on. And, again, we want to make sure that that integrates with the plans for replacing the airburst. Right now there is no indication of any real issues with the airburst system. It's functioning. And, so, again, we want to make sure that we have enough information; we know what the options are and then we'll get the group back together and discuss whether we want to do Plan A, Plan B or Plan C.

CHAIR IVES: Good, thank you. Councilor.

COUNCILOR HARRIS: So did you get to the point where you removed, pulled the coffer box or is it still in place?

MR. VOKES: No, no, sir. I think it was probably three weeks ago that we completed that work. And we don't typically leave the coffer box in place. We remove it and then set it on the bank.

COUNCILOR HARRIS: All right. And then what is your expectation for when you would be ready to reinstall and look at the seals, for instance, at cell 3 or any other work, not just inspection work but perhaps different valves; when do you think that might be? Is it six months out? Nine months out? Three months out?

MR. VOKES: My expectation is that we'll have enough information for the group to reconvene probably within a month and a half, somewhere along there, and then, again, based on the different solutions we've come up with we want to discuss those and say, Yeah, we think we should do Plan A or a combination of Plan A and Plan B or whatever. So I'm looking at a month and a half out, again, I don't know what the river is going to do but we're expecting that there shouldn't be any problem in reinstalling the coffer box and working on the diversion this particular summer. We hope maybe there is, but at this point it doesn't look like there is.

COUNCILOR HARRIS: Right. And you'd bring the options back to the Board I assume.

MR. VOKES: Yes, yes and --

COUNCILOR HARRIS: The recommendations I should say.

MR. VOKES: Certainly, certainly, from the committee, yes.

COUNCILOR HARRIS: All right, very good. Thank you. That's all, Chair.

MR. VOKES: Then I have a third item that I would like to update the Board on. As the Board may recall we are in the process of doing a study which is called a Treat Study and it's looking at the different processes within the plant. The study was included in the past two DOE Memos of Understanding and was begun in March of 2016. The Treat Study goal is to provide information on the efficiencies at the treatment processes with respect to any contaminants that may occur in the Rio Grande source water and to allow optimization of our treatment processes. This study is being funded by the BDD Board above what has been provided by the MOU and LANL.

The study intended to take six sets of samples over a three-year period to allow us to look at different seasons and different raw water source conditions. The sample locations include the Rio Grande and then locations throughout the water treatment

processes. And we will be collecting our fifth set of samples this spring. There are over 100 different contaminants that are being analyzed in this study including solids, metals, pharmaceuticals, radiological and other compounds.

The initial results of the study have shown that the majority of the compounds present in the Rio Grande are reduced or removed to below detection limits by the BDD treatment processes. The results also show that some of the compounds are not completely removed by the processes which is not unusual for this type of study. So what does this mean? First I want to emphasize that the finished water produced by the BDD has and will continue to meet all federal and state drinking water standards. Second, many of the detected compounds are either unregulated or have been detected at levels that are in many cases hundredths or thousandths of times below the drinking water standards. Third, based on the current results we have formed a team of both internal and external experts to review the results and to suggest and implement improvements to the study, including improving the quality of the data that we're receiving and also to reduce the variability of that data. This group will also determine if the initial goal of the study needs to be modified or expanded. So with that, we are going to continue the study. We are going to look at modifications to the study and we will continue to report to the Board the process and the progress of QA/QC review of the existing Treat sampling and analytical methods on a periodic basis or as often as requested by the Board. So with that, I will answer any questions about that information.

CHAIR IVES: Questions? Commissioner.

COMMISSIONER HANSEN: So on this Treat study you say that there's a lot of contaminants that don't have standards, but that doesn't mean that they're not harmful. So with that, like perchlorate, the standard has been lowered. I don't know what the standard is for hexavalent chromium but, you know, there are different standards. So what I am concerned about what this study is that we are aware of the contaminants that are in the river that even though the U.S. has not created a standard for those contaminants that we pay attention to it because it is still in our drinking water. And so that is one of the issues that I am concerned about. I want to know the actual levels and the data of the contaminants.

MR. VOKES: Mr. Chair and Commissioner Hansen, it is our intention to post the results of the Treat study on the BDD website so that the public has access to that. The other thing that we feel is important is that the public understands that we've only received four sets of samples and there's a lot of variability. We are looking at some of these compounds in the parts per trillion range where perhaps we're seeing just slightly above the detection limit. And, again, I'm stressing that the ranges, the amounts that we're seeing are at really, really low levels. Again, this study was designed to allow us to optimize our processes. For example, if we are dousing with one part per million of ozone what is the impact of going up to one and a half or two parts per million of ozone. We've discussed a little bit with the Board some of our issues with our biofilters and the back washing of those biofilters and we have, by removing the top one and a half feet of the carbon in those biofilters, allowed a better backwash. We've actually doubled the flow of our backwash. Again, that optimization of the processes is what we're seeking. There's a lot of work being done throughout the country particularly with ozone and biofilters and looking at these compounds and saying if we, say fertilize our biofilters with micronutrients are they effective at removing pharmaceuticals such as ibuprofen or

COMMISSIONER HAMILTON: Yeah, I was going to add just as a follow up to that, for some – there are a whole range of compounds that include pharmaceuticals and personal care products; you're right, there was a period of time when there was a whole series of studies. And I know EPA did some studies. And if I'm not mistaken EPA actually did or sponsored, paid for, maybe Region 6 a period of sampling in the Rio Grande for personal care byproducts, that sort of thing. I'm just wondering, I don't suspect there will be any actions by EPA to make these standards but if they're of interest – are you sampling – I know you said you were sampling some pharmaceuticals. Are you sampling a fairly wide range of pharmaceuticals and personal care products? And maybe it would be worthwhile having somebody on staff poll some of the existing information that is both local and national as for comparison.

MR. VOKES: Yes to all of the above.

COMMISSIONER HAMILTON: Thank you.

CHAIR IVES: Other questions from the Board? Chuck, again, any additional items on your report?

MR. VOKES: No, Mr. Chair, thank you very much.

CHAIR IVES: In that case we have concluded our informational items and we have no discussion and action items.

DISCUSSION AND ACTION - None.

MATTERS FROM THE PUBLIC

CHAIR IVES: Is there anybody who would like to address the Board? If so, please come down and do so. There being no takers we'll move on.

MATTERS FROM THE BOARD

CHAIR IVES: Commissioner.

COMMISSIONER HANSEN: Yes, I sent a note to Chuck earlier. I don't believe that this Board has been briefed on the BLM – State Land exchange or if it has I missed it and I apologize. But I am extremely concerned about this exchange and I'm actually opposed to it. It is a loss of money to the County in PILT money of about \$3,000 to \$4,000 if it becomes state land and that's per year. So I want to know where we stand and what is happening with that exchange because when Commissioner Dunn came to brief us at the County Commission we specifically asked him to come here and brief the Buckman Direct Diversion Board. I don't know if he has come to the City Council and briefed them on this but you don't have BLM land within the City or State Land within the City so that's not really an issue for you but it is an issue for us. So I want to bring that to your attention.

CHAIR IVES: Commissioner, if I could just ask a question which is how does the exchange relate to BDD operations?

COMMISSIONER HANSEN: Aubrey Dunn would like to take all of the land that the Buckman Direct Diversion has from the plant to the Rio Grande and transfer it to State Land so it would no longer be BLM land and then we would lose the PILT money for the County which is what we use to repair the roads and do other infrastructure

on Diablo Canyon and other areas that are surrounding there. I do not believe they're going to take the trail, the FLAP trail that we are building but that might still be up for discussion. So I know that Ms. Long has been dealing with this and I just feel that it's really important that that the Buckman Board understands these issues also because it affects the County and we haven't passed a resolution saying that we're opposed but we could.

NANCY LONG (BDD Board Counsel): Mr. Chair and Commissioner, yes, you could. Of course, this came up at the end of last year when we received notice from the BLM that said there was a proposed exchange and we had certain elections we could make. We could do nothing and then we would become tenants basically of the State Land Office instead of BLM. Or we could elect to convert our rights-of-way to permanent status which we thought was something we ought to apply for so then we would actually own instead of rent and we would not have a new landlord basically. So we did submit those applications and really have heard nothing. And I did get in contact with the BLM office this week after your inquiry Commissioner Hansen, and they say it's a long process, and you may have heard more from Mr. Dunn, but it is still in process. They are in the middle of getting appraisals for the property so they can determine that the values are equal that they will be exchanging. They are also doing environmental assessments. And that they will be back to us on what our fees will be because we paid no fees with the application. They said, We'll get back to you once we determine what those fees are based upon appraisals and other information.

So apparently, it sounds like it is still moving forward very slowly but the Board has not taken any position, you are correct, officially on whether this exchange should happen or not. We just said if it's going to happen we want to covert ours to perpetuity but we don't know what the price tag is for that yet either, they haven't told us.

COMMISSIONER HANSEN: So I just strongly feel that that is something that should come to the Board for Board decision. And I want to make the case for the fact that this is BLM land and we get PILT money at the County which helps us take care of the roads, it takes care of the parks, takes care of the trails out there and that is something that all of our constituents use and are concerned about. So I have some issues about it and Commissioner Dunn knows that from meeting with us because I have gone to a number of these hearings at the State Land Office last year. Myself and Commissioner Anaya both attended and we're concerned. We don't want these lands to become State land. BLM is a better landlord for us, we believe.

CHAIR IVES: Commissioner.

COMMISSIONER HAMILTON: Just a detail: are they talking about all the BLM lands that are associated with Buckman?

COMMISSIONER HANSEN: Uh huh.

COMMISSIONER HAMILTON: All of them?

COMMISSIONER HANSEN: Yes.

COMMISSIONER HAMILTON: So the effect would be that there's no federal involvement in the Buckman Direct Diversion – no federal lands.

COMMISSIONER HANSEN: The Buckman would be no longer on any federal land.

MS. LONG: Yes, Commissioner Hansen, that is correct.

CHAIR IVES: I would ask, have we reviewed any of the underlying exchange documents?

MS. LONG: No, Mr. Chair, we have not.

CHAIR IVES: I would be curious to see how those documents actually treat the Board's request potentially making those lands permanently belong to the Board as opposed to sort of extracting them from the exchange. Maybe I could ask –

MS. LONG: At this point, my understanding is they have not made that determination but I was informed that there were a number of other applicants that also applied for perpetual status and all of those were being reviewed and that they would get back to us as to whether that would be acceptable and what the price would be but they have not analyzed that yet. The Taos office is the field office that is reviewing that.

COMMISSIONER HANSEN: And, Mr. Chair.

CHAIR IVES: Yes.

COMMISSIONER HANSEN: So, one of the other problems to know about BLM is that the Taos field office has now had at least three different directors. So there has been a constant turnover so there's nobody been home, sort of speak, and the land would not belong to the Board. The land would still belong to the state. We would just have a perpetual easement, okay. So it's not – we're to going to own that land. We would just have it in perpetuity.

MS. LONG: That is correct. We would not have to go back for renewals or they couldn't change the terms. We would convert to the status of a permanent tenant. Right now the rights-of-way easements have to be renewed periodically.

COMMISSIONER HANSEN: The patents are given for how many years?

MS. LONG: I believe all were 10 year, some were 10 years and some were longer. Maybe it was just for the cable/infrastructure the IT aspect was a shorter term and the others were maybe 20 years.

CHAIR IVES: In my experience, if you're talking lease type circumstances, you're talking special use permits as opposed to patents. A patent is usually a fee transfer in the federal system.

Perhaps we could simply ask the BLM for an update and a status report at the next meeting of the Board so we know where they're at and if they have any anticipated timeframes of what those might be.

MS. LONG: Mr. Chair, are you asking for the BLM representative to attend or just to relay their report to you?

CHAIR IVES: Inquiry to them about the status, I think, and if it is getting to the point of action then it might be appropriate to have them come and brief us more fully. It sounds like it is – just given my experience with working with BLM in my day job – than can be a long period.

MS. LONG: It can be and it's been difficult to get information and they're thinking that it will take at least all year. And it's a broader exchange. It's not just property that we're involved with. It's basically statewide.

COMMISSIONER HANSEN: It's the whole state. Commissioner Dunn has selected areas that he is transferring partly to do with the Rio Grande del Norte and having to do with the Organ Mountain monument down south. There's a number – it's not a small little – we haven't been especially sectioned out in this matter. But it is a statewide exchange.

CHAIR IVES: Very good. Let's get an update, unless there is imminent action in which case, let's by all means invite the BLM.

MS. LONG: All right, Mr. Chair. We'll see what we can round up for you by way of an update at the next meeting.

COMMISSIONER HANSEN: And possibly the State Land Office.

MS. LONG: Yes, that would be a good avenue as well.

COMMISSIONER HANSEN: Thank you, Mr. Chair.

CHAIR IVES: Other matters from the Board?

NEXT REGULAR MEETING: Thursday, June 7, 2018 @ 4:15pm

EXECUTIVE SESSION

**In accordance with the New Mexico Open Meetings Act NMSA 1978 Section 10-15-1(H)(7), discussion regarding threatened or pending litigation in which the BDDDB is, or may become a participant, including without limitation:
Discussion regarding Diversion Structure issues**

CHAIR IVES: With that, I would entertain a motion to adjourn and to move into executive session.

MS. LONG: Yes, Mr. Chair, for that purpose as stated on the agenda.

CHAIR IVES: Is there a motion?

COMMISSIONER HAMILTON: I would so move.

CHAIR IVES: Very good. Is there a second to said motion?

COUNCILOR HARRIS: Second.

CHAIR IVES: We have a motion and a second. All those –

MS. LONG: Mr. Chair, you'll need a roll call. We have a combined adjournment but also with executive session.

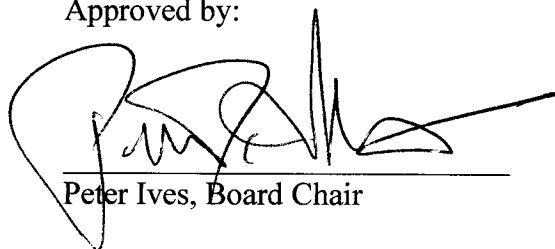
The motion to go into executive session passed by unanimous [4-0] voice vote with the following BDD Board members voting in the affirmative:

Councilor Ives	Yes
Councilor Harris	Yes
Commissioner Hansen	Yes
Commissioner Hamilton	Yes

ADJOURNMENT

Having completed the agenda, Councilor Ives declared this meeting adjourned at approximately 5:05 p.m.

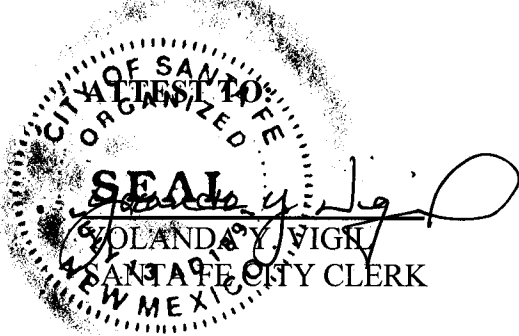
Approved by:



Peter Ives, Board Chair

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 14

I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of August, 2018 at 05:25:30 PM
And Was Duly Recorded as Instrument # 1865139
Of The Records Of Santa Fe County



Deputy *Estrella Martinez* Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

REC CLERK RECORDED 88/14/2018



EXHIBIT

1

tabbles

AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, May 3, 2018

4:15 PM

CITY HALL

CITY COUNCIL CHAMBERS

200 LINCOLN

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FROM THE April 5, 2018 BUCKMAN DIRECT DIVERSION BOARD MEETING

INFORMATIONAL ITEMS

5. Monthly Update on BDD operations. (Michael Dozier)
6. Report from the Facilities Manager. (Charles Vokes) **VERBAL**

DISCUSSION AND ACTION

None

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT REGULAR MEETING: Thursday, June 7, 2018 @ 4:15pm

SFC CLERK RECORDED 66/14/2018

ADJOURN

EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding threatened or pending litigation in which the BDDDB is, or may become, a participant, including without limitation: Discussion regarding Diversion Structure issues. (Nancy R. Long)

End of Executive Session

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE

SEC CLERK RECORDED 08/14/2018