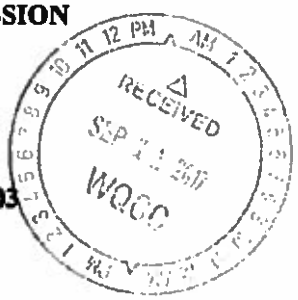
STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION



IN THE MATTER OF PROPOSED AMENDMENTS TO GROUND AND SURFACE WATER PROTECTION REGULATIONS 20.6.2 NMAC	)	**No. WQCC-17-03**

NEW MEXICO MUNICIPAL LEAGUE ENVIRONMENTAL QUALITY ASSOCIATION'S NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY AND EXHIBITS

The New Mexico Municipal League Environmental Quality Association (NMML) files this Notice of Intent to Present Technical Testimony (NOI) pursuant to 20.1.6.202 New Mexico Administrative Code (NMAC) and the Revised Procedural Order dated June 2, 2017. This testimony will be in support of the NMML's comments (proposed revisions) to the New Mexico Environment Department's (NMED) petition to amend Ground and Surface Water Protection Regulations (20.6.2. NMAC).

In accordance with 20.1.6.202.A. NMAC, the NMML states as follows:

1. The person for whom the witness will testify: New Mexico Municipal League Environmental Quality Association (NMML)

2. The persons to testify are:

   a. Alex Puglisi, Source of Supply Manager and Compliance Officer, City of Santa Fe will testify regarding the revisions to the definition of "toxic pollutant", 20.6.2.3103 NMAC, and 20.6.2.4103 NMAC. The resume and qualifications of the witness are attached in Exhibit NMML-2.

   b. John M. Stomp, III, P.E. Chief Operating Officer, Albuquerque Bernalillo County Water Utility Authority will testify regarding the revisions to 20.6.2.3105 NMAC and 20.6.2.5006 NMAC. The resume and qualifications of the witness are attached in Exhibit NMML-3.

3. The direct technical testimony of Alex Puglisi is attached as Exhibit NMML-4. Mr. Puglisi is also expected to provide oral testimony lasting approximately 15 minutes. The direct technical testimony of John M. Stomp, III, P.E. is attached as Exhibit NMML-5. Mr. Stomp is also expected to provide oral testimony lasting approximately 30 minutes.

4. NMML Recommended changes to 20.6.2 NMAC are attached as Exhibit NMML-6.

5. NMMEQA will provide the following exhibits:

Exhibit Designation	Description
Exhibit NMML-1	NMML Comments on NMED Petition
Exhibit NMML-2	Resume of Alex Puglisi
Exhibit NMML-3	Resume of John M. Stomp, III, P.E.
Exhibit NMML-4	Technical Testimony of Alex Puglisi
Exhibit NMML-5	Technical Testimony of John M. Stomp, III, P.E.
Exhibit NMML-6	NMML Recommended Changes to 20.6.2 NMAC

6. NMMEQA reserves the right to call additional witnesses or introduce additional exhibits in response to technical testimony and witnesses presented at the hearing.

Respectfully submitted,
New Mexico Municipal League
Environmental Quality Association Subsection

Russell Church, President
NMML EQA Subsection
P.O. Box 846
Santa Fe, NM 87504
575-754-2277
rrchurch@redriver.org

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2017, a true and correct copy of the foregoing pleading was hand delivered to the following:

Ms. Pam Castaneda, Administrator
Water Quality Control Commission
New Mexico Environment Department
Room N-2168, Runnels Building
1190 St. Francis Dr.
Santa Fe, NM 87505
Pam.castaneda@state.nm.us

and served via electronic mail to the following:

New Mexico Environment Dept.
Office of General Counsel
John Verheul
Lara Katz
P.O. Box 5469
Santa Fe, NM 87502
John.verheul@state.nm.us
Lara.katz@state.nm.us

Jamie Park
Douglas Mieklejohn
1405 Luisa St., Suite 5
Santa Fe, NM 87505
jpark@nmelc.org
dmeiklejohn@nmelc.org

Rachel Conn
Project Director
Amigos Bravos
P.O. Box 238
Taos, NM 87571
rconn@amigosbravos.org

Michael Bowen
Executive Director
1470 St. Francis Dr.
Santa Fe, NM 87505
nmma@comcast.net

William Brancard
Cheryl Bada
1220 South St. Francis Dr.
Santa Fe, NM 87505
Bill.brancard@state.nm.us
Cheryl.bada@state.nm.us

William C. Olson
14 Cosmic Way
Lamy, NM 87540
billjeanie.olson@gmail.com

Pete Domenici
Lorraine Hollingsworth
Domenici Law Firm, P.C.
320 Gold St. SW, Ste 1000
Albuquerque, NM 87102
pdomenici@domenicilaw.com
lhollingsworth@domenicilaw.com

Louis W. Rose
Karie Olson
P.O. Box 2307
Santa Fe, NM 87504
lrose@montand.com
kolson@montand.com

Timothy A. Dolan
Office of Laboratory Counsel
Los Alamos National Laboratory
P.O. Box 1663, MS A187
Los Alamos, NM 87544
tdolan@lanl.gov

Dalva L. Moellenberg
Gallagher & Kennedy, P.A.
1239 Paseo de Peralta
Santa Fe, NM 87501
dlm@gknet.com

Michael L. Casillo
AFLOA/JACE
1500 W. Perimeter Rd., Suite 1500
Joint Base Andrews, MD 20762
michael.l.casillo2.civ@mail.mil

Stuart R. Butzier
Christina Sheehan
American Magnesium, LLC
Rio Grande Resources Corporation
New Mexico Copper Corporation
P.O. Box 2168
Albuquerque, NM 87103-2168
stuart.bitzier@modrall.com
Christina.sheehan@modrall.com

John Grubesic
Office of the Attorney General
P.O. Box 1508
Santa Fe, NM 87504-1508
jgrubesic@nmag.gov

New Mexico Municipal League Environmental Quality Association

By: _____

Russell A. Church, President
NMML EQA Subsection
P.O. Box 846
Santa Fe, NM 87504
575-754-2277
rrchurch@redriver.org

STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PROPOSED AMENDMENTS TO GROUND AND SURFACE WATER PROTECTION REGULATIONS 20.6.2 NMAC	)))))	**No. WQCC-17-03**

ENVIRONMENTAL QUALITY ASSOCIATION SUBSECTION, NEW MEXICO MUNICIPAL LEAGUE COMMENTS ON NEW MEXICO ENVIRONMENT DEPARTMENT'S PETITION TO AMEND GROUND AND SURFACE WATER PROTECTION REGULATIONS (20.6.2 NMAC)

In the matter of WQCC-17-03, the Environmental Quality Association Subsection of the New Mexico Municipal League (NMML) does not support the following changes included in the New Mexico Environment Department (NMED) petition.

Regarding 20.6.2.7.T NMAC – Definition "toxic pollutant":

- NMED proposed to add two new pollutants that were not included in previous drafts. Prometon and sulfolane (thiolane 1,1 dioxide) are two examples.

  NMED explains in Paragraph #4 in the Statement of Reasons:

  > *"In the Definitions section, the Department proposes to add several toxic pollutants in order to enable regulation of these dangerous constituents for the protection of human health...."*

  These pollutants are not currently regulated by the Safe Drinking Water program. The process for determining "standards for toxic pollutants" as described by the current rule language is very general. The actual "standards" are not subject to public comment. According to the New Mexico Statute, the commission:

  "*D. shall adopt water quality standards for surface and ground waters of the state based on credible scientific data and other evidence appropriate under the Water Quality Act.* ..." 74-6-4 NMSA 1978

  "Scientific information currently available to the public" needs to be peer reviewed before translating to a regulatory standard outside of the rulemaking process. The NMED should propose numeric standards to regulate them instead of merely adding them to the list of toxic pollutants. The numeric standards provide a process for consistent regulation of contaminants not previously included in the rule. If additional pollutants are added to the list of toxic pollutants, NMED should provide specific reasons to justify the addition for each new pollutant.

Regarding 20.6.2.3103 NMAC – Standards for Ground Water of 10,000 mg/L TDS or less.

- NMED's petition includes revisions to some numeric standards to match the federal Safe Drinking Water program Maximum Contaminant Levels (MCLs). However, NMED was not consistent with changing existing standards to match MCLs. NMED stated in paragraph #7 of the statement of reasons:

> *"..the Department proposes changes to the numeric standards to bring those standards in line with the Maximum Contaminant Levels for each pollutant as specified by the U.S. Environmental Protection Agency ("EPA") under the federal Clean Water Act. The Department is not proposing changes to certain existing standards that are more stringent than current EPA standards in order to protect public health and welfare...."*

NMED did not list which "certain existing standards" were not changed to protect public health and welfare. NMED was not consistent with that position. The numeric standards for barium, toluene, 1,1-dichloroethylene (1,1 DCE), and vinyl chloride were increased to the MCLs, but the numeric standards for chromium, fluoride and total xylenes remain the same. The changes should be consistent. Therefore, the numeric standards for chromium, fluoride and total xylenes should be increased to match the MCLs (0.1 mg/L, 4.0 mg/L and 10, 000 mg/L, respectively).

- NMED proposes to strike some of the language in the definition of "toxic pollutants" 20.6.2.7.WW NMAC and move the bulk of that language to Subsection 20.6.2.3103.A. NMAC to create "narrative" standards.

> "**20.6.2.7.[~~WW~~]T(2) "toxic pollutant:** means [~~a water contaminant or combination of water contaminants in concentration(s) which, upon exposure, ingestion, or assimilation either directly from the environment or indirectly by ingestion through food chains, will unreasonably threaten to injure human health, or the health of animals or plants which are commonly hatched, bred, cultivated or protected for use by man for food or economic benefit; as used in this definition injuries to health include death, histopathologic change, clinical symptoms of disease, behavioral abnormalities, genetic mutation, physiological malfunctions or physical deformations in such organisms or their offspring; in order to be considered a toxic pollutant a contaminant must be one or a combination of the potential toxic pollutants listed below and be at a concentration shown by scientific information currently available to the public to have potential for causing one or more of the effects listed above;~~] any water contaminant or combination of the water contaminants in the list below[~~, creating a lifetime risk of more than one cancer per 100,000 exposed persons is a toxic pollutant~~]:...."
>
> **20.6.2.3103.A. Human Health Standards**[~~. Ground water shall meet the standards of Subsection A and B of this section unless otherwise provided. If more than one water contaminant affecting human health is present, the toxic pollutant criteria as set forth in the definition of toxic pollutant in Section 20.6.2.1101 NMAC for the combination of contaminants, or the Human Health~~

~~Standard of Subsection A of Section 20.6.2.3103 NMAC for each contaminant shall apply, whichever is more stringent. Non-aqueous phase liquid shall not be present floating atop of or immersed within ground water, as can be reasonably measured.~~]

(1) Numerical Standards....

(2) Standards for Toxic Pollutants. A concentration shown by existing scientific information currently available to the public to have potential for causing one or more of the following effects upon exposure, ingestion, or assimilation either directly from the environment or indirectly by ingestion through food chains: (1) unreasonably threatens to injure human health, or the health of animals or plants which are commonly hatched, bred, cultivated or protected for use by man for food or economic benefit; as used in this definition injuries to health include death, histopathologic change, clinical symptoms of disease, behavioral abnormalities, genetic mutation, physiological malfunctions or physical deformations in such organisms or their offspring; or (2) creates a lifetime risk of more than one cancer per 100,000 exposed persons.

NMED explains in Paragraph #7 in the Statement of Reasons:

> *"... The Department also proposes to move the narrative standard for toxic pollutants to 20.6.2.3103 NMAC."*

This change is significant. The language, in the current location (20.6.2.7.WW), applied solely to the toxic pollutants contained within the definition of "toxic pollutant." By moving the language to a new subsection for "Standards for Toxic Pollutants", this has the potential to expand beyond the list within the definition. NMED needs to codify the approach it follows for coming up with the "standards" to prevent those health effects. The general language circumvents the public participation process. If this proposal is retained, this provision should only be applied to the list of pollutants contained within the definition of "toxic pollutants".

- NMED proposes to add language to the note at the end of the section to describe the implementation timeline for the more stringent standards and clarification for sites with approved abatement plans based on the current standards. The language regarding the clarification of sites with approved abatement plans should be included within the rule, not within a note. The NMML proposes that the last sentence of the note be deleted ad the following text be added to the newly formatted Section 20.6.2.4103.C. NMAC.

20.6.2.4103 ABATEMENT STANDARDS AND REQUIREMENTS:

C. Ground-water pollution at any place of withdrawal for present or reasonably foreseeable future use, where the TDS concentration is 10,000 mg/L or less, shall be abated to meet:

(1) the standards of Section 20.6.2.3103 NMAC,

(2) the standards specified in an abatement completion report pursuant to Section 20.6.2.4112 NMAC approved by the NMED Secretary prior to [the effective date of the revisions to Section 20.6.2.3103 NMAC], or

(3) if the NMED Secretary notified the responsible person that the site is a source of contaminants in ground water at a place of withdrawal for

present or reasonably foreseeable future use at concentrations in excess of the standards of 20.6.2.3103 NMAC, then the applicable standards of Section 20.6.2.3103 NMAC shall apply.

[~~conform to the following standards:~~

~~(1) toxic pollutant(s) as defined in Section 20.6.2.1101 NMAC shall not be present; and~~

~~(2) the standards of Section 20.6.2.3103 NMAC shall be met.~~]

Regarding 20.6.2.3105.A. NMAC - Exemptions form Discharge Permit Requirement.

- NMED proposes to require a discharge permit if "treatment and blending is required to achieve" the numerical standards listed in 20.6.2.3103 NMAC. In Paragraph #8 of the Statement of Reasons, NMED stated that this "clarification" is necessary:

> *"...because the existing language, which was adopted in 1977, does not account for modern wastewater treatment technology, thus leaving a potential loophole for certain dischargers to avoid regulation, contrary to the intent of the original Rules. This language also codifies historical and current practice. Discharge permits establish conditions that ensure that the treatment and blending necessary to achieve the numeric standards of 20.6.2.3103 NMAC are met."*

If this caveat is added to Section 20.6.2.3105 NMAC, it is likely that no scenarios would qualify for this exemption. The NMML proposes additional language for this exemption in the following section.

Regarding 20.6.2.5006 NMAC - Discharge Permits for Class V Injection Wells.

- NMED proposes to eliminate the exemption for recharge projects (i.e. requiring a ground water discharge permit for recharge projects). In Paragraph #18 of the Statement of Reasons, NMED stated:

> *"...the Department proposes eliminating the exemptions of 20.6.2.3105 NMAC for Underground Storage and Recovery Projects, in order to provide more protection for New Mexico's aquifers and provide for public involvement in the permitting process."*

Underground storage of excess water in times of plenty is a key technology for addressing the strain climate change will put on water resources in the Southwest and because permitting and monitoring requirements can make these projects financially untenable, the NMML proposes that the exemption should be as follows:

> 20.6.2.3105 EXEMPTIONS FROM DISCHARGE PERMIT REQUIREMENT: Sections 20.6.2.3104 and 20.6.2.3106 NMAC do not apply to the following:
>
> **A.** Effluent or leachate which conforms to all the listed [~~numerical~~] standards of Section 20.6.2.3103 NMAC and has a total nitrogen concentration of 10 mg/l or less[~~, and does not contain any toxic pollutant~~]. If treatment or blending is required to achieve these standards this exemption does not apply except for

recharge projects used to replenish the water in an aquifer where the source water meets all drinking water standards and the source water chemistry is shown to be compatible with the chemistry of the ground water. To determine conformance, samples may be taken by the agency before the effluent, [~~or~~] leachate or other source water is discharged so that it may move directly or indirectly into ground water; provided that if the discharge is by seepage through non-natural or altered natural materials, the agency may take samples of the solution before or after seepage. If for any reason the agency does not have access to obtain the appropriate samples, this exemption shall not apply;

20.6.2.5006 DISCHARGE PERMIT REQUIREMENTS FOR CLASS V INJECTION WELLS: Class V injection wells must meet the requirements of Sections 20.6.2.3000 through 20.6.2.3999 and Sections 20.6.2.5000 through 20.6.2.[~~5006~~]5005 NMAC. Class V injection wells or surface impoundments constructed as recharge basins used to replenish the water in an aquifer, including use to reclaim or improve the quality of existing water, must additionally provide documentation of compliance with 19.25.5 NMAC (Underground Storage and Recovery) ~~and shall not be subject to the exemptions of 20.6.2.3105 NMAC~~. If the exemption in Section 20.6.2.3105.A. does not apply for a recharge basin project, a discharge permit shall be required as follows:

A. Monitoring will be required for only those contaminants shown to be present in the source water or which have the potential to be mobilized during injection or infiltration; and

B. The permittee shall have the opportunity to petition to eliminate or reduce sampling requirements after two years or four rounds of sampling, whichever comes first.

The NMML proposes the above change to Section 20.6.2.3105.A NMAC because when the source water is drinking water it is already highly regulated by the Safe Drinking Water Act. This exemption is similar to discharges permitted by the National Pollutant Discharge Elimination System (NPDES) that are covered by Section 20.6.2.3105.F. NMAC. The owner/operator would only need to verify that the source water is compatible with the ground water. Without this exemption, the additional costs for permitting and monitoring are significant disincentives to recharging projects.

In addition, the NMML proposes the above changes to Section 20.6.2.5006 NMAC to narrow the scope of monitoring requirements to only contaminants contained in the source water.

Exhibit NMML-2
Resume

Alex A. Puglisi

SUMMARY

Educational preparation in the biological sciences and natural resources management with an extensive background in environmental planning, water quality, regulatory affairs, and program management. Well-developed management and communication skills in working with both technical and non-technical people in the public and private sectors.

EDUCATION

Cibola High School, Albuquerque, NM 87124,
Diploma-1976

Masters, 1988. (Honors). Public Administration (Natural Resources Management). The University of New Mexico, Albuquerque, NM 87103

BS, 1981. Environmental Biology. The University of New Mexico, Albuquerque, New Mexico 87103

WORK EXPERIENCE:

Interim Source of Supply Manger/Environmental Compliance Officer, City of Santa Fe, Santa Fe, New Mexico 87507 (November, 2010- Present)

Manage the City's sources of water supply for potable use including two reservoirs and the well fields. Manage the Santa Fe River watershed and surface reservoirs providing over 50% of City's water supply. Advises the City Manager, Mayor, Public Utilities and Public Works staff of changes in laws and regulations; assists staff in ensuring compliance with permit requirements and deadlines; analyzes and evaluates environmental; compliance requirements to determine applicability to the City's circumstances and operations. Prepare correspondence and documents pertaining to permit compliance and other regulatory matters; prepares progress reports for compliance schedules; requests for proposals (RFP's) to meet compliance requirements, requests for permit applications; draft City ordinances and other related documentation. Evaluates on an issue basis, monitoring, and reporting data to determine the status of the City's compliance; seeks clarification when instructions from regulatory agencies appear to contradict state or federal regulations; conducts internal audits at the request of the City Manager. Manage special projects and studies to meet compliance requirements including coordinating cooperative research and developing public outreach materials and programs. Keeps current with any applicable federal, state, and local laws and regulations including the Clean Water Act, Safe Drinking Water Act, Endangered Species Act and other applicable laws and federal and state regulations; maintains reference materials pertaining to environmental laws, regulations, implementation guidance, agency policies, and related information. Identifies and anticipates emerging environmental issues of importance to the City; evaluates compliance options and recommends strategies to minimize negative impacts and costs to the City while optimizing effective control, or avoidance of attendant problems; represents the City's interests with regulatory agencies and other stakeholders.

Manager, Remediation Oversight Section, New Mexico Environment Department, Santa Fe, New Mexico 87502 (November, 2008 – November, 2010)

Serve as the manager of the Remediation Oversight Section which includes the Brownfields Program, the New Mexico (NM) CERCLA 128(a) State Response Program, and the NM Water Quality Control Commission Regulations Compliance and Enforcement Program for Ground Water Protection. Assign and approve work, assure production and accuracy. evaluate performance, and formulate and implement Section goals and objectives. Manage and direct a multidisciplinary staff responsible for providing technical services and ensuring regulatory compliance throughout the state of New Mexico. Provide leadership to the staff on the implementation of state and federal programs. Responsible for preparing grant applications, and management of grants received from the USEPA including CERCLA Section 128(a) State Response Program, Brownfields Targeted Assessments, Brownfields Cleanup Revolving Loan Fund, the Sustainable Communities program and others. Assist in the implementation of CWA Section 106 grant as used for groundwater protection programs. Ensure the proper management and implementation of programs and deliverables funded through federal grants. Identifies and provides developmental and training needs of employees. Represent the Department on environmental issues in high level and controversial dealings with municipalities, Indian Tribes non-governmental organizations, interest groups, business and industry. Establish operating procedures for three programs under my supervision. Develop plans, review data, research environmental data and provide information regarding environmental contamination and proposed remedial actions to address contaminated sites. Provide comprehensive and authoritative information to senior management on issues of contamination, and the resolution of policy and technical issues. Provide advice to senior management, other state agencies, tribes, municipalities, and the public on environmental issues and concerns. Assist in the development of appropriate regulations and statutes. Review and implement environmental and technical standards, guidelines and policies. Prepare Section budgets and assist in the development of Department budgets. Ensure adherence to all budget and accounting guidelines and policies. Coordinate with the USEPA and other federal agencies such as the U.S. Army Corps of Engineers, on issues and sites of mutual concern and regulatory jurisdiction

Director of Environment, Environment Department, Pueblo of Sandia, Bernalillo, New Mexico 87004 (June, 2003 – November, 2008)

Responsible for the management of all environmental protection, archaeological, and natural resource programs at the Pueblo of Sandia. This included solid waste management, recycling programs, surface and ground water quality issues including all Clean Water Act programs air quality monitoring and protection, riparian forest and wetlands restoration, water resource protection, endangered species, wildlife, watershed/range management, solid waste management and GIS programs. Prepared Department budgets and assisted in the development of overall Tribal budget. Ensure adherence to all budget and accounting guidelines and policies. Work closely with Pueblo Council, Realty and Lands Department, Economic Development Department, Health Department, and Education Department regarding environmental and environmental health related matters. Coordinates with legal counsel and Federal and State agencies such as the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs, and the New Mexico Environment Department on environmental laws and projects that effect the Pueblo's natural resources including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act, the National Indian Forest Resource Management Act, watershed restoration projects and Wildland Urban Interface (WUI) projects. Managed department budget and handles multiple federal and state project and program grants. Develop environmental, natural resource, and National Historic Preservation Act policies and procedures. Educate the tribal community about environmental initiatives such as forest/wetland restoration, water quality (watershed) protection, pollution

prevention, illegal dumping, recycling and water rights. Perform biological assessments, field surveys (vegetation, wildlife, soils), approve/evaluate NEPA Environmental Assessments/ and Environmental Impact Statements, and assist in the preparation of project NEPA documents. Coordinate Endangered Species Act Section 7 consultations with the U.S. Fish and Wildlife Service for Pueblo projects and projects implemented by other agencies on Pueblo lands. Develop, implement and update Pueblos Fire Management Plan in coordination with the Bureau of Indian affairs including the issuance and monitoring of Burn Permits for Pueblo residents. Represent the Pueblo on the Middle Rio Grande Endangered Species Collaborative Program, the Las Huertas Watershed Association and the Middle Rio Grande Watershed Group.

Fish and Wildlife Department Manager, Wildlife and Outdoor Recreation Division, White Mountain Apache Tribe, Whiteriver, Arizona (October, 2001-June, 2003)

Directed and supervised the Fish and Wildlife Division of the White Mountain Apache Tribe including activities involving the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Fish and Wildlife Act, the National Indian Forest Resources Management Act and the Clean Water Act (CWA). Prepare Division budgets and assist in the development of Department budgets. Ensure adherence to all budget and accounting guidelines and policies. Responsibilities included the management and restoration of fish and wildlife resources, preparation and review of National Environmental Policy Act documents and the preparation and evaluation of Biological Assessments. Coordinate ESA Section 7 consultation with the U.S. Fish and Wildlife Service on issues such as water quality standards, forest resource management, fire management plans, and threatened and endangered species recovery projects. Supervise endangered species protection programs and recovery programs involving the Mexican Gray Wolf, Apache Trout, Loach minnow, Mexican Spotted Owl and the Arizona Willow. Prepare, review and assist in the preparation of documentation and management plans involving habitat preservation and enhancement, forest management, fire management, timber harvesting, fish and wildlife management, ecosystem restoration and other forestry programs. Coordinate with the U.S. Fish and Wildlife Service, the Environmental Protection Agency and other Federal agencies on tribal water quality criteria, watershed protection, fishery programs, fish and wildlife inventories, protection of endangered species, project mitigation requirements, and habitat protection/preservation. Coordinate with the U.S. Fish and Wildlife Service on the implementation of recovery programs for the reintroduction, preservation of federally listed Threatened and Endangered fish and wildlife species on the Reservation. Developed Burned Area Emergency Rehabilitation (BAER) Plans for fish and wildlife resources. Implement projects for the restoration and improvement of fish and wildlife habitat including sensitive habitats such as wetlands, riparian zones, lakes and rivers. Review all federal and tribal projects implemented on the Reservation, as a management representative on the Tribal Policy and Planning Review Committee, for compliance with all applicable Federal or Tribal laws, regulations and Codes including the Clean Water Act, Endangered Species Act, the National Environmental Policy Act and the National Indian Forest Resources Management Act. Develop Best Management Practices and mitigation measures to address the impacts of proposed projects on environmental resources. Serve as Tribe's Ecosystem Team leader and as the fish and wildlife resources representative to the Bureau of Indian Affairs-Fort Apache Burned Area Emergency Response (BAER) team.

WORK EXPERIENCE

Senior Environmental Specialist, Los Angeles Regional Water Quality Control Board, Los Angeles, California (January, 2000 - December, 2000 – On Approved Leave of Absence from Los Alamos)

Performed State water quality certification and permitting of projects and activities impacting streams, wetlands, estuaries and other waters of the United States under the California Porter Cologne Act and Sections 401, 402 and 404 of the federal Clean Water Act. Review and supervise the preparation of National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) documents such as

Biological Evaluations, Environmental Assessments and Environmental Impact Statements. Provide technical and regulatory consultation to project representatives and government agencies on NEPA documentation, water quality standards, required studies, surveys, permits and mitigation measures needed for compliance with water quality laws and regulations. Provide assistance and input to water quality criteria and Basin Plan development pursuant to the Porter-Cologne Act and the federal Clean Water Act. Coordinate with U.S. Army Corps of Engineers, California Department of Fish and Game, and the U.S. Fish and Wildlife Service regarding Endangered Species Act Section 7 consultations, and proposed project alternatives/modifications for the protection of Federal and State listed species. Perform site inspections of project and mitigation areas to determine the adequacy of environmental restoration efforts and evaluate compliance with applicable water quality standards, beneficial use criteria (i.e., endangered species), pollutant discharge limitations and NPDES/Section 404 Dredge and Fill permit requirements.

Clean Water Act Project Leader, University of California at Los Alamos National Laboratory, Los Alamos, NM, (September, 1993 - January, 2001).

Implemented environmental protection and compliance programs involving water quality, environmental restoration, project mitigation, hazardous waste management/disposal, and the management/preservation of environmental resources at the Laboratory. Responsibilities included the development and implementation of the Laboratory's Clean Water Action Plan and Clean Water Act compliance programs, performing as the primary interface with federal, tribal and state agencies on projects and regulatory compliance issues, the preparation and review of Environmental Assessments under the National Environmental Policy Act, and the performance of water quality studies, monitoring and analyses. Coordinated and led interdisciplinary teams to address water quality/wetland issues and compliance. Other duties included the provision of professional and technical assistance on environmental compliance and permit requirements, preparation of a Sitewide Environmental Impact Statement, input and assistance to endangered species recovery plans and habitat management plans. Managed regulatory programs implemented to maintain compliance with the Clean Water Act (CWA), the Resource Conservation and Recovery Act (RCRA), the National Environmental Policy Act, and the Endangered Species Act. Provided evaluation and oversight of environmental restoration/mitigation activities at sites involving the development and management of land and water resources including land developments, roads, reservoirs and dams, hazardous waste contamination, stream/wetland modifications, waste site remediation and restoration, wildfire rehabilitation, and watershed restoration. Supervised the removal of underground storage tanks and associated soil and water remediation at petroleum contaminated sites. Investigate releases of hazardous substances to waters of the United States. Developed and implemented water quality, use-attainability and toxicity studies for onsite watercourses in coordination with the U.S. Fish and Wildlife Service and the New Mexico Environment Department. Developed and initiated programs in watershed management, pollution prevention, and environmental management and stewardship. Supervised and ensured compliance with relevant permits and regulations. Identified, implemented and obtained required studies, surveys and permits needed to address environmental compliance and mitigation requirements.

WORK EXPERIENCE

Environmental Protection Specialist, U.S. Department of Energy/Scientech Incorporated, Los Alamos, NM (May, 1993 - September, 1993).

As a primary interface for the U.S. Department of Energy (DOE), I implemented, evaluated and provided oversight of DOE and Los Alamos National Laboratory (LANL) programs for the protection, preservation and monitoring of environmental resources on LANL property encompassing 41 sq. miles of research facilities and five major watercourses. I represented the Department of Energy on environmental quality and related issues with representatives from State, Federal and Tribal governments, and the public. Evaluated and performed oversight of LANL's compliance with applicable Federal and State environmental laws, permits, and regulations including the Clean

Water Act (CWA), CWA Section 404 Permit Program, the CWA National Pollutant Discharge Elimination System (NPDES) Permit Program, the Endangered Species Act and the National Environmental Policy Act (NEPA). I provided professional technical guidance to Laboratory and DOE management/staff on environmental impacts and regulatory requirements. Coordinated and consulted with Federal, State and Tribal agencies on Laboratory programs/projects and applicable environmental impacts, requirements and mitigation alternatives. Responsibilities also included the review/preparation of work plans, permit applications and NEPA documentation, implementation of environmental management plans, and the development of project alternatives and mitigation measures to address the impacts of Laboratory operations on environmental resources. Performed biological/ecological investigations and developed programs for water resource management, watershed management, the protection of endangered species, and the prevention and control of pollutant discharges.

WORK EXPERIENCE

Program Manager, Surface Water Quality Bureau, New Mexico Environment Department, Santa Fe, NM (February, 1987 to May, 1993).

Manage and supervise all aspects of the NM Water and Wastewater Facility Operations Program and the NM Operator Certification and Training Office including Budget development and management, policy development, grant management, and the supervision of a diverse staff of technical and non-technical employees. Administer the NM Water Quality Control Commission Regulations and the New Mexico Water Quality Standards with respect to water quality standards, wastewater treatment, aquatic habitat protection, and water/wastewater operator certification. Provide input and assistance to the development of water quality criteria and State water quality management plans/implementation plans. Supervise and perform diagnostic evaluations of drinking water supply facilities and wastewater treatment plants and initiate technical outreach efforts when needed to ensure regulatory compliance. Implement all provisions of the National Pollutant Discharge Elimination System (NPDES) Permit program and the federal Clean Water Act in New Mexico. Develop and implement municipal and industrial water pollution prevention, water conservation, and waste minimization programs in New Mexico through grant funding received from the U.S. Environmental Protection Agency. Perform water quality coordination activities with federal facilities in New Mexico under Agreement in Principle agreement with the U.S. Department of Energy.

Environmental Specialist, Surface Water Quality Bureau, New Mexico Environment Department, Santa Fe, NM (October, 1984 to February, 1987).

Ensure regulatory compliance with the federal Clean Water Act, the NM Water Quality Standards for Intrastate and Interstate Waters, and the NM Water Quality Control Commission's Regulations. Provide input and assistance to the development of water quality criteria and the NM Water Quality Management Plan and the State Water Quality Implementation Plan. Perform facility inspections to determine compliance with state and federal environmental regulations. Assist the U.S. Environmental Protection Agency in drafting and certifying NPDES permits. Coordinate with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service on endangered species concerns involving water quality, wastewater discharges, CWA Section 404 Dredge and Fill permits and NPDES permits. Investigated and responded to all illegal discharges of pollutants to a watercourse. Prepared and presented training courses to water and wastewater personnel and helped administer the state program for the certification of water and wastewater operators. Perform diagnostic engineering evaluations of drinking water and wastewater treatment facilities to identify factors affecting treatment efficiency and regulatory compliance. Provide technical outreach in conjunction with the New Mexico State University's Water Utility Technical Assistance Program.

Industrial Pretreatment Inspector and Laboratory Analyst, City of Albuquerque Water Resources Department, Albuquerque, NM (March, 1983 to October, 1984).

Responsible for the sampling and analysis of rivers, ephemeral drainages, drinking water, wastewater, and industrial wastewater samples in order to monitor and ensure the City of Albuquerque's compliance with the Clean Water Act, the Safe Drinking Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program, and the Resource Conservation and Recovery Act (RCRA). Analyze industrial wastewater samples in order to verify facility compliance with state and federal water quality laws and regulations including the federal Clean Water Act's Industrial Pretreatment Regulations, and RCRA hazardous waste regulations. Sample the Rio Grande River and prepare reports evaluating impacts of treated effluent discharge. Assist and provide technical coordination in the overall development and implementation of the Albuquerque's Industrial Wastewater Pretreatment Program including development of the Albuquerque Industrial Wastewater Ordinance. Responsible for the inspection, sampling, and monitoring of industries to ensure compliance with theAlbuquerque Industrial Pretreatment Ordinance, the Resource Conservation and Recovery Act, and the industrial pretreatment provisions of the federal Clean Water Act. Also monitored industries for illegal discharges of hazardous or toxic wastes listed and regulated by local, state, and federal laws. Conducted field monitoring surveys, industrial facility inspections, and prepared technical reports documenting survey and inspection results.

Fish and Wildlife Biologist, United States Fish and Wildlife Service, Ecological Services Division, Albuquerque, NM (August, 1981 to March, 1993).

Implemented the Fish and Wildlife Coordination Act, the Endangered Species Act and the National Environmental Policy Act and other related laws regulations and policies as applied to land and water resource development projects involving complex natural resource issues. I conducted ecological/biological investigations of resource management practices and development proposals. This included field investigations and literature reviews, to determine the effect of projects and management practices on the distribution and abundance of fish, wildlife, cultural resources and vegetation. Analyzed and assessed ecological and biological data. Prepared reports on the results of ecological/biological investigations, studies and projects. Develop recommendations for the protection of endangered species, and the protection and enhancement of plant and wildlife resources. Reviewed and provided input to the preparation of National Environmental Policy Act and Endangered Species Act documents including Environmental Impact Statements for both public and private sector development projects involving a federal action. Coordinated and provided technical guidance to federal agencies in the planning and preparation of NEPA documents, the issuance of Clean Water Act permits (Section 404 Dredge and Fill and Section 402 NPDES), and the performance of biological investigations. Provide biological and ecological information to other government agencies, senior staff members, land owners, private interest groups, and the general public. Developed and recommended mitigation measures and project alternatives to address and remediate the environmental impacts of proposed projects on natural resources including fish, wildlife, vegetation, threatened and endangered species, and water quality.

PROFESSIONAL ACTIVITIES

American Society of Public Administrators (1984-1998)

University of New Mexico, National Resources Center, Advisory Committee (1988)

New Mexico Water and Wastewater Association Executive Board (1986-1993)

New Mexico State University, DABCC, Water Utilities Program Advisory Board (1986-1995)

New Mexico Hazardous Waste Society (1996-1999)

New Mexico Municipal League - Municipal Environmental Quality Association, Board of Directors and Chairman of Clean Water Act Subcommittee (1996-2000), President (2014-2015)

State of New Mexico, Clean Water Action Plan/Unified Watershed Assessment Working Group (1997-1998)

State of New Mexico Non-point Source Pollution Task Force (1997-2000)

State of New Mexico, Safe Drinking Water Act Advisory Committee (1997-2000)

State of New Mexico, Water Quality Act Legislative Working Group (1999-2000)

U.S. Fish and Wildlife Service, Apache Trout Recovery Team (2001 – Present)

U.S. Fish and Wildlife Service, Rio Grande Silvery Minnow Recovery Team (2003 – Present)

Las Huertas Watershed Project and the Las Huertas Watershed Association (2003- Present)

Middle Rio Grande Watershed Group (2005-2008)

Intel Corporation, Air Quality Working Group (2004 -2005)

National Association of Environmental Professionals (2004-2005)

State of New Mexico, Recycling and Illegal Dumping Alliance (2005-2008)

Northern New Mexico, Department of Energy - Northern New Mexico Citizens Advisory Board (2012- Present)

HONORS:

American Society for Public Administration and University of New Mexico, Ferrell Heady Award for Outstanding Professional Paper or Thesis (1989)

U.S. Environmental Protection Agency, Safe Drinking Water Act Fellowship (1987 - 1988)

American Society of Public Administrators and the UNM Division of Public Administration, Ferrel Heady Award for Outstanding Professional Paper or Masters Thesis (1989)

University of New Mexico, Phi Phi Alpha Honor Society/Academic Excellence (1988)

United States Environmental Protection Agency Environmental Excellence Award (August, 1990)

United States Environmental Protection Agency, Operations and Maintenance Award (1986 and 1992)

U.S. Depart of Energy, Gold Team Quality Award (1995)

Los Alamos Achievement Award (1996)

Los Alamos National Laboratory, Pollution Prevention Award (1999)

U.S. Fish and Wildlife Service, Outstanding Partner in Conservation, (2005)

New Mexico Municipal League, Service Award (2015)

EXHIBIT NMML-3

JOHN M. STOMP III, P.E.
6505 Rosalind NE, Albuquerque, NM 87103

EDUCATION:

Bachelor of Science, Civil Engineering, May 1988, University of New Mexico;
Engineering Honor Roll/Chi Epsilon

Masters of Science, Civil Engineering, August 1997, University of New Mexico;
Graduated with Distinction;
Coursework specializing in environmental engineering and water resources

PROFESSIONAL STANDING:
Registered Professional Engineer, New Mexico (# 12015)
NM Certified Level IV Water and Wastewater Operator
Bureau of Reclamation Municipal and Industrial Conservation Group, Colorado River Basin Study
Chairman, San Juan-Chama Contractors Association, 2004 - 2009
National Arsenic Technical Advisory Committee Member, American Water Works Association, 1999-2001

PROFESSIONAL AFFILIATIONS:
Board of Directors, Water Research Foundation (WRF) 2017 - 2020
Board of Directors, Western Coalition of Arid States (WESTCAS) 2009 – 2014
American Water Works Association

WORK EXPERIENCE:

1/10 to Present **Chief Operating Officer**, Albuquerque Bernalillo County Water Utility Authority, New Mexico

Responsible for supervising and managing the operations of the water and wastewater utility including the following divisions: Water Resources, Engineering and Planning; Plant Operations; Field Operations; Compliance and the Westside Field Operations. The Chief Operating Officer is responsible for supervision and management of more than 480 personnel with a capital and operating budget of more than $ 100 million. The various staff consists of blue collar, management and executive personnel with three collective bargaining agreements.

The daily operations include the San Juan-Chama Drinking Water Project (SJCDWP) and more than 90 ground water wells, pump stations and reservoirs and the 55 million gallon per day wastewater treatment plant (Southside Water Reclamation Plant). Field operations include the wastewater collection and lift/vacuum stations and water transmission and distribution system. Also, responsible for managing compliance with existing permits with the Environmental Protection Agency (EPA) including the Safe Drinking Water Act and the Clean Water Act.

Responsible for managing the Water Authority's water resources, storage and delivery, and water rights including San Juan-Chama water and Pre-1907 water rights. Responsible for providing direction and decisions related to managing the water rights including ground water permit RG-960 et al, and surface diversion permits 4819 and 4830 for the SJCDWP. Also, Water Authority lead for ESA Collaborative Program and collaboration with federal agencies including Bureau of Reclamation, Corps of Engineers, Fish and Wildlife Service and others.

Managed and developed Aquifer Storage and Recovery (ASR) projects including the infiltration project at Bear Canyon and the upcoming Large Scape ASR project at the SJCDWP. Primary representative for the Water Authority for all water rights and water rights administration/management including application to store native water in Abiquiu reservoir.

7/97 to 1/10 **Manager**, Water Resources Division, Albuquerque Bernalillo County Water Utility Authority/ City of Albuquerque, New Mexico

Responsible for managing the Water Resources Division and water resources programs including implementation of the adopted Water Resources Management Strategy. The Water Resources Division consists of fourteen personnel with an annual budget of more than $ 3.0 million. Responsible for developing and obtaining annual approval of budgets, personnel and equipment for managing the division, and implementing administration and policies related to water resources and water rights including San Juan-Chama water, native and acquired water rights and return flows.

Implementation of Water Resources Management Strategy (WRMS)

Responsible for budgeting, staffing and managing contracts for implementation of the $ 400 million adopted Water Resources Management Strategy (WRMS). Prepare annual budgets and support necessary water rate increases necessary for the dedicated fund to construct water resources project to provide a sustainable water supply for metropolitan Albuquerque. Responsible for management of the program, staffing and consultant contracts to implement the adopted policies in the WRMS. The policies consist of the permitting, design, and construction of four projects necessary to transition from sole reliance on the aquifer to renewable resources, namely San Juan-Chama water. The Strategy policies also include mitigation to balance the impacts of the projects construction and operation to protect valued environmental resources.

Drinking Water Project

Project Manager for the San Juan-Chama Drinking Water Project which diverts imported San Juan-Chama from the Rio Grande, purifies the water and distributes the water for drinking water purposes throughout the Albuquerque metropolitan area. The project was the largest public works project in the history of New Mexico at a total cost of $ 450 million. The project included environmental permitting through the Bureau of Reclamation and the U.S. Fish and Wildlife Service and environmental restoration projects in the Rio Grande and other silvery minnow habitat restoration.

The project was designed to reduce sole reliance on ground water by fully transitioning to full consumptive use of San Juan-Chama water. Responsible for managing project, a staff, contracts with consultants for permitting, design and construction. Responsible for NEPA compliance including representing the City at required public scoping and public hearings, managing the consultant responsible for producing the Draft and Final Environmental Impact Statement. Represent the Water Authority/City during Section 7 consultations with the U.S. Fish & Wildlife Service for compliance with the Endangered Species Act and managing the consultant responsible for producing the Biological Assessment. Responsible for managing the application submitted to the State Engineer to divert and fully consume the San Juan-Chama water including providing direction and representation at all meetings, hearings and protestant settlement negotiations.

Attended and presented the WRMS and the San Juan-Chama Drinking Water Project at more than 100 public meetings, numerous neighborhood and civic associations, and two Town Halls.

Other Water Resources Division Manager responsibilities and experience include the following:

Rio Grande Silvery Minnow

The Water Authority/City has actively participated and has developed an ongoing conservation program for the endangered Rio Grande Silvery Minnow. Responsible for providing funding and coordination to start the first captive rearing and breeding program at the Albuquerque Zoo. Monitoring and providing funding for staffing, operation and maintenance of the current captive breeding program including the new Naturalized Refugium.

Water Resources

Manage contracts and personnel for water resources technical investigations with the United States Geological Survey (USGS), and other federal and state agencies including management of $ 2.5 million matching funding for the UGSG Cooperative Program. The projects investigated include surface and ground water studies and drilling of ground water monitoring network which have resulted in more than fifteen studies and technical documents related to the water resources in the Middle Rio Grande.

Regional Water Planning

Representative on the Water Assembly and alternate for the Middle Rio Grande Council of Governments for development and implementation of a Regional Water Plan for the Middle Rio Grande.

San Juan-Chama

Manage 1965 contract with the Bureau of Reclamation consisting of principal and interest payments and annual operations and maintenance payments. In addition, responsible for implementing the administration and Water Authority/City Council adopted policies related to the storage and use of San Juan-Chama in the Middle Rio Grande. Manage Corps of Engineers storage contract for San Juan-Chama in Abiquiu Reservoir.

Water Rights

Responsible for implementing administration related to the use of native vested and acquired water rights. Responsible for administering the existing master 155,000 acre-feet per year ground water permit RG-960. Oversee the water rights acquisition program including approving purchases for pre-1907 native water rights.

Water Conservation

Oversee implementation of administration to reduce the usage by 40% by 2014 including water waste enforcement, rebates and incentives, education programs and staff, large users and other ordinances related to water conservation.

Ground Water Protection

Manage implementation of adopted policies related to ground water protection. Co-Chairman of the City Policy Implementation Committee and primary liaison for City/Bernalillo County appointed Ground Water Protection

Advisory Board.

Arsenic Technical Investigations

Managed technical investigations by the University of Houston and comments to the Environmental Protection Agency on the proposed drinking water rule for arsenic. Project Manager for evaluating alternative treatment technologies for removing arsenic from the City's ground water, NEPA compliance, permitting and design of Pilot Arsenic Demonstration Facility for College Well No. 1 on the west side of Albuquerque.

5/96 to 7/97 **Senior Engineer**, Utility Development Division, City of Albuquerque, Albuquerque, New Mexico, Public Works Department

Utility Development Division Section Leader responsible for evaluating water and sanitary sewer facilities for new development in accordance with the City's Water Master Plan and Wastewater Facilities Plan. Primary representative for Utility Development Division on the Development Review Board and the Environmental Planning Commission. Responsible for the supervision of personnel responsible for preparing water and sanitary sewer availability statements, review of construction drawings on the Design Review Committee. Coordinate with City Water and Wastewater Utility Divisions for installation of large meters and private firelines, sewer rehabilitation, water shutoffs, connections, inspections and modifications to the Development Process Manual.

5/94 to 5/96 **Project Manager,** Gannett Fleming West, Inc., Albuquerque, New Mexico

Project Manager in direct responsible charge of general civil, drainage, water and wastewater projects in Albuquerque and throughout New Mexico including supervision of engineers, technicians, construction inspectors and drafters. Experience included business development and contract procurement consisting of coordination with clients and governmental agencies, preparation of proposals, contract negotiations, budget evaluations and preparation of funding applications for projects ranging from $ 0.1 to $ 18 million.

Experience included preparation of technical reports and studies, construction plans, technical specifications, contract documents, cost estimates, construction management and inspection phase services. Extensive experience with highly technical and complex projects including water and wastewater treatment plants, design and selection of various mechanical, chemical and biological equipment, a variety of pump stations such as wastewater, storm water, sludge and water, alternative sewers (vacuum and grinder pumps) and alternative trenchless technology.

The projects consisted of preparation of water and wastewater master plans, capacity analysis and preliminary engineering reports, design of water and wastewater treatment facilities, water storage tanks, transmission and distribution mains, sanitary sewer interceptors and collector lines and design for trenchless rehabilitation of sanitary sewer interceptor and collector lines.

City of Albuquerque experience included the preparation of the preliminary engineering report and construction plans for the reconstruction of the City of Albuquerque Westside Sanitary Sewer Interceptor from Central Avenue south to Bridge Boulevard, Gonzales Detention Pond Improvements, Pipe Bursting Trenchless Rehabilitation Project, Drainage Improvements for Old Coors Drive, S.W. Project and Trenchless Rehabilitation Project FY 96.

4/90 to 5/94 **Environmental Engineer**, Wilson & Company, Albuquerque, New Mexico, Environmental Engineering Group.

Project Management experience including supervision of engineers, construction inspectors, technicians, and drafters, contract negotiations, coordination with clients and governmental agencies, budget evaluations for projects ranging from $ 0.1 to $ 2.5 million. Responsible for preparation of proposals consisting of writing, coordination and evaluation of background information, related calculations, assembling of materials for procuring work from public and private clients. Experience with highly technical and complex engineering projects such as the City of Albuquerque Dechlorination/Reaeration Project, City of Albuquerque Construction

Management Project for the evaluation of alternative sewer systems (i.e., vacuum, grinder pump, low pressure and STEP systems), design review and construction management for the installation of the first City of Albuquerque vacuum system.

Experience in the preparation of construction plans, technical specifications, contract documents, quantity takeoffs, and construction estimates for environmental, drainage, and civil engineering projects. The environmental engineering projects included chemical and biological process calculations for various wastewater treatment plant processes, hydraulic analysis and design of sanitary sewer, stormwater and washwater pumping stations, flow computations, computer simulation, and analysis for water and sanitary sewer systems. Wastewater treatment plant experience included the design of primary clarifier including effluent, sludge and scum pump stations, septage receiving facility, hard-bottom sludge drying beds, secondary clarifier scum pump station, evaluation of existing plant water systems, fine mesh barscreen, small chlorination system, instrumentation and control review for the City of Albuquerque Dechlorination/Reaeration Facility, shop drawing and operation and maintenance manual reviews.

10/88 to 4/90 **Design and Construction Engineer**, Bohannan-Huston, Inc., Albuquerque, New Mexico, Community Development and Planning Department

The preparation of construction plans, technical specifications, and construction estimates for utility systems, parking lots, and roadways. Utility design consisted of hydraulic calculations, plan and profiles for water, sanitary sewer, and storm drains systems. Roadway and parking facilities design included grading and drainage, striping plans, hydraulic calculations, street sections, plans, and profiles in accordance with the applicable design procedures and standards. Other responsibilities included design review submittals and approvals from the City of Albuquerque's Development Review Board, Design Review Committee, and the Building Permit Department.

Project Engineer responsible for construction management of commercial and residential developments in Albuquerque, New Mexico. Construction related experience consisted of inspection and coordination for installation of water, sanitary sewer, and storm drain systems (valves, fire hydrants, manholes, inlets, and headwalls), roadway improvements (concrete and asphalt curb and gutter, subgrade and subbase preparation, and asphalt pavement), and concrete and masonry retaining walls (rebar placement, footers, and weep holes). Other responsibilities included preparation of monthly pay estimates, change orders, field design changes, coordination of field testing and personnel, as-built drawings, and construction plan/specification interpretations.

6/88 to 10/88 **Civil Engineering Assistant I**, City of Los Angeles, Los Angeles, CA. Hyperion Engineering Design Division.

Project Engineer responsible for the design of improvements for the expansion of the 400 MGD Hyperion Wastewater Treatment Plant in Los Angeles, California. Design experience consisted of the preparation of construction plans, technical specifications, and construction estimates for utility line extensions, a storm water pump station, and a parking lot facility to be located adjacent to the treatment plant. The utility lines extensions included potable water, irrigation, digester gas, fire protection, and low pressure gas lines. The design of the parking lot facility included parking lot layouts, entrance/exit configurations, striping plan, grading and drainage plan including hydrologic and hydraulic calculations for inlets and storm drains, and the design of a storm water pump station to convey the first flush runoff for the 100-year rainfall event.

TECHNICAL AND OTHER PUBLICATIONS

1. "Physical Injury Risks Associated with Drinking Water Arsenic Treatment", Frost, Floyd J., Chwirka, Joseph, Craun, Gunther F., Thomson, Bruce, and Stomp, John, Risk Analysis, Vol. 22, No. 2, 2002.

2. "Removing arsenic from groundwater", Chwirka, Joseph D., Thomson, Bruce M., Stomp III, John M., AWWA Journal, Volume 92, Issue 3, March 2000

3. "Costs and Benefits of a lower arsenic MCL", Frost, Floyd J., Tollestrup, Kristine, Craun, Gunther F., Rausher, Robert, and Stomp, John, and Chwirka, Joseph, AWWA Journal, Vol. 94, No. 3, March 2002.

4. "Albuquerque's Water Resources Management – Integrated Strategy Meets Area Challenges", Stomp, John, The Water Report, Issue #121, March 15, 2014.

EXHIBIT NMML-4

TECHNICAL TESTIMONY OF ALEX PUGLISI

Introduction. My name is Alex A. Puglisi. I currently work for the City of Santa Fe, Public Utilities Department as their Interim Source of Supply Manager and Environmental Compliance Officer. My resume is in Exhibit NMML-2. I have been associated with the New Mexico Municipal League- Environmental Quality Association (NMML) for over 15 years and was one of the founding members of this organization. The NMML represents 104 municipalities across New Mexico. Our constituents are regulated entities as well as affected stakeholders seeking protection of our water supplies and environment.

This testimony will focus on three areas of proposed changes. Specifically, sections:

- 20.6.2.7.T (currently 20.6.2.7.WW) Definition of "toxic pollutant"
- 20.6.2.3103 Standards for Ground Water of 10,000 mg/L TDS Concentration or Less.
- 20.6.2.4103 Abatement Standards and Requirements.

The New Mexico Environment Department (NMED) proposes changes to 20.6.2.7.T (currently 20.6.2.7.WW) NMAC – the definition of "toxic pollutant". The petition includes regrouping the pollutants and the addition of about a dozen pollutants to the list. All but two of the additions are regulated or in the regulation development stage under the Safe Drinking Water Act (SDWA) or the Clean Water Act. The remaining two pollutants prometon (a herbicide) and thiolane 1,1 dioxide (sulfolane) (a fuel additive) are not regulated by either program at this point.

NMED explains in Paragraph #4 in the Statement of Reasons:

"In the Definitions section, the Department proposes to add several toxic pollutants in order to enable regulation of these dangerous constituents for the protection of human health...."

NMED did not provide adequate justification for adding these pollutants to the list. The addition of pollutants that are not either currently regulated or in the process of being regulated results in challenges for the regulated community.

Although it is correct, that state programs may be more stringent, it is valuable to review the method used by EPA to develop drinking water standards. The EPA has an approach for evaluating unregulated contaminants which is used for the Contaminant Candidate List or "CCL". EPA completed the fourth phase of this program in 2016. When making a "determination" to regulate a contaminant in drinking water, the SDWA (Title 42, Section 300g-1(b)(1)(A)) requires that EPA determine whether it meets the following three criteria:

- The contaminant may have an adverse effect on the health of persons;
- The contaminant is known to occur or there is substantial likelihood the contaminant will occur in public water systems with a frequency and at levels of public health concern;
- In the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reductions for persons served by public water systems.

These are prudent factors to consider for setting ground water standards.

One other important factor is whether an analytical method is widely available. If a method is only available from a few laboratories, this affects the permittee's ability to comply with permit conditions. In the CCL 4 rulemaking preamble (81 **FR** 81111, November 17, 2016), EPA states:

> *To conduct nationally representative drinking water occurrence studies that could support a regulatory determination, EPA needs to have an analytical method that is suitable for the drinking water matrix and is robust enough to be used by many laboratories to conduct national studies and/or compliance monitoring.*

The NMML proposes that pollutants only be added to the list if there is an approved analytical method that is widely available.

Regarding 20.6.2.3103 NMAC – Standards for Ground Water of 10,000 mg/L TDS or less. NMED's petition includes revisions to some numeric standards to match the federal SDW program Maximum Contaminant Levels (MCLs). However, NMED was not consistent with changing existing standards to match MCLs. NMED stated in paragraph #7 of the statement of reasons:

> *"..the Department proposes changes to the numeric standards to bring those standards in line with the Maximum Contaminant Levels for each pollutant as specified by the U.S.*

Environmental Protection Agency ("EPA") under the federal Clean Water Act. The Department is not proposing changes to certain existing standards that are more stringent than current EPA standards in order to protect public health and welfare...."

NMED did not list which "certain existing standards" were not changed to protect public health and welfare. NMED was not consistent with that position.

The ground water standards are set to protect drinking water use, and therefore, should match the SDWA MCLs. The numeric standards for barium, toluene, 1,1-dichloroethylene (1,1 DCE), and vinyl chloride were increased to match the MCLs in NMED's proposal: however the numeric standards for chromium, fluoride and total xylenes remained the same. To match the MCLs, the numeric standards for fluoride and total xylenes should be increased (4.0 mg/L and 10,000 mg/L, respectively). The current standard for total chromium was justified in its original adoption by NMED for reasons beyond comparability with the federal MCLs.

Additionally, the U.S. Environmental Protection Agency is currently considering the adoption of MCLs much stricter than NMED's current standard of 0.05 mg/l. Currently, there is no federal or state MCL specific to the hexavalent form of chromium. Hexavalent Chromium is regulated in drinking water through the establishment of a Total Chromium MCL (Hexavalent Chromium is one of the forms of chromium making up Total Chromium). In New Mexico, the Total Chromium standard referenced by NMED for revision is 50 ppb, while the federal MCL is 100 ppb. At the time Total Chromium MCLs were established, ingested Hexavalent Chromium associated with consumption of drinking water was not considered to pose a cancer risk, as is now the case. Therefore, the NMML sees no reason for NMED's revision of its current standard at this time, especially in light of the recent concern at both federal and state levels, and the need for regulation of hexavalent chromium.

In addition, the NMML supports adoption of standards for all pollutants regulated by SDWA Primary Drinking Water regulations matching the MCLs.

Regarding the new subsection for Standards for Toxic Pollutants proposed at 20.6.2.3103.A(2) NMAC, NMED moves language from the definition of "toxic pollutants" 20.6.2.7.WW NMAC to create this new section on "narrative" standards.

NMED explains in Paragraph #7 in the Statement of Reasons:

> *"... The Department also proposes to move the narrative standard for toxic pollutants to 20.6.2.3103 NMAC."*

The language, in the current location (20.6.2.7.WW), applied solely to the toxic pollutants contained within the definition of "toxic pollutant". The proposal to move the language to a new subsection for "Standards for Toxic Pollutants", without reference to the current definition, has the potential to expand the authority beyond the list within the definition. In addition, the approach for translating or adopting results of scientific studies into standards should be codified so that there is a consistent method for translating that data into standards. The general language has the possibility of circumventing the public participation process. If this proposal is retained, this provision should only be applied to the list of pollutants contained within the definition of "toxic pollutants".

In addition, NMED proposed to add language to the note at the end of the section to describe the implementation timeline for the more stringent standards and clarification for sites with approved abatement plans based on the current standards. The language regarding the clarification of sites with approved abatement plans should be included within the rule, not within a note. The NMML proposes that the last sentence of the note be deleted and text be added to the newly formatted Section 20.6.2.4103.C. NMAC for clarification on the hierarchy of when the grandfathered standard would apply.

This concludes my testimony.

EXHIBIT NMML-5

Technical Testimony for John M. Stomp, III, P.E.

My name is John M. Stomp III. I have a Bachelors of Science degree and a Masters of Science degree in Civil Engineering from the University of New Mexico. My water and wastewater utility experience in New Mexico and the southwestern U.S. includes almost 30-years including both private and public sector work. I am a Registered Professional Engineer (#12015) and a Level IV Water and Wastewater Operator in the State of New Mexico.

My tenure at the City and the Albuquerque Bernalillo County Water Utility Authority (Water Authority) spans more than 21 years. I currently serve at the Chief Operating Officer (COO) of the Water Authority and have been in this position since 2010. Prior to being COO, that I served as the Water Resources and Engineering Division Manager for 13 years and the Project Manager for the San Juan-Chama Drinking Water Project

The Water Authority is a major player in protecting the public health in New Mexico by providing utility drinking water to and treating wastewater for more than 675,000 customers. At this time, five facilities are covered by Ground Water Discharge Permits and two demonstration projects are being reviewed for Aquifer Storage and Recovery projects (ASR).

The City of Albuquerque sponsored the Groundwater Storage and Recovery Act (Act) which was passed unanimously by the New Mexico State Legislature and signed by the Governor in 1999. The Act provided the ability for entities like the Water Authority to develop and implement Aquifer Storage and Recovery (ASR) projects to provide a safe and sustainable water supply. In 1997, the City adopted a comprehensive water resources plan entitled the Water Resources Management Strategy (Strategy) to transition from sole reliance on the aquifer to renewable supplies including our imported San Juan-Chama water.

One of the key elements on the Strategy was to implement Aquifer Storage and Recovery Projects in compliance with the Act. The idea was to land apply or inject treated San Juan-Chama water into the aquifer during the winter months when demands are lower. The stored San

Juan-Chama water could then be used to supplement supplies in the summer months, during droughts, or other times when supplies are limited.

Underground storage of excess water in times of plenty is a key technology for addressing the strain climate change will put on water resources in the Southwest. As shown by the Water Authority examples below, the high costs of permitting and monitoring requirements on top of the costs for treatment to meet drinking water standards can make these projects financially untenable or an option only for a few entities.

To date, the Water Authority has spent totals of approximately $2.0 million on the Bear Canyon Recharge project (demonstration and full-scale, 2006 to present) and $1.4 million on the DWTP Large-Scale Recharge Demonstration (feasibility, design, permitting, and well construction; 2009 to present), or $3.4 million total. Spending continues on both projects. The amount of funding needed to implement these projects is due in large part to the regulatory framework implemented by the Office of the State Engineer and the New Mexico Environment Department.

It costs approximately $120,000 per recharge season to operate Bear Canyon (not including Water Authority staff costs). This number includes preparations, operations, monitoring (during operational and non-operational periods), and OSE and NMED reporting.

The Water Authority has obtained USR demonstration and full-scale permits for Bear Canyon and a USR demonstration permit for the DWTP project from the OSE.

Approximately $60,000 was spent to obtain the Bear Canyon USR full-scale permit application. The DWTP USR demonstration permitting process cost approximately $180,000.

The Water Authority obtained a discharge permit (DP-1626) for Bear Canyon from NMED, renewed that permit once, and has since combined the Bear Canyon permit with another permit (DP-1206 for the North I-25 Recharge Project). The source water for Bear Canyon is San Juan-Chama water diverted from the Rio Grande which is bank-filtered and chlorinated.

The 2013 Bear Canyon discharge permit renewal costs totaled approximately $20,000. Separate from the tasks done by consultants, Water Authority staff have also spent significant time on these projects.

Also, there are permit fees for both agencies. The OSE USR filing fee is $5,000 for each demonstration project. The USR full-scale project fee is $5.00/acre foot for the annual capacity of the full-scale project (up to $50,000). The NMED discharge permit filing fee is $100. The permit fee is then due when the DP gets issued, and the amount depends on the project's discharge volume. For 100,000-999,999 gallons/day, the fee is $4,600.

The NMML proposes changes to Section 20.6.2.3105.A NMAC because when the source water is drinking water, then it is already highly regulated by the Safe Drinking Water Act. This exemption is similar to discharges permitted by the National Pollutant Discharge Elimination System (NPDES) that are covered by Section 20.6.2.3105.F. NMAC where the permittee isn't required to obtain a ground water discharge permit. For the ASR projects, the owner/operator would only need to verify that the source water is compatible with the ground water. Again, without this exemption, the additional costs for permitting and monitoring are significant disincentives.

In addition, the NMML proposes changes to Section 20.6.2.5006 NMAC to narrow the scope of monitoring requirements to only contaminants contained in the source water. Because these projects are drinking water, the stringent requirements are already met.

These two changes can provide some relief to water systems while still providing protection of the ground water. ASR should not be limited to only those systems that have the ability to secure the appropriate funding to develop and operate them. ASR is a key component of good water resources management and in the State of New Mexico where water resources are scarce, we need to encourage this type of tool and not make it so expensive that it really eliminates the ability for most. Of course, protecting our aquifers is important and the Water Authority has invested millions in promoting remediation of groundwater contamination sites in the Middle Rio Grande. Our proposal would provide the opportunity for promoting more opportunities for

ASR, increase the available water supply in New Mexico, but also provide for protecting the aquifer for the future.

This concludes my technical testimony.

EXHIBIT NMML-6

NMML'S RECOMMENDED CHANGES TO 20.6.2 NMAC

The New Mexico Municipal League Environmental Quality Association (NMML) recommends the following changes to the New Mexico Department Environment Department petition to amend 20.6.2 NMAC as highlight in light blue.

Regarding 20.6.2.7.T(2) NMAC – Definition of "toxic pollutant", the NMML proposes that the language in the introductory paragraph be retained and the pollutants "prometon" (proposed at 20.6.2.7.T(2)(t)(xi)) and "thiolane 1,1 dioxide (sulfolane)" (proposed at 20.6.2.7.T(2)(y)) be deleted from the list and renumber as appropriate.

[~~VV.~~]T. Definitions that begin with the letter "T."

…

[~~WW.~~] (2) **"toxic pollutant"** means a water contaminant or combination of water contaminants in concentration(s) which, upon exposure, ingestion, or assimilation either directly from the environment or indirectly by ingestion through food chains, will unreasonably threaten to injure human health, or the health of animals or plants which are commonly hatched, bred, cultivated or protected for use by man for food or economic benefit; as used in this definition injuries to health include death, histopathologic change, clinical symptoms of disease, behavioral abnormalities, genetic mutation, physiological malfunctions or physical deformations in such organisms or their offspring; in order to be considered a toxic pollutant a contaminant must be one or a combination of the potential toxic pollutants listed below and be at a concentration shown by scientific information currently available to the public to have potential for causing one or more of the effects listed above;] any water contaminant or combination of the water contaminants in the list below[creating a lifetime risk of more than one cancer per 100,000 exposed persons is a toxic pollutant: …

(t) pesticides

~~(xi) prometon~~

~~(xii)~~(xi) toxaphene

…

~~(y) thiolane 1,2 dioxide (sulfolane)~~

Regarding the new paragraph in Subsection 20.6.2.3103.A(2) NMAC, the NMML proposes to delete the language:

20.6.2.3103.A. Human Health Standards[~~Ground water shall meet the standards of Subsection A and B of this section unless otherwise provided. If more than one water contaminant affecting human health is present, the toxic pollutant criteria as set forth in the definition of toxic pollutant in Section 20.6.2.1101 NMAC for the combination of contaminants, or the Human Health Standard of Subsection A of Section 20.6.2.3103 NMAC for each contaminant shall apply, whichever is more stringent. Non-aqueous phase liquid shall not be present floating atop of or immersed within ground water, as can be reasonably measured.~~]

(1) Numerical Standards….

~~(2) Standards for Toxic Pollutants. A concentration shown by existing scientific information currently available to the public to have potential for causing one or more of the following effects upon exposure, ingestion, or assimilation either directly from the environment or indirectly by ingestion through food chains: (1) unreasonably threatens to injure human health, or the health of animals or plants which are commonly hatched, bred, cultivated or protected for use by man for food or economic benefit; as used in this definition injuries to health include death, histopathologic change, clinical symptoms of disease, behavioral abnormalities, genetic mutation, physiological malfunctions or physical deformations in such organisms or their offspring; or (2) creates a lifetime risk of more than one cancer per 100,000 exposed persons.~~

(2)~~(3)~~ Standards for Non-Aqueous Phase Liquids. Non-aqueous phase liquids shall not be present floating atop of or immersed within ground water, as can be reasonably measured.

Regarding 20.6.2.3103 NMAC – Standards for Ground Water of 10,000 mg/L TDS or less, the NMML proposes that the numeric standards for fluoride and total xylenes be increased to match the MCLs (4.0 mg/L and 10, 000 mg/L, respectively) unless additional information is provided to justify the lower numbers.

20.6.2.3103 STANDARDS FOR GROUND WATER OF 10,000 mg/l TDS CONCENTRATION OR LESS: ....

A. Human Health Standards [~~Ground water shall meet the standards of Subsection A and B of this section unless otherwise provided. If more than one water contaminant affecting human health is present, the toxic pollutant criteria as set forth in the definition of toxic pollutant in Section 20.6.2.1101 NMAC for the combination of contaminants, or the Human Health Standard of Subsection A of Section 20.6.2.3103 NMAC for each contaminant shall apply, whichever is more stringent. Non-aqueous phase liquid shall not be present floating atop of or immersed within ground water, as can be reasonably measured.~~]

(1) Numeric Standards

...

~~(6)~~ (h) Fluoride (F).....[~~1.6~~] 4.0 mg/l

...

~~(23)~~ (aa) total xylenes.....[~~0.62~~] 10,000 mg/l

...

Regarding the proposed note below 20.6.2.3103 NMAC: The NMML proposes that the last sentence of the note be deleted and the following text be added to the newly formatted Section 20.6.2.4103.C. NMAC.

20.6.2.3103 STANDARDS FOR GROUND WATER OF 10,000 mg/l TDS CONCENTRATION OR LESS: ...

[2-18-77, 1-29-82, 11-17-83, 3-3-86, 12-1-95; 20.6.2.3103 NMAC - Rn, 20 NMAC 6.2.III.3103, 1-15-01; A, 9-26-04; A XX/XX/17]

[Note: For purposes of application of the amended numeric uranium standard to past and current water discharges (as of 9-26-04), the new standard will not become effective until June 1, 2007. ~~For any new water discharges, the uranium standard is effective 9-26-04.~~] For purposes of application of the amended numeric standards for arsenic, cadmium, lead, combined radium-226 & radium-228; benzene, PCBs, carbon tetrachloride, EDC, PCE, TCE, methylene chloride, EDB, 1,1,2-trichlorethane and benzo-a-pyrene, to past and current water discharges (as of July 1, 2017), the new standards will not become effective until July 1, 2020. ~~With regard to sites for which the secretary has approved an abatement completion report as of the effective date of this rule pursuant to 20.6.2.4112 NMAC, the amended numeric standards for arsenic, cadmium, lead, combined radium-226 & radium-228; benzene, PCBs, carbon tetrachloride, EDC, PCE, TCE, methylene chloride, EDB, 1,1,2-trichlorethan and benzo-a-pyrene shall not apply unless the secretary notifies the responsible person that the site is a source of these contaminants in ground water at a place of withdrawal for present or reasonably foreseeable future use at concentrations in excess of the standards of this section.~~]

20.6.2.4103 ABATEMENT STANDARDS AND REQUIREMENTS:

[~~B.~~]C. Ground-water pollution at any place of withdrawal for present or reasonably foreseeable future use, where the TDS concentration is 10,000 mg/L or less, shall be abated to meet:

(1) the standards of ~~Subsections A, B and C of~~ Section 20.6.2.3103 NMAC,

(2) the standards specified in an abatement completion report pursuant to Section 20.6.2.4112 NMAC approved by the NMED Secretary prior to [the effective date of the revisions to Section 20.6.2.3103 NMAC], or

(3) If the NMED Secretary notified the responsible person that the site is a source of contaminants in ground water at a place of withdrawal for present or reasonably foreseeable future use at concentrations in excess of the standards of 20.6.2.3103 NMAC, then the applicable standards of Section 20.6.2.3103 NMAC shall apply.

[~~conform to the following standards:~~

~~(1) toxic pollutant(s) as defined in Section 20.6.2.1101 NMAC shall not be present; and~~

~~(2) the standards of Section 20.6.2.3103 NMAC shall be met.~~]

Regarding 20.6.2.5006 NMAC - Discharge Permits for Class V Injection Wells, the NMML proposes that the exemption should be as follows:

20.6.2.3105 EXEMPTIONS FROM DISCHARGE PERMIT REQUIREMENT: Sections 20.6.2.3104 and 20.6.2.3106 NMAC do not apply to the following:

A. Effluent or leachate which conforms to all the listed [~~numerical~~] standards of Section 20.6.2.3103 NMAC and has a total nitrogen concentration of 10 mg/l or less[~~, and does not contain any toxic pollutant~~]. If treatment or blending is required to achieve these standards this exemption does not apply except for recharge projects used to replenish the water in an aquifer where the source water is regulated by the Safe Drinking Water Act and meets all drinking water standards and the source water chemistry is shown to be compatible with the chemistry of the ground water. To determine conformance, samples may be taken by the agency before the effluent, [~~or~~] leachate or other source water is discharged so that it may move directly or indirectly into ground water; provided that if the discharge is by seepage through non-natural or altered natural materials, the agency may take samples of the solution before or after seepage. If for any reason the agency does not have access to obtain the appropriate samples, this exemption shall not apply;

20.6.2.5006 DISCHARGE PERMIT REQUIREMENTS FOR CLASS V INJECTION WELLS: Class V injection wells must meet the requirements of Sections 20.6.2.3000 through 20.6.2.3999 and Sections 20.6.2.5000 through 20.6.2.5006 NMAC. Class V injection wells or surface impoundments constructed as recharge basins used to replenish the water in an aquifer, including use to reclaim or improve the quality of existing water, must additionally provide documentation of compliance with 19.25.5 NMAC (Underground Storage and Recovery) ~~and shall not be subject to the exemptions of 20.6.2.3105 NMAC~~. If the exemption in Section 20.6.2.3105.A. does not apply for a recharge basin project, a discharge permit shall be required as follows:

A. Monitoring will be required for only those contaminants shown to be present in the source water or which have the potential to be mobilized during injection or infiltration; and

B. The permittee shall have the opportunity to petition to eliminate or reduce sampling requirements after two years or four rounds of sampling whichever comes first.