

Northern New Mexico Citizens' Advisory Board Meeting



May 17, 2023
1:00 p.m. to 5:00 p.m.
Hybrid Meeting

Minutes

Meeting Attendees

Department of Energy

1. Michael Mikolanis, Manager, Environmental Management Los Alamos
2. Ellie Gilbertson, Deputy Manager, Environmental Management Los Alamos
3. Lee Bishop, Deputy Designated Federal Officer, Environmental Management Los Alamos
4. Miquela Vargas, Environmental Management Los Alamos
5. Cheryl Rodriguez, Environmental Management Los Alamos
6. John Evans, Environmental Management Los Alamos
7. Allison Scott Majure, Environmental Management Los Alamos

NNMCAB Members

1. Cherylin Atcitty, Chair
2. Elena Fernandez, Vice-Chair
3. Stuart Barger
4. Sterling Grogan
5. Mark Hayden
6. Martinez Hewlett
7. Anne Laurent
8. Manuel L'Esperance
9. Roger Life
10. Stephen McLaughlin
11. James Murphy
12. Patricio Pacheco

NNMCAB Absences

1. Melissa Casias
2. Liliana Garcia
3. Beverly Martin
4. Miguel Vigil
5. Joseph Villegas

NNMCAB Staff

1. Menice Santistevan, Executive Director
2. Bridget Maestas, Executive Assistant

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Guests

1. Kim Lebak, N3B
2. Erich Evered, N3B
3. Chelsi Frasure, Environmental Management Los Alamos
4. Angela Martinez. Los Alamos National Laboratory
5. Patricia Medina, Environmental Management Los Alamos
6. Wayne Barber, Exchange Monitor Publications
7. Scott Kovac, Nuclear Watch New Mexico
8. Maire O’Neil, Los Alamos Reporter
9. Susan Coleman, Hanford Advisory Board
10. Matt Miller, US Representative Teresa Leger Fernandez Office
11. Troy Thomson, N3B
12. Caitlin Martinez, New Mexico Environment Department
13. Amanda Audette, N3B
14. Joe Ritchey, Environmental Management Los Alamos
15. Kate Girard, Office of Natural Resources Trustee
16. Kelsey Shank, theEDGE
17. Kristin Henderson, N3B
18. Sarah Chandler, Environmental Management Los Alamos
19. Sue Wacaster, Environmental Management Los Alamos
20. Catherine Juarez, Los Alamos National Laboratory
21. Jason Herman, New Mexico Environment Department
22. Vince Rodriguez, N3B
23. Jennifer Hart, Los Alamos National Laboratory
24. Estevan Lujan, N3B
25. John Rhoderick, New Mexico Environment Department
26. Stephanie Gallagher, Environmental Management Los Alamos
27. Candie Arellano, Los Alamos National Laboratory
28. Jocelyn Buckley, Los Alamos National Laboratory

31 ***The written minutes are intended as a synopsis of the meeting.**

1 **Minutes**

2 **I. Call to Order**

3 The meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) was held on
4 May 17, 2023, in a hybrid format. Mr. Lee Bishop, Deputy Designated Federal Officer (DDFO)
5 stated that on behalf of the Department of Energy (DOE) the meeting of the NNMCAB was
6 called to order at 1:01 p.m.

7 Mr. Bishop recognized Ms. Elena Fernandez, the NNMCAB Vice-Chair. Ms. Fernandez
8 presided at the meeting and filled in for Ms. Cherylin Atcitty until she arrived.

9 The meeting of the NNMCAB was posted in The Federal Register in accordance with the
10 Federal Advisory Committee Act.

11 **II. Welcome and Introductions**

12 Mr. Bishop welcomed everyone to the meeting and gave a brief safety note on the building
13 exits. Mr. Bishop turned the meeting over to Ms. Fernandez.

14 Ms. Fernandez welcomed everyone to the May Board Meeting at Fuller Lodge in Los Alamos
15 New Mexico.

17 **III. Establishment of a Quorum (Roll Call)**

18 Ms. Menice Santistevan conducted roll call for board members and guests in person and on
19 WebEx. At the call to order, 11 NNMCAB members were present or online. Ms. Santistevan
20 stated that the meeting was being recorded to produce the minutes of the meeting.
21

22 **IV. Approval of Agenda**

23 The board reviewed the agenda for the May 19, 2023, meeting. Ms. Fernandez opened the
24 floor to entertain a motion to approve the agenda.
25

26 Mr. Mark Hayden made a motion to approve the agenda; Mr. Stuart Barger seconded the
27 motion. The motion to approve the agenda as presented passed.

28 **V. Approval of Minutes**

29 The board reviewed the minutes from the April 19, 2023, Board Meeting. Ms. Fernandez
30 opened the floor to entertain a motion.
31

32 Mr. Mark Hayden made a motion to approve the minutes as presented; Mr. Jim Murphy
33 seconded the motion. Ms. Fernandez opened the floor for discussion.

34 With no discussion, the motion to approve the minutes passed.

35 **VI. Old Business**

36 **a. Update from Chair/Vice-Chair**

37 Ms. Fernandez, NNMCAB Vice-Chair – Ms. Fernandez stated that she attended that May
38 Technical Working Group (TWG) Meeting that was focused on the overview of N3B
39 projects, she encouraged everyone to attend a TWG meeting. She also virtually
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1 attended the April National Environmental Policy Act (NEPA) public meeting on the
2 Hexavalent Chromium Plume.

3 **b. Update from Subcommittee Chairs**

4 Ms. Fernandez thanked Ms. Santistevan for sending out the list of subcommittee
5 membership and asked that each member sign up for a subcommittee. She reminded
6 everyone that all subcommittee meetings are open to the public and are scheduled
7 ahead of time and sent out to the distribution list.

8 **Public Outreach Subcommittee**

9 Ms. Elena Fernandez stated that the subcommittee will schedule a meeting in the
10 coming weeks to go over the plans for the new NNM CAB Website.

11 **Risk Evaluation & Management Subcommittee**

12 Ms. Elena Fernandez stated that the Risk Evaluation and Management Subcommittee
13 will also schedule a meeting in the coming weeks and they tend to meet once a month.

14 **Consent Order Subcommittee**

15 Mr. Mark Hayden stated that the Consent Order Subcommittee met May 17th at 9:00 am
16 virtually and they reviewed a new draft recommendation to DOE. The recommendation
17 includes the application of EM-LA's Justice40 through NNM CAB expansion to change the
18 charter to include the entire state, similar to every other advisory board in the nation.
19 Mr. Hayden stated that they would report the minutes shortly.

20 **c. Other Items**

21 Mr. Barger asked if they could get an update on the negotiation on the Chromium
22 plume between EM-LA and NMED.

23 Mr. Mikolanis stated that he would talk about it in his update.

24 **d. Consideration and Action on Draft Recommendation 2023-03, "DOE Response,
25 Implementation and Reporting on NNM CAB Recommendations"**

26 Mr. Hayden gave a summary of the recommendation. Ms. Fernandez opened the floor
27 to entertain a motion.

28 Mr. Mark Hayden made a motion to approve Draft Recommendation 2023-03, Mr.
29 Stephen McLaughlin seconded the motion. The motion to approve Draft
30 Recommendation 2023-03 passed.

31 **VII. New Business**

32 **a. Appointment of Nominating Committee**

33 Ms. Fernandez asked for two NNM CAB members to volunteer to lead the nominating
34 committee for next fiscal year's Chair and Vice-Chair positions. The positions are filled
35 once a year. She asked members to contact Ms. Santistevan or volunteer now. Mr.
36 Murphy nominated Mr. Hayden to be on the committee and Mr. Hayden nominated Mr.
37 Murphy to be on the committee, both members agreed to volunteer. Ms. Santistevan
38 stated that anyone serving on the nominating committee is welcome to run for Chair or
39 Vice-Chair. She noted that this would be for the next Fiscal Year beginning October 1st.
40

1 Ms. Atcitty and Ms. Fernandez would continue their duties through that day. Ms.
2 Santistevan stated that the election of officers would be held at the July Board Meeting.
3 She noted that the NNMCAB would be voting early due to the scheduling of the Chairs
4 Meeting in the Fall so the new officers could attend, and travel could be planned. She
5 asked that any member running for office be able to travel to these meetings to speak
6 on behalf of the Board. Mr. Pacheco stated that he would be happy to help on the
7 nominating committee and he has a copy of the Excel spreadsheet that was used
8 before.

9 **b. Other Items**

10 Mr. Barger stated that it is his understanding that N3B is in the process of preparing a
11 corrective measures evaluation (CME) for Material Disposal Area (MDA) H and it has to
12 be submitted in September. He noted that as of the last NNMCAB Board meeting Mr.
13 Evered requested comments from NNMCAB members by June 1st or June 15th, but the
14 CME is not available for review at this point. He stated that he is not sure how this Board
15 will be able to react in time before the CME is prepared nor how any of the members
16 are qualified to propose corrective measures choices for N3B to consider. He would like
17 some guidance on how to proceed.

18 Mr. Bishop stated that the best opportunity with the CME is that the input they are
19 looking for is what alternatives would the NNMCAB like DOE to consider in that
20 evaluation. There is the complete spectrum of complete removal, to cap and cover, to
21 strategic removal, and some other creative alternative the Board would like them to
22 consider. Mr. Bishop stated that he could set up a virtual combined subcommittee
23 meeting in the June timeframe to have a discussion. Mr. Bishop stated that in order to
24 get the meeting in the Federal Register the best date for this discussion would be June
25 28th. The subcommittee meeting was scheduled for June 28, 2023 from 10:00 am to
26 12:00 noon.

27 Mr. L'Esperance asked if they could provide a graphic that shows the shafts and the
28 material in the shaft and how it is contained. It would show the hazards involved in
29 removing it.

30 Mr. Hayden suggested that for the June meeting, to get a balanced view, if the
31 Environment Department of New Mexico could be invited to weigh in and get their
32 perspective on which way they are going. Mr. Bishop stated that he would take that
33 action.

34 **VIII. Presentation**

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36 Mr. Erich Evered, N3B, presented on, "2016 Compliance Order on Consent" An electronic
37 copy of the presentation may be viewed on the NNMCAB YouTube Channel: [NNMCAB May
38 Board Meeting - YouTube](#)

39 **IX. Public Comment Period**

40
41 Ms. Atcitty opened the floor for public comment at 3:02 p.m.

42 Mr. Kovac, Nuclear Watch New Mexico thanked the Board for working on these complicated
43 problems. He also thanked them for the comment period. Mr. Kovac stated that they

1 mentioned having a Public Outreach Committee and he finds it interesting that the
2 NNM CAB goes through some length to have public comments at a certain time and it is
3 probably required, but on the other side he finds it hard to find out what the NNM CAB does
4 with the public comments. He noted that the best he can tell is that there is no public record
5 of any of these public comments, if you look at the minutes from April that the public gets
6 there is no minutes included so it is hard for the public to understand where these are
7 going. The minutes are not in the packet and in addition to that public questions are not
8 answered, and public comments are not replied to. Also, in addition to that, the public has
9 no input into the recommendations so he would respectfully request that we look at some
10 of these questions and deal with it in the future.

11 With no further public comment, Ms. Atcity closed public comment at 3:04 p.m.

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X. Update from EM Los Alamos Field Office

14 Mr. Mikolanis welcomed the Board members and the members of the public who are
15 attending the meeting both physically and virtually. He stated that for today's update he
16 would like to highlight some recent efforts and priority projects for the legacy cleanup
17 mission.

18 **Hexavalent Chromium Plume** – Mr. Mikolanis stated that this is the highest priority in the
19 Environmental Remediation Program. During the last meeting he was at he shared that they
20 had some direction from the State and they are trying to navigate their way through that,
21 but if they couldn't they would get direction to not resume or re-start six of the extraction
22 wells. This came from the Hazardous Waste Bureau. The Groundwater Quality Bureau in the
23 Water Protection Division of New Mexico Environment Department (NMED) gave them
24 direction to shut down all injection which essentially shuts down the Interim Measure (IM) if
25 they didn't do certain things by April 1st. DOE has shut down the IM as of March 31st in
26 compliance with the direction from the Groundwater Quality Bureau and the system
27 remains turned off to this day. As a result of the impasse, nobody likes having the IM off.
28 DOE, NMED and the Pueblo of San Ildefonso had a 3-party summit in March and there have
29 been four of these meetings so far. They will have another one in the coming week where
30 they will put the options on the table and the dialogue continues to be constructive and
31 positive. DOE's objective is to try to bring what additional actions they can do to address
32 both the Groundwater Quality Bureau's concerns and the Hazardous Waste Bureau's
33 concerns and satisfy the objectives the department has for their bias for action to be able to
34 move forward with a remedy sooner. They are working collective and collaboratively with
35 the State and with the Pueblo of San Ildefonso in making these decisions.

36 **Well R-73** – Mr. Mikolanis stated that they were unsuccessful in getting it put in place. The
37 casing broke and they submitted a plug and abandonment plan to the Office of the State
38 Engineer which they approved. There were some logistical challenges with that, and DOE
39 asked for some extensions and the Office of the State Engineer provided them the
40 extensions. DOE started the plug and abandonment on March 20th. They are making
41 progress in completing the plug and abandonment and are on schedule to complete it by
42 the end of May. Mr. Mikolanis stated that N3B has done a fact-finding causal analysis and
43 will identify corrective actions to prevent the same problem from happening with future
44 well installations.

1 **Aggregate Area Campaign** – Mr. Mikolanis stated that this is a high priority for DOE as a
2 result of the settlement agreement with Nuclear Watch New Mexico. There are
3 investigations underway in five Aggregate Areas within two Consent Order Campaigns. This
4 includes investigation and remediation where required, and closure of 200 Solid Waste
5 Management Units and Areas of Concern.

6 **Middle DP Road** – Mr. Mikolanis stated that the scope of work is not under the Consent
7 Order. They have completed the cleanup and have been doing the extended condition to
8 demonstrate that they have a clean boundary. They have been chasing a couple of Resource
9 Conservation and Recovery Act (RCRA) metals and they have one last one they have been
10 chasing, Arsenic. He hopes that the next time the NNMCAB meets he will be able to say that
11 the extended condition analyses are done but there are still some things that need to be
12 done. After that, they will be finishing up the written report to NMED. DOE has been
13 engaging with NMED throughout the process and have been following the agreed upon
14 approaches agreed upon.

15 **National Environmental Policy Act (NEPA) Environmental Assessment** – Mr. Mikolanis
16 stated that on May 8th and 9th, the Field Office conducted two meetings to initiate a public
17 scoping period for the NEPA Environmental Assessment (EA) they are doing. This is to cover
18 the Interim Measure, the NEPA coverage for operation of the Chromium Six Plume Interim
19 Measure that expires in December. DOE added some additional scope. As part of the
20 negotiations with the State, one of the things he has mentioned is that the DOE has a bias
21 for action in this case and he would like to move into a final remedy as soon as possible and
22 it will not be possible if the State is not going to accept it. He noted that a presentation with
23 details on the NEPA process and how to submit comments can be viewed on the EM-LA
24 website under “information Center” and subcategory “Presentations”. The 30-day public
25 scoping period ends on June 6th.

26 **Strategic Vision** – EM-LA is continuing to focus on the Strategic Vision development with
27 support from their contracting partners N3B and Longenecker & Associates. They have
28 conducted numerous Phase 1 and Phase 2 sessions with different engagement groups. They
29 have received a lot of feedback from a wide of very diverse stakeholders, elected officials,
30 and members of the public. He is looking forward to getting to Phase 3. They have added
31 some Public Forums in three of the Counties, Los Alamos, Rio Arriba, and Santa Fe. Phase 3
32 will be the hardest part where they take all the feedback they have received and put it
33 together into guiding principals as they put together a Strategic Vision.

34
35 **XI. Update and Look Ahead from N3B**

36 Ms. Kim Lebak gave the update for N3B.

37 **Well R-73** – Ms. Lebak stated that they did ship some of those samples off site for an
38 independent laboratory analysis and although they did a root cause analysis on what they
39 knew at the time on R-73, the laboratory could give them information they don't know about
40 and they reserve the right to go back and look at their root cause once they get the lab
41 analysis back on those segments.

42 They have already submitted two Consent Order Milestones to the NMED for Wells R-79
43 and R-80. They have three upcoming Consent Order Milestones for this Fiscal Year for
44 water. One is for the IFGMP which is a groundwater monitoring plan and another one is a
45 Chromium report which is due at the end of June. On September 21st they have hopefully

1 starting on Well R-76, and they will notify NMED on drilling the well and notify them per the
2 Consent Order commitment.

3 During this time of year, they are activating their stormwater samplers across the site. There
4 are approximately 200 samplers that they are activating. They activated them in the Spring.

5 As far as cleaning up the soil and the land, Mr. Evered mentioned a couple of the campaigns
6 they have in the Consent Order which are Southern External Boundary and Pajarito
7 Watershed Campaign. Both of these campaigns cover very large areas on the laboratory,
8 and they subdivide them into projects. They are continuing to work on the Southern
9 External Boundary Campaign. Those areas are very large areas and require a lot of sampling.

10 **MDA H** – The CME Report is due to NMED at the end of September. Earlier in the year they
11 completed MDA L deliverable of the Consent Order Milestone.

12 As far as the 30-60 day look ahead for the water and Aggregate Areas, going back to Mr.
13 Barger’s comments on the Generals Tanks, they do not have that in the 30-60 day look
14 ahead because it is very complicated. They do hope to start doing some sampling there
15 soon. They hope to complete the R-73 plug and abandonment and are actively working on
16 that. They hope to complete the Middle DP Road field work and then besides the IFGMP and
17 the Chromium Report, they also have deliverable on MDA A and MDA T. They also owe
18 NMED a report on Threemile Canyon.

19 Waste Projects – They are preparing this week their 49th Transuranic (TRU) waste shipment
20 to Waste Isolation Pilot Plant (WIPP). N3B is on the cusp of resuming a campaign in their
21 waste area retrieving corrugated metal pipes (CMPs). Once they resume the activity and
22 exhume the CMPs that have solidified waste in them, they plan to size reduce them for
23 shipment to WIPP. N3B is also working on the Dome re-skinning and are currently working
24 on Dome 49.

25 Consent Order – They are simultaneously working on eleven of the seventeen campaigns.
26 They are also doing waste shipping and processing with more to come in the next 30-60
27 days.

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29 **XII. Update from DDFO**

30 Mr. Bishop gave a preview of the rest of the year.

31 June 21 – LANL tour for NNMCAB members

32 June 28 – Special Combined Subcommittee Meeting (virtual) to discuss MDA H

33 July 19 – Board Meeting at Cities of Gold

34 September – Board Meeting will be in Taos.

35 October 3-5 – EM SSAB Chairs Meeting in Oak Ridge, Tennessee

36 November 6-7 – WIPP Tour in Carlsbad, NM

37 November 15– Board Meeting at Ohkay Owingeh

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2 **XIII. Wrap-up Discussion**

3 Ms. Atcitty stated that she had a prior commitment and apologized for joining the meeting
4 late. For the wrap up discussion, she asked members to ask questions they didn't get
5 answered or presentation requests they may have.

6 Mr. Pacheco clarified that there would be an update on the Chromium Plan for the June
7 meeting.

8 Mr. Barger stated that he was eagerly awaiting the publication of the EM Newsletter that
9 came this morning to see how the spin doctors would deal with Mr. White's visit to Los
10 Alamos for the public hearing, but he sees that they chose discretion over valor and did not
11 publish anything about that.

12 Ms. Atcitty thanked everyone for being at the meeting. She thanked the presenters for all
13 the information and thanked the staff and audio company for their work at the meeting.

14
15 **XIV. Adjournment**

16 Mr. Bishop thanked everyone for attending the meeting and asked everyone to travel safely
17 down the hill. He stated that work was being done on the truck route and traffic leaving Los
18 Alamos really picks up and to expect about half an hour delay.

19 With no additional business to discuss, Mr. Bishop adjourned the meeting at 4:18 p.m.
20

21 **Respectfully Submitted,**



22 **Ms. Cheryl Atcitty, Chair, NNM CAB**

23 ***Minutes prepared by Bridget Maestas, Executive Assistant, NNM CAB**
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25
26 **Attachments**

- 27 1. Final NNM CAB Meeting Agenda for 05/17/2023
- 28 2. Final NNM CAB Meeting Minutes for 04/19/2023
- 29 3. Draft Recommendation 2023-03, "DOE Response, Implementation and Reporting on NNM CAB
30 Recommendations "
- 31 4. Presentation by Erich Evered, "2016 Compliance Order on Consent"
- 32 5. N3B Cleanup Snapshot for February 2023

33 **Public Notice:**

34 ***All NNM CAB meetings are recorded. Audio files will be placed on file for review at the NNM CAB**
35 **office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are intended as a**
36 **synopsis of the meeting.**