

## Northern New Mexico Citizens' Advisory Board Meeting Minutes

**Northern New Mexico Community College  
Española**

**Board Meeting Minutes**

**February 28, 2001**

<p><b>Board Members Present:</b>  Menice S. Manzanares, Chair  Jim Johnston, Vice Chair  Fran Berting  George Chandler  David Chávez *  Valerie Espinoza *  Maxine Ewankow *  June Fabryka-Martin *  Richard Gale *  Dorothy Hoard  Donald Jordan *  Tom Switlik *</p> <p style="text-align: center;"><i>* Has been nominated for Board membership</i></p>	<p><b>Board Members Absent:</b>  Anthony Armijo (Excused)  Jim Brannon (Excused)  Agustin Garcia (Excused)  Myron J. Gonzales (Excused) *</p>
<p><b>Ex-Officio Members Present:</b>  James Bearzi, Bureau Chief, NMED  Wes Myers Acting Deputy Director/  ER/LANL for Michael Baker  MJ Byrne, DDFO, DOE/LAAO  Joe Vozella, DOE/LAAO</p>	<p><b>Guest:</b>  Joani Arends, CCNS  John Arthur, Assistant Manager,  Office of Environmental Operations  &amp; Services, Albuquerque Ops  Dennis Martinez, Associate Area  Manager, Los Alamos Area Office  Delores Garcia for Senator Bingaman's  Office  Chuck Pergler, Sierra Club  Carmen M. Rodriguez, ER/LANL  Veronica Rodriguez for Senator  Domenici's Office  John Kieling, NMED  Brian Thompson, ER/LANL  Bob Weeks, NMED  Karl Williams, NMED  John Young, NMED</p>
	<p><b>Facilitator:</b>  Toby Herzlich</p>

**Staff:**

Ann DuBois, PWT  
Terra M. Nash, ATA

**I. OPENING**

MJ Byrne, DDFO, called the meeting to order at 6:06 p.m. She introduced John Arthur, DOE Albuquerque Operations Office and Dennis Martinez, DOE Los Alamos Area Office. A quorum was established. Ms. Byrne turned over the meeting to Menice S. Manzanares, Chair. Ms. Manzanares introduced Toby Herzlich, the facilitator for this meeting. The Board members and proposed Board members, ex-officio members, guests and staff introduced themselves.

June Fabryka-Martin asked Ms. Manzanares if the proposed new Board members could vote at this meeting. Ms. Manzanares said that the nominees could not vote until DOE Headquarters approves them; but nominees were encouraged to take part in the discussion and ask questions.

George Chandler moved, seconded by Dorothy Hoard, that the agenda be adopted as presented. The motion was passed. Fran Berting moved, seconded by June Fabryka Martin to approve as amended the January Board meeting minutes. Fran Berting moved, seconded by Jim Johnston to approve as amended the February Board meeting minutes. The motion passed.

Ms. Manzanares introduced John Arthur, Assistant Manager, Office of Environmental Operations and Services, Albuquerque Operations. Mr. Arthur said that his job responsibilities include advocacy of environmental restoration and cleanup. He said that he was looking forward to working closely with the Board. He welcomed the proposed Board members and acknowledged the work that the Board does for the Department. Mr. Arthur said that the Department wants to hear the Board's recommendations. He left a briefing package describing the program that he oversees. His Office includes the oversight of regulations for two EPA regions, getting input from the five tribes in this area, a \$210 million budget to clean up legacy and newly generated waste, protection of groundwater, long-term stewardship and other programs. Mr. Arthur described the competing priorities and announced a stakeholder meeting sometime this summer to get input on these decisions. Some of the greatest challenges include the organics found in the Texas Ogalla aquifer, the Sandia cleanup has been stretched 3 to 4 years longer than expected, the results of the Cerro Grande fire, getting the TRU waste out of TA-54. He requested the Board's input into these priorities. Mr. Arthur offered to meet when it is convenient to the Board.

Mr. Chandler asked Mr. Arthur about the funding for cleaning up LANL. Mr. Chandler asked why LANL is used as a bank for other sites and how can the Board give input into this decision? Mr. Arthur requested the Board's input in June. Mr. Chandler observed that the cleanup budget is now \$210 million and two years ago it was \$200.2 million. Mr. Arthur said that the budget is stabilized at the \$220 million level. He explained that as the sites complete their cleanup and the projects are closed out then the budgets are dropped

instead of rolling these funds into LANL's ER Program budget. Next year's budget will be formulated in June but the new administration may make a difference in the Department's priorities.

Ms. Joani Arends, CCNS, expressed her concern with the effect on the Pentax neighbors having to use bottled water for themselves and their animals. She observed that Senator Domenici finds funds for other priorities and he should provide money for this cleanup.

Mr. Dennis Martinez, Associate Area Manager of the Los Alamos Area Office, expressed his appreciation for the Board's contributions to the Department. He said that he was glad to see so many proposed new Board members. The Board is important for the Los Alamos Area Office to have credibility with its regulators and the public. He encouraged Board members to talk with him and with Ms. Byrne.

Ms. Manzanares thanked Dennis Martinez and John Arthur for attending the Board meeting. She said that it is important for the senior-level Departmental administrators to be present at Board meetings to hear the discussion and the concerns.

#### **I. Public Comment**

Ms. Manzanares opened the public comment period. No one wished to speak and so the public comment period was closed.

#### **III. ORIENTATION AROUND BOARD PROCESS**

Ms. Toby Herzlich provided some introductory remarks to orient the proposed new Board members. She said that the purpose for facilitation is to enable the Chair to contribute and join the discussion. Facilitation also allows the Board to go deeper into tougher issues and make getting into this process both safe and supportive. Facilitation gives value to the different points of view and allows a more challenging and subtle discussion.

She reviewed the groundrules for the discussion. She asked experienced Board members to describe the Board's mission and what they found gave meaning to being on the Board.

Ms. Manzanares said that the Board is looking for five more members from the Pueblos in the area, and from counties not represented.

#### **IV. REPORT**

James Bearzi, Bureau Chief, New Mexico Environment Department, Hazardous Waste Bureau, presented a report entitled "RCRA, LANL, NMED, and ER: Can Alphabet Soup Taste like Environmental Protection?" He distributed printed copies of his presentation.

Mr. Chuck Pergler asked if he could make a public comment after Mr. Bearzi's presentation. He suggested that public comment might be placed later in the

meeting or perhaps there could be two comment periods – one before and one after the major reports.

He said that the Sierra Club wants to understand the issues and participate in the Board's discussion. Ms. Manzanares said that the Board would also take written comments as well.

Mr. Bearzi said that he was asked to comment on NMED's long-term stewardship requirements for all facilities. He will talk about that item when Board member Jim Brannon is present.

Mr. Bearzi described the Resource Conservation and Recovery Act (RCRA) and its importance to LANL. He discussed the reasons why and how the Board should be involved with the opportunity to comment on the Permit. LANL was granted its first permit in 1985 by the EPA. In 1996, EPA delegated to NMED the permitting and corrective action authority. The final permit is effective 30 days after its issuance.

If a waste is stored less than 90 days, then no RCRA permit is required. RCRA is a federal law that regulates how certain hazardous wastes are stored and disposed of. If the plan is to store the waste longer than 90 days, then it has to be permitted. He described the site treatment plan (STP). He observed that the material disposal areas (MDAs) are stringing out the time line for cleanup at LANL. The permit renewal process has timelines for public comment before the new permit can be issued.

Mr. Johnston asked if New Mexico has a program similar to the California Chemical Waste Exchange Program. Mr. Vozella responded that LANL has a recycle program for chemical wastes. Dr. Weeks, NMED, replied that Albuquerque also has a recycle program.

Mr. Gale asked if NMED has sufficient budget to monitor the requirements. Mr. Bearzi replied that NMED has several funding sources. NMED receives funds from the state legislature; it can order DOE to comply with regulations or require heavy fines if the Department does not meet these regulations and it charges fees for some of its services. Mr. Young, NMED, said in the late 1980s, several state issued federal or state compliance orders. Within Albuquerque Operations less than 10% of the facilities fall under these compliance orders. He observed that the Colorado Compliance Order made big changes in shipping waste from Rocky Flats to WIPP.

Mr. Vozella commented that LANL's enforcement orders are not related to RCRA issues. For example, the DP Tank farm cleanup was done under a compliance order. LANL currently has three outstanding compliance orders.

June Fabryka-Martin asked about the impact on NMED of decreasing LANL budgets for ER cleanup. Mr. Bearzi said that the state legislature would not allow new positions for his Department.

Mr. Bearzi suggested that the Board talk with Terra Nash about their interests and then the Board should pick an area for comment. Dr. Fabryka-Martin

suggested that the Board's Committees could work on this issue. Ms. Manzanares recommended that the Waste Management Committee could take on this issue. Ms. Manzanares thanked Mr. Bearzi for his excellent presentation.

## **I. BOARD BUSINESS**

### **A. Waste Management Committee**

Mr. Chandler moved, seconded by Mr. Johnston that the Board adopt the following recommendation. This is the second reading for this recommendation.

"The NNM CAB is concerned about the current planned completion date of 2014 for the shipments of TRU waste from Los Alamos to WIPP. One of several factors involved in the delay is that the present packaging techniques result in a low density of waste being shipped. After several Board members attended two nation wide SSAB symposiums on transportation issues and a transportation conference in Santa Fe last year it has become apparent to NNM CAB that new options for higher density packages are becoming available. An innovative packaging technique from BOH Environmental seems to be particularly suitable and may result in an increase in the density of waste, while still meeting regulatory requirements. If this be so, the number of shipments to WIPP from Los Alamos would be considerably reduced and would thereby expedite the removal of the surface-stored waste at TA-54, and possibly produce considerable dollar savings to the taxpayer.

Therefore, the NNM CAB recommends that the DOE and LANL study the technology known as Arrow-Pak™, provided by BOH Environmental, to determine the feasibility of using it to ship waste from LANL and brief the NNM CAB on their findings and decision. A brief description and list of applications of the technology is attached.

#### **ARROW-PAK™ MIXED WASTE TREATMENT TECHNOLOGY**

The Arrow-Pak™ technology has been successfully demonstrated at several DOE sites and is the preferred technology at EnviroCare in the State of Utah. The technology is the standard for treating low level mixed waste and is being developed by EM-50 for its use in transporting Transuranic waste to WIPP. The technology is now being tested and will soon be presented to NRC for type B certification. Boh Environmental's ARROW-PAK™ is a patented immobilization technology that meets the federal guidelines (40 CFR 268.45) for treatment and land disposal of mixed waste debris. The ARROW-PAK™ mixed waste treatment method places the debris in a thick high-density polyethylene jacket and seals it with a proprietary thermal fusion process to produce a leak-tight monolithic treatment capsule that immobilizes the waste for 300 years. ARROW-PAK™'s inherent material properties such as toughness, ductility, strength, fusibility, chemical inertness, structural stability, and longevity, enable it to be land disposed safely and securely without risk of material degradation or leachability of hazardous constituents. ARROW-PAK™ is certified for safe transportation as a Specification 7A Type A

package per 49 CFR 173 and is approved by the State of Utah for direct disposal as a "Macro Capsule" at EnviroCare of Utah, Inc. under the facility's modified Part B Hazardous Waste Permit.

The ARROW-PAK™ field demonstration at Hanford successfully treated 880 drums containing legacy mixed waste debris in accordance with U.S. EPA Alternative Treatment Standards for Hazardous Debris, 40 CFR 268.45. Approximately 1,070 drums containing mixed waste debris generated from D&D operations at Oak Ridge were successfully treated with the ARROW-PAK™ technology and accepted for direct disposal at EnviroCare of Utah; the only commercially available disposal facility for mixed waste in the country. These two projects demonstrate that ARROW-PAK™ successfully meets the EPA Land Disposal Restrictions for mixed waste. In the case of the Hanford project, ARROW-PAK™ also demonstrated compliance with the State of Washington's WAC 173-303-140, Land Disposal Regulations.

The technology is currently being used at the OakRidge National Laboratory facility and is being evaluated by the Carlsbad Area Office for its use in transporting transuranic waste to WIPP.

The following regulatory approvals and certifications are currently in effect:

- 1.) State of Utah/EnviroCare of Utah, Inc. Approval for direct land disposal as a "Macro Capsule" under EnviroCare's modified Part B Hazardous Waste Permit(1999).
- 2.) EPA:40 CFR 268.45 Alternative Debris Treatment Standard (at DOE Hanford Site).
- 3.) DOT: DOT Spec 7A Type A Package per 49 CFR 173(1999)
- 4.) Washington State Department of Ecology: WAC 173-303-140, Land Disposal Regulations (at Hanford Site. 1997)
- 5.) EPA: Best Demonstrated Available Technology for Treatment of Irradiated Lead(1991).
- 6.) DOE: EM-50 supported and approved.

The technology can change the way waste material is moved off DOE sites. The technology has the potential to process four thousand drums per month. If Los Alamos (as an example) was ready to measure and process its current inventory of forty thousand drum equivalents, the potential with this technology is to move all of Los Alamos waste off in one year."

Ms. Byrne asked the Committee what response from DOE was expected. Mr. Chandler said that the Committee wanted from DOE an agreement to investigate this new technology.

Jim Brannon sent his comments on this recommendation to be put in the public record. Ms. Byrne read these comments for the record:

"I have carefully evaluated the materials presented at the January 2001 NNM CAB Board meeting regarding the use of BOH Environmental's ARROW-PAK™ system as a mixed-waste and TRU waste macro-encapsulation treatment and disposal system. I have investigated its use at other DOE sites and reviewed its adoption, approval and certification by a number of states and U.S. Government agencies (e.g., EPA, DOT, and DOE). I am satisfied that this type of on-site treatment offers customers substantial savings in both time and money for the safe and environmentally sound treatment, transportation, and disposal of mixed and TRU wastes. I fully support the NNM CAB's adoption of the recommendation that ". . . LANL proceed to study the technology known as ARROW-PAK™ to determine the feasibility of using the ARROW-PAK™ system to ship waste from LANL, and to brief the NNM CAB on their findings and decision." I would appeal the other members of the NNM CAB to likewise support adoption of this recommendation following its second reading before the NNM CAB. Thank you."

James R. "Jim" Brannon, P.E.  
Registered Professional Civil and Environmental Engineer  
State of New Mexico  
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Ms. Manzanares reminded the proposed Board members that they could not vote on this recommendation. The Board passed this recommendation by a vote of 5 to 0.

Ms. Hoard commented on her concern about the flammability of the Arrow-Pak™. Mr. Johnston said that the proposal would be to place Arrow-Pak™ into the BOH Pak that will pass the burn test. He added that the BOH Pak is proposed to be a Type B container. Ms. Hoard said that she liked the feature that the drums are compressed when they go into the Arrow-Pak™.

Dr. Fabryka-Martin asked if NMED would have to look at permit mod for the 40 CFR 268 standards and if this process would constitute treatment and not just shipping.

Mr. Chandler explained that the Board is interested in this issue because of the delay in shipping waste off the Los Alamos hill. If the waste can be packed more densely, then it can be shipped faster.

## **B. Chair's Report**

Ms. Manzanares reported on the SSAB Chair's meeting held in Las Vegas, Nevada. She said that the dialogue among the Chairs was very effective and it was the best meeting so far. Ms. Manzanares requested that Jim Johnston's report on this meeting be distributed to the Board. She commented that our Board will host the SSAB Chairs and their next meeting in August or the fall. Ms. Manzanares asked that other Board members join the Planning Committee.

Ms. Manzanares said that the Board was given in their packets some potential Board Retreat dates, and an orientation meeting and a tour for new Board members. Board members were to contact Terra Nash with their preferred dates.

Ms. Manzanares said that the search has begun for a larger CAB office in Santa Fe where committee meetings can be held. She asked Board members to give MJ Byrne their ideas for possible sites.

### **C. DOE Report**

Ms. Byrne thanked John Arthur and Dennis Martinez for their attendance at this meeting and for their support.

Ms. Byrne announced that DOE Headquarters has received the Board nomination package. Ms. Crosland committed to walk the package through the approval process. Ms. Byrne asked Ann DuBois to call Ms. Crosland's office on a weekly basis for a progress report on the approval process.

Ms. Byrne said that there would be an orientation for the newly nominated Board

Members on March 10. This half-day briefing will include a discussion on the Citizen's Toolkit and other study materials.

Ms. Byrne called the Board's attention to the booklets on the proposed LANL Bioscience Level Three Research Laboratory. Richard Gale, Fran Berting, Jim Johnston and Tom Switlik attended the recent public meeting. Ms. Byrne said that the Board would hear more about the proposed project at the March meeting.

Ms. Byrne said that the proposed dates for Board retreat were May 18 and 19 or June 8 and 9. John Arthur and Dennis Martinez were invited to attend. She asked Board members to give their feedback to Terra.

Ms. Byrne announced that the Board is in the process of selecting a facilitator that will work with the Board on an on-going basis. She asked Board members to call her with their feedback. The selection will be made in the next week.

Terra Nash said that Ms. Manzanares suggested Angel Fire as an optional location for the Board Retreat. She said that the Board received draft committee assignments. Ms. Nash asked that Board members look at these possible assignments and give her feedback if they want to make a change. She announced that the Waste Management Committee would meet on March 7 at the CAB Office. She said that the RCRA issue is an important agenda item for this Committee. The meeting will be from 6:00 to 8:00 p.m. and Area G will be the topic. The Committee is considering a draft recommendation on the Radiation Liquid Waste Treatment Plant.

### **D. Environmental Restoration Committee**

Dr. Berting said that the Acid Canyon recommendation was revised based on the feedback from the January Board meeting. The recommendation is presented at this meeting for first reading. The actual recommendation will be more fully discussed at the next meeting in March. If Board members want to discuss this recommendation they can call Ms. Manzanares, Ms. Nash or her.

Dr. Berting announced the next Committee meeting on March 12 at 6:00 p.m. in the Johnson Controls building in Española.

#### **A. Community Outreach Committee**

Mr. Johnston announced that he would participate in an interview on KRSN on Friday at 9:00 a.m. He said that the Board's newsletter has been published and distributed. Mr. Johnston will send a letter to three high schools inviting them to nominate students to serve on the Board. He suggested that we invite the media to each Board meeting. Mr. Johnston is updating the Board's web page. He encouraged the proposed Board members to use the WebPages to orient themselves to the Board's work.

### **VII. BOARD COMMENTS**

Ms. Manzanares assured the Board members that we would build in more time to discuss issues in future meetings. She suggested that Board members might be interested in traveling to meetings in a van. Ann DuBois is to contact Board members to see if they want to travel by van.

### **VII. ADJOURNMENT**

Ms. Hoard moved, seconded by Mr. Johnston to adjourn the meeting at 9:12 p.m. The motion was passed. Ms. Manzanares adjourned the meeting.

The minutes are an accurate and complete summary of the matters discussed and conclusions reached at the Northern New Mexico Citizens' Advisory Board meeting held on February 28, 2001.

Certified by:

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Menice S. Manzanares, Chair Date

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