

Northern New Mexico Citizens' Advisory Board Meeting Minutes

Holiday Inn, Santa Fe, NM

Board Meeting Minutes

January 23, 2002

Board Members Present: Jim Brannon Don Jordon Fran Berting Dorothy Hoard Erlinda Gonzales (Nominee) Richard Gale Carl Friedrichs (Nominee) Maxine Ewankow Debra Welsh-Fowler (Nominee) Kathleen Garland (Nominee) June Fabryka-Martin Armando Benavidez (Nominee) Angelina Valdez, P. K. Ghosh (Nominee)	Board Members Absent:
Ex-Officio Members Present: Joe Vozella (DOE) Mike Baker (LANL) Ted Taylor (DDFO)	Guest:
Staff: Menice Manzanares (Executive Director) Ben Latham (Technical Advisor) Grace Roybal (Administrative Secretary) Ray Lopez (Recorder)	

I. OPENING

Ted Taylor, DDFO, called the meeting to order at 1 p.m. and turned it over to Chairman James R. Brannon.

A. Call to Order

The November 28, 2001 meeting minutes were reviewed. CAB member Fran Berting brought up the subject of the bylaws task force, mentioned in the minutes. Chairman

Brannon said he would be willing to appoint a committee to review the CAB bylaws if anyone wanted to serve and the Chairman added the board had received the final version of the bylaws from the DDFO. CAB member Richard Gale mentioned it was his idea to abbreviate the bylaws later and not immediately. **The Chairman entertained a motion to accept the minutes and after a second the minutes were adopted.**

A motion was made, seconded and adopted to approve the January 23, 2002 meeting agenda.

- **Openness policy:** **The chairman opened discussion on the CAB's proposed openness policy.** He said he was submitting it to the CAB for their first reading for possible adoption at a future meeting. The Chairman reviewed highlights of the proposed policy including that all meetings are open to the public and will be held in various locations in northern New Mexico, meeting minutes and other documents produced by the CAB are public information. The Chairman pointed out a new section which calls for CAB members to be available at reasonable times, to the public, to discuss board business. Discussion also included media relations and Vice-chairman Donald Jordan said the CAB has spent approximately \$1,700 to date on publicity with \$5,000 budgeted for the fiscal year. Ms. Berting moved to adopt the openness policy and the motion was seconded and adopted. Discussion followed on guidelines in the CAB bylaws relating to board members and their responsibilities regarding media relations, including letters to the editor, drafted and signed by board members. It was suggested that before a board member contacts a member of the media they contact the Chairman. It was suggested that the second to the last bullet in the proposed policy be amended to read: "NNMCAB members are available at reasonable times and at reasonable places, consistent with the NNMCAB bylaws, to interact with the public and other stakeholders to answer questions, make presentations, or discuss Board business and related topics; and," **The policy was adopted with the suggested change.**
- **Recruitment membership:** Ted Taylor, DDFO, reported the Department of Energy has nominated 7 persons to the Board, three are nominations for a second term and four are new appointments. In addition, two additional members have been interviewed, according to Mr. Taylor, and were present at the meeting: Erlinda Gonzales and Carl Friedrichs. Mr. Taylor also noted Ms. Berting's term expired on January 31 and had been nominated for a second term. CAB member Dorothy Hoad made the motion to extend Ms. Berting's term, which was seconded and adopted.
- **Report from the Chairman:** The Chairman complimented the work of all the subcommittees. He informed the Board he was moving back to Santa Fe, from Carlsbad, and had taken a position with Jacobs Engineers and would have an office in Los Alamos.
- **Report from DOE, Ted Taylor, DDFO:** Referring to his handout, Mr. Taylor noted he had submitted a memorandum to the DOE Albuquerque Operations Office requesting the salaries of all ATA Staffing Services employees be adjusted as provided in the contract between DOE and ATA.

Regarding the confirmation of non-board members, Mr. Taylor reminded committee Chairs to submit their recommendations for appointments of non-board members to the DDFO and he in turn will submit them to the NNMCAB Chair for consideration and the DDFO will concur. Mr. Taylor emphasized non-NMCAB board members appointed to subcommittees are entitled to travel expenses and training.

Mr. Taylor reported the Board has not received a response from DOE on Recommendation 2001-4, ArrowPak Technology Demonstration but the DOE did conduct a briefing on this topic and other matters related to the Waste Isolation Pilot Project to the Waste Management Committee on January 9, 2002. He reported a formal response is being prepared.

Mr. Taylor reminded the Board they had also submitted Recommendation 2001-5, Evaluation of Contaminants At Potential Release Sites, approved in November 2001, which was sent out by the DDFO on January 5, 2002 and DOE had started to take action on the recommendation by trying to find more individuals with work history at Material Disposal Area H, at TA 54. DOE has also taken additional samples to detect high explosives in those shafts, he added. In addition, DOE will be modifying their plans to take into consideration the potential for high explosives in the shafts.

Regarding the letter sent to the DOE pertaining to the DOE Oversight Bureau funding, Mr. Taylor reported the Department of Energy has responded and copies had been provided to Board members. The letter states another \$300,000 has been provided to the Oversight Bureau. Mr. Taylor also mentioned the Feb. 19, 20, 26 or 27 tour of WIPP by the Waste Management Committee. He added WIPP is receiving record shipments and invited all board members to participate.

The DDFO also solicited input on when and where to hold the next Board retreat.

Finally, Mr. Taylor mentioned the DOE Environment, Safety and Health Inspection Team would be doing an inspection this spring at Los Alamos National Laboratory. Prior to that inspection the Inspection Team met with members of the NNM CAB and the County of Los Alamos, described their duties and listened to concerns of the Board and county residents. After the spring inspection the team will issue a formal report.

- **Report from the Executive Director:** Menice Manzanares reported the Board is almost at full capacity and outreach efforts for more members will continue including seeking involvement from the Pueblos. She noted the publication of the NNM CAB brochure and the annual report and outlined plans for their distribution.
- **Report from the Technical Advisor:** Ben Latham reported his focus has been on coming up with viable recommendations for DOE as well as doing research on which recommendations would be feasible. Attendance at committees, he reported, has increased 50 to 60 percent. Mr. Latham said he had been working on the ecological risk, and environmental covenants bill recommendations and a draft should be ready in February. Work has also continued on the Drinking Water Fact Sheet. The Waste Management Committee worked on Notice of Violations given to LANL in October. He also reported on his data management work at the CAB offices in Santa Fe including cataloguing historical CAB data such as past reports and minutes. Work also continues on the CAB library.

The Chairman then opened the meeting to discussion on the proposed retreat and the upcoming WIPP tours. He encouraged all sitting and newly appointed members to visit the WIPP during the suggested dates in February. Preliminary plans were made for a WIPP tour on February 19th and February 26th. Members were asked to notify the Executive

Director as to which date they would be available to take the tour. The Chairman then turned the discussion to the proposed board retreat. Combining the CAB May meeting with the retreat was discussed. **Mr. Gale moved to hold a regular board meeting on May 31, 2002 and hold the retreat on June 1, 2002. The motion was seconded. The motion was adopted by majority vote.** The Chairman delegated the determination of a location for the retreat to the Executive Director.

- **Environmental Monitoring and Surveillance Committee Report: EMS**
Committee Chair June Fabryka-Martin reported two committee meetings had been held, in December and January. Two members were approved in December, Kristen Dors and Donovan Porterfield.

Ms. Fabryka-Martin related presentations the EMS Committee heard on perchlorate and reported that the "adoption of 4pp as an Action Level" was still an open issue and is still being studied by the Committee and a report should be ready for the next CAB meeting on perchlorate management.

The EMS Chairperson then outlined the committee's recommendation on "Analytical Methods and Protocols for Low Levels of Contaminants."

According to the Chairperson, this issue developed after the Committee became more aware of perchlorate levels, which are below the detection limits of the methods available. The general point of the proposed Recommendation 2002-2 by the EMS Committee is to have the Department of Energy's Office of Environmental Management investigate techniques to improve the level of confidence in analytical values for extremely low-level contaminants of interest to the CAB and the DOE. A long-term strategy is recommended for addressing the problem.

Ms. Hoard, who has worked as an analytical chemist, offered constructive criticism on the proposed recommendation. Board member Kathleen Garland suggested the scope of the proposed recommendation be narrowed and prioritized. Dr. Fabryka-Martin suggested more work be done on the proposed recommendation and be brought to a vote at a later date. **Mr. Taylor, however, proposed the Board proceed with considering the proposed recommendation because of the level of contributions made by various technical professionals from LANL and the N.M. Environment Department, among others, at the December 18th meeting where the recommendation was drafted.** More importantly, Mr. Taylor added, the recommendation pertains to the public's right to know about the quality of their water and soils.

The CAB Chairman supported this stance both as a way of supporting the work of the EMS Committee as well as putting the issue before LANL and DOE for a response.

After some editorial changes the Board adopted the recommendation unanimously.

The EMS Chair then presented Recommendation 2002-1: Feasibility of Seismic Surveys. In essence the recommendation supports a seismic survey pilot project to be conducted at LANL and requests the DOE report its findings

to the CAB. The EMS Chairperson said there are two main reasons for drafting this recommendation on the pilot project: one, the way it was financed is that DOE appropriated the money from the Albuquerque office rather than LANL which otherwise would have gone to the ER Project. The Chairperson said DOE had lost the opportunity on how to prioritize expenditures which sets a bad precedent. The second reason: seismic surveys have been done at LANL in the 1970s but not very successfully. **The recommendation was unanimously adopted.**

- **Waste Management Committee Report:** Committee Chair Richard Gale gave reports on two meetings: January 9, 2002 and December 5, 2001. The Chairman said it was his impression the events of September 11th and the Cerro Grande fire had served to heighten the awareness of the Department of Energy as to the perceived risks at LANL and this was evident after the two Waste Management Committee meetings. This renewed awareness goes from loading waste onto flatbed trucks and hauling it out under armed guards to investigating other methods of disposal to speed up the process. The WMC Chair said they continue to voice their recommendations on TruPak and inert gas shipments and relevant safety issues. He predicted that this renewed awareness could lead to 50 percent of the waste being removed within the next six to 12 months.
- **Budget Committee Report:** Committee Chairman Donald Jordan presented a summation of the Boards' budget by month and quarter. Itemized Board expenses were presented on office costs, training, travel, committee expenditures and staff compensation. **A more detailed accounting will be provided at the March Board meeting.** It was noted each Committee has a \$10,000 annual budget.
- **ER Committee Report:** Committee Chair Fran Berting reported that Richard Mirenda spoke at the December ER Committee on efforts at LANL with regards to ECO-RISK (ecological risk assessment). **Currently, a Committee recommendation is being redrafted to encourage LANL to continue what it has been doing as reported by Mr. Mirenda. The Committee recommendation will be presented at the March CAB meeting. It was suggested Mr. Mirenda address the March CAB meeting prior to the board's discussion of the proposed recommendation.**

The ER Chairperson also reported the Committee had reviewed and made suggestions on the Covenant Bill (also known as the Environmental Covenant Act) being drafted by the New Mexico Environment Department. The CAB Chairman summarized the issue by saying the proposed bill would give the State of New Mexico the power to impose permanent covenants on land which has been environmentally damaged.

Chairperson Fran Berting then outlined issues discussed at the ECO-RISK Seminar, which included ecological impacts of contaminants on flora and fauna and the critical need for site-specific data particular to the high-desert area such as New Mexico.

The Chairman then opened the remainder of the afternoon session to other business.

Board Member Fabryka-Martin said the EMS Committee had developed fact sheets and would like to seek some direction from the Board as to how to design and distribute them. Suggestions included at what level the fact

sheets should be written (in a straightforward manner) and that they should be included in the toolkits for the benefit of Board members. **It was proposed that the issue of Committee fact sheets be an agenda item at the retreat.**

It was also suggested the idea of an "environmental report card" (for the Department of Energy and LANL) be discussed at the retreat.

The Chairman opened the evening session by introducing Julie A. Canepa who briefed the CAB on the Environmental Restoration Project budget and priorities. With the aid of slides Ms. Canepa gave the Board an overview of the Los Alamos National Laboratory including a historical perspective. Ms. Canepa then offered details on the ER budget, which for FY 02 is approximately \$50 million. She then itemized the ER priorities for the coming year which included: Material Disposal Area Focus, including the land transfer for the DP tank farm; Groundwater Investigations, including quarterly sampling; RCRA Corrective Actions Focus Area, including the watershed scale sampling plan; Canyons Focus Areas, including completing Los Alamos/Pueblo surface water ground water sampling; Regulatory Compliance Focus Area, including long term stewardship; and finally: Analysis and Assessment and Information Management Focus Areas, including clean up of two million data records.

The next presentation was by James P. Bearzi, Chief of the New Mexico Environment Department Hazardous Waste Bureau. Mr. Bearzi gave a detailed explanation of the organization of the NMED and the Hazardous Waste Bureau and it's implementation of the Resource Conservation and Recovery Act. Highlights of his presentation included: responses to major environmental incidents; managing waste from "cradle to grave"; ground water monitoring; federal facility requirements; standardized permit process; transporter standards; public participation; corrective actions; polluters, not taxpayers, pay; organizing cleanup activities and public comment before permits are issued. Mr. Bearzi then outlined how RCRA applies to LANL, including: waste management standards; hazardous waste treatment; laboratory experiments; past disposal and public participation. Mr. Bearzi then reviewed CAB involvement as regards NFAs (No Further Actions); participating in public hearings for permits; long-term stewardship and cleanup decisions.

The Chairman opened the meeting for public comments. There were none.

The Chairman opened the meeting for board comments at which time the NMCAB debated and decided to keep the bimonthly meeting format.

The Chairman then asked for suggested agenda items for the next CAB meeting and they included: an ECO-RISK presentation; an update on LANL waste removal.

Finally, the Board voted to hold the next meeting in Los Alamos.

The meeting adjourned at 8:30 pm.

Certified by:

_____ Date: _____

James R. Brannon, Chairman

Handouts:

- Ted Taylor, DDFO: salary adjustments memorandum to ATA Staffing Services.
- Environmental Monitoring and Surveillance Committee Report.
- Waste Management Committee Report
- Environmental Restoration Committee Report
- LANL Environmental Restoration Project Budget and Priorities, submitted by Julie A. Canepa
- Organization of the New Mexico Environment Department and Hazardous Waste Bureau and its implementation of the Resource Conservation and Recovery Act, submitted by James P. Bearzi.


Cassette tape recordings of this meeting are available for review at the NNM CAB office library, 1660 Old Pecos Trail, Suite B, Santa Fe, NM 87505.

[Home](#)

Northern New Mexico Citizens Advisory Board

[1660 Old Pecos Trail, Ste B](#)

Santa Fe, New Mexico 87505

(800) 218-5942 



(505) 989-1662  FAX (505) 989-1752 

[E-Mail CAB](#)

Los Alamos Citizens Advisory Board

P.O. Box 1665

Los Alamos, New Mexico 87544

(505) 662-1234  FAX (505) 662-4321 

staff@lacab.org