

Northern New Mexico Citizens' Advisory Board Administrative Meeting



January 30, 2019
1:00 p.m. to 5:15 p.m.
Ohkay Conference Center
San Juan, New Mexico

Minutes

Meeting Attendees

Department of Energy

1. Doug Hintze, Manager, Environmental Management Los Alamos
 2. David Rhodes, Deputy Designated Federal Officer, Environmental Management Los Alamos
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NNMCAB Members

1. Stanley Riveles, NNMCAB Chair
 2. Cherylín Atcitty, NNMCAB Vice-Chair
 3. Beth Beloff
 4. Elena Fernandez
 5. Angelica Gurulé
 6. Robert Hull
 7. Roger Life
 8. Gerard Martínez y Valencia
 9. Alex Puglisi
 10. Ulises Ricoy
 11. Steven Santistevan
 12. Stephen Schmelling
 13. Irene Tse-Pe
 14. Mona Varela
 15. Jacob Griego, Student Representative
 16. Ariel Simpson, Student Representative
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NNMCAB Excused Absences

1. Max Baca
 2. Jacquelyn Gutierrez
 3. Daniel Mayfield
 4. David Neal
 5. Michael Valerio
-

1 **NNMCAB Absences**

- 2 1. Adam Duran
- 3 2. Joshua Madalena
- 4 3. Angel Quintana

5
6 **NNMCAB Staff**

- 7 1. Menice Santistevan, Executive Director
- 8 2. Bridget Maestas, Executive Assistant

9
10 **Guests**

- 11 1. Eric Vasquez, Regional Coalition of LANL Communities
- 12 2. Sarah Holcomb, NMED Surface Water Quality Bureau
- 13 3. Susan Lucas Kamat, NMED DOE Oversight Bureau
- 14 4. Kristin Henderson, N3B
- 15 5. David Abelson, N3B Consultant
- 16 6. Todd Nelson, N3B
- 17 7. Neelam Dhawan, NMED Hazardous Waste Bureau
- 18 8. Scott Kovac, Nuclear Watch New Mexico
- 19 9. Daryl Lucero, Pueblo of Jemez
- 20 10. Cornell Wright, Public
- 21 11. Eric Castillo, US Senator Martin Heinrich's Office
- 22 12. Donovan Mager, NWP/WIPP
- 23 13. Erich Evered, N3B-ER
- 24 14. Evan Rose, Public
- 25 15. Frazier Lockhart, N3B
- 26 16. Mike Erickson, N3B
- 27 17. Pete Maggiore, NNSA
- 28 18. Clarice Madalena, Jemez Pueblo
- 29 19. Steven Horak, Pro2Serve
- 30 20. David Diehr, N3B
- 31 21. Diane Wakefield, EM-LA
- 32 22. Paivi Nettamo, EM-LA

33 ***All NNMCAB meetings are recorded. Audio CD's and Video DVD's have been placed on file for review**
34 **at the NNMCAB Office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are**
35 **intended as a synopsis of the meeting.**

1 **Minutes**

2 **I. Call to Order**

3 The administrative meeting of the Northern New Mexico Citizens' Advisory Board
4 (NNMCAB) was held on January 30, 2019 at the Ohkay Owingeh Conference Center, San
5 Juan, New Mexico. Mr. David Rhodes, Deputy Designated Federal Officer (DDFO) stated that
6 on behalf of the Department of Energy (DOE) the meeting of the NNMCAB was called to
7 order at 1:06 p.m.

8 Mr. Rhodes recognized Dr. Stanley Riveles, the NNMCAB Chair. Dr. Riveles presided at
9 the meeting.

10 The meeting of the NNMCAB was open to the public. Due to the partial government
11 shutdown, official notification of the meeting was not posted in The Federal Register in
12 accordance with the Federal Advisory Committee Act, therefore no action was taken at this
13 administrative meeting.

14 **II. Establishment of a Quorum (12 Needed)**

15 **a. Roll Call**

16 Ms. Bridget Maestas conducted roll call as the members arrived. At the call to
17 order, 14 members were present.

18 **III. Welcome and Introductions**

19 Dr. Riveles welcomed the members and the public to the meeting. He asked for
20 introductions from the board members and all attending guests.

21 Mr. Rhodes stated that due to the partial Government shutdown, official notification of
22 the meeting was not posted in The Federal Register in accordance with the Federal Advisory
23 Committee Act, therefore no action can be taken at this administrative meeting. He noted
24 that the NNMCAB can have discussions, but cannot vote on any items.

25 **IV. Old Business**

26 **a. Report from the Chair**

27 Dr. Riveles stated that he wanted to pick up on ideas on the Consent Order (CO)
28 from the last NNMCAB meeting on November 7, 2018. He noted that the Ad Hoc
29 committee met on December 3, 2018. Dr. Riveles stated that along with himself, the
30 members present were; Ms. Beloff, Mr. Hull, Mr. Puglisi, Ms. Fernandez, Mr. Schmelling,
31 Mr. Life, as well as NNMCAB staff, Ms. Santistevan and Ms. Maestas.

32 Dr. Riveles stated the takeaways from the meeting are:

- 33 • There is a real path for the CAB to become a more active voice. The challenge
34 for us is to prepare ourselves well in advance and equipped with as much
35 understanding as possible.
 - 36 • There is a framework and mechanism by which we can influence priorities.
 - 37 • Potentially, there are resources to accelerate clean-up and reach goals
38 significantly sooner than the current schedule envisions.
 - 39 • LANL/EM is prepared with work with us and develop a schedule to enable us
40 present CAB priorities and their justification in a timely fashion.
- 41
42
43
44

- We want to be able to report our views on 2020 goals and milestones by July 2019 (generally mid-year), so that NMED can give them timely consideration.

Dr. Riveles stated that beginning next month, he would like to make the CO a standing part of the agenda.

b. Report from Ad Hoc Committee on Consent Order

Mr. Hull stated that Mr. Rhodes discussed the process, milestones, and explained the distribution of funds and how the funds are used. He noted that, Mr. Rhodes explained that \$110 million goes to the CO work, between \$8 and \$12 million goes for individual permits, \$0.5 million to Memorandum of Understandings like that with the Buckman Diversion Project, \$0.5 million to Memorandum of Agreements like that with San Ildefonso, \$2 million for Risk Assessment, and \$1 million for National Environmental Policy Act. For fiscal year 2019, about \$92 million is going for transuranic waste projects and about \$128 million for environmental remediation projects. Mr. Hull stated that DOE, N3B, and NMED would be having closed attendance workshops for the changes to the CO for the upcoming year. Mr. Hull noted that the NNM CAB would like to have some discussion on having some participation in those workshops. Mr. Hull stated that he went to the public meeting on annual plan for the cleanup of legacy waste in Los Alamos and the slides are on the NMED website.

Dr. Riveles asked if the partition between CO money and non-CO money is about 60/40.

Mr. Rhodes clarified that the numbers that he did provide are “SWAGs”, for example, surface water has historically run \$10-\$12 million, it has been on the decrease, but this year they have an increase because there was a transition and new activities. He noted that the allocations now are running about 50/50.

Mr. Hintze stated that the amount of funding DO EM gets is based on what their baseline shows. He noted that they put together a baseline for the projected scope for the next 5 years and the funding will shift. Mr. Hintze stated that they have the ability to shift funding throughout the course of the year.

c. Report from Ad Hoc Committee on Public Outreach

Dr. Ricoy stated that he has been brainstorming ideas for public outreach, he saw that the NNM CAB has a Facebook page. He noted that social media can be a tool for public outreach and he will volunteer to become an administrator of the Facebook page. He also noted that a LinkedIn and Twitter page could also be useful. Dr. Ricoy asked for feedback from the members. He noted that he would reach out to members via email to members that would be interested in public outreach.

Dr. Riveles asked for an update on the NNM CAB Website.

1
2 Ms. Santistevan stated that the NNM CAB has a website and the NNM CAB staff have
3 discussed and come up with a path forward in updating and keeping the website current
4 with the presentations and material from the meetings. She stated that Mr. Horak will
5 be assisting the NNM CAB staff with the webmaster that is assisting the EM-LA office.
6 Ms. Maestas is focusing on getting the files to Mr. Horak for upload to the website. Ms.
7 Santistevan apologized for any inconvenience.

8
9 Ms. Tse-Pe asked about the NNM CAB newsletter and if the Board is still producing
10 them. She noted that she thought that the newsletters were really useful.

11
12 Ms. Santistevan stated that the newsletters are one item that we would like to get
13 back into the process and utilize the members to write an article. She noted that the ad
14 hoc committee could brainstorm topics and authors for the newsletter.

15
16 Dr. Riveles asked Dr. Ricoy to continue with his efforts and it would be kept on the
17 agenda going forward. He asked Dr. Ricoy to reach out to the members interested in
18 being on the committee.

19
20 Dr. Ricoy stated that he would be an administrator of the Facebook page. He noted
21 that he realizes that not everyone has access to cell phones or unlimited streaming and
22 he would like to be sensitive to that. He stated that there are public reading rooms that
23 can be utilized.

24
25 Dr. Riveles asked Dr. Ricoy to compose an email that the NNM CAB staff could send
26 out to solicit input from the members so they may contact him with their ideas.

27
28 Ms. Atcitty stated that most people get their information from social media, they do
29 not buy newspapers anymore or research different websites. She noted that most
30 younger people use Instagram and would it be possible to look into use both that and
31 Facebook to reach the younger demographic.

32
33 Ms. Gurulé stated that an easy and free way to get information out is to write up a
34 press release and send it to the media outlets. She noted that there are multiple ways to
35 get out information.

36
37 Ms. Fernandez stated that we do need a variety of media in a broad array to reach
38 different constituents, but we also have to consider the type of media that is
39 appropriate for this institution.
40

1
2 **V. New Business**

3 **a. Discussion on Draft Recommendation 2019-01, "Periodic Reporting of EM Activities"**
4 **(No Action)**

5 Mr. Hull stated that Ms. Santistevan sent the recommendation out, but no
6 comments had been sent back. Mr. Hull read the relevant points from each section of
7 the recommendation. He noted that he would like to remind the Board in a way, what
8 their scope is by providing wording from the EM SSAB Charter. This wording is written in
9 the Background section of the recommendation. Mr. Hull stated that one of the major
10 responsibilities for the NNM CAB is the CO. He noted that the NNM CAB wants to make
11 sure they have sufficient information to be able to make good informed decisions and
12 provide recommendations and advice based upon that.

13
14 Ms. Gurulé asked if there was a way to tighten up recommendation number 4. She
15 noted that the NNM CAB has been asking for a long time to be a part of the priorities
16 planning and here we are again, not really helping with that. Ms. Gurulé suggested that
17 Mr. Hintze could help figure out how the NNM CAB could contribute ahead of time.

18
19 Mr. Rhodes stated that DOE comes every year to talk about the priorities before
20 they put the budget together. He would like to know what Ms. Gurulé means by more
21 effective discussions, because it seems like the members aren't remembering what DOE
22 presents to the Board and the timeframes that they do that.

23
24 Ms. Gurulé stated that DOE does present to it, but the milestones are already set at
25 that point.

26
27 Mr. Rhodes stated that DOE comes and talks to the Board before they meet with
28 the State and put Appendix B together. He noted that he does not know what she
29 means in terms of being more effective, because they do that now.

30
31 Ms. Gurulé stated that she does not recall being presented with a list and asked to
32 contribute to it. She noted that all she is asking for is what the priorities are and what
33 are the NNM CAB's contributions.

34
35 Dr. Riveles stated that as a result of the Ad Hoc Meeting, he thinks we have, in
36 concept, a way forward and that we will use the first half of the year to try to be more
37 effective on the input on priorities. He noted that next month on the agenda is a
38 presentation on, "Discussion of Outyear Campaign Priorities for Consent Order
39 Appendix B and Annual Budget." Dr. Riveles stated that this is the first step.

40
41 Mr. Martínez y Valencia stated the NNM CAB would get the involvement in on the
42 priorities during sub-committee work. He noted that we are engaging in the process a
43 lot sooner and it would be a better process than what it has been.

1 Mr. Rhodes requested that if anyone has requests that they believe DOE is not
2 communicating well enough in the timeframes, he is hoping they could clarify and
3 provide more information to DOE to see if they could meet it.
4

5 Ms. Gurulé stated that as a team/ CAB they would like to recommend their own
6 priorities, in the form of a draft recommendation She stated that she is asking for a
7 timeline of when DOE would like those priorities.
8

9 Dr. Riveles stated that they are looking at the 2020 priorities. He noted that a
10 possible timeline would be possibly March to get something to DOE on the priorities.
11

12 Dr. Riveles stated that on the fourth recommendation we might amend it to indicate
13 in the context of our interest in the constructive participation of the CO.
14

15 Mr. Hintze stated that DOE works for all of you, the tax payers. He noted that they
16 just had a two day workshop at Rocky Flats that looked at how they got to closing the
17 facility in ten years instead of seventy years and how was it done for \$6 billion versus
18 \$70 billion. He noted that the reason they accomplished this was because every
19 stakeholder that was interested was part of the process. Mr. Hintze stated that EM-LA
20 does not have that outreach program to the extent that they want it to be to complete
21 their mission accelerated. He noted that EM-LA is in the midst of kicking off an
22 enhanced public outreach program to do exactly what the Board is talking about.
23

24 Mr. Hull asked for input from the NNM CAB, Mr. Rhodes, and Mr. Hintze on the
25 recommendation and how to formulate the ideas better.
26

27 **VI. Presentation**

28 **a. Presentation on Individual Permit**

29 David Rhodes, Environmental Management Los Alamos; gave a presentation to the
30 NNM CAB on "Individual Permit for Stormwater Update to the Northern New Mexico
31 Citizens' Advisory Board." An electronic copy of the presentation may be obtained from
32 the NNM CAB website; <http://www.energy.gov/em/nmncab>. Video of the presentation
33 and questions is also available on the NNM CAB's YouTube Channel (NNM CAB).
34

35 **VII. Public Comment**

36 Dr. Riveles opened the floor for public comment at 3:16 p.m.
37

38 Mr. Scott Kovac, Nuclear Watch New Mexico, stated that mentioned earlier today, the
39 total EM estimate for the cleanup of the EM sites across the country went up from \$108
40 billion to \$377 billion. He noted that this is more than twice what has been spent to date on
41 cleanup at the sites and it gives us an idea of what a large problem this is and how
42 important the work we are doing here is. Mr. Kovac is expecting a baseline EM update from
43 EM-LA sometime soon. He stated that, in his opinion, Rocky Flats is not a good example of

1 cleanup, a lot of Plutonium was left behind. Mr. Kovac stated that to have a workshop and
2 base Los Alamos cleanup on the method that was used at Rocky Flats is kind of a scary
3 thought. Mr. Kovac stated that he likes Recommendation 2019-01 about the monthly
4 reporting from EM-LA, he thinks it would be good if the information was out before the
5 meeting and if it included budgets for the ongoing work.
6

7 With no further public comment, Dr. Riveles closed the comment period at 3:19 p.m.

8
9 **VIII. Presentation**

10 **a. Individual Permit as Applied to Cleanup**

11 Erich Evered, N3B; gave a presentation to the NNMCAB on “The Individual Permit as
12 Applied to Cleanup.” An electronic copy of the presentation may be obtained from the
13 NNMCAB website; <http://www.energy.gov/em/nnmcab>. Video of the presentation and
14 questions is also available on the NNMCAB’s YouTube Channel (NNMCAB).

15
16 **IX. Update from NMED**

17 Ms. Neelam Dhawan stated that for Chromium groundwater, the Interim Measure is
18 working and the water is being extracted from CrEX-1 and CrEX-2 and going into CrEX-3,
19 CrEX-4, and CrEX-5. She stated that CrEX-3 is offline at this point, because the water was
20 clogging the filters of the treatment plants, N3B is evaluating what is going on. Ms.
21 Dhawan also gave the following updates:

- 22 • NMED approved the work plan for well R70 which will be east of CrIN-6 where
23 they found higher concentrations.
- 24 • Phase I amendment tests are still undergoing. They are reducing conditions,
25 they are still prevalent near the deployment wells, and additional pumping and
26 sampling is being done to figure out if these amendments are going to be
27 effective long term. They have approved a tracer work plan which will support
28 Phase II amendments until they have the results for Phase I amendments.
- 29 • They have approved the completion report for R68, the well associated with the
30 RDX contamination.
- 31 • R69 activities are complete and they should start getting samples from them.
- 32 • There is a meeting scheduled in the next week to discuss the site conceptual
33 model for RDX.
- 34 • They approved the interim facility groundwater plan for 2019.
- 35 • NMED approved a certificate of completion for site 010660.
- 36 • New SWMU 02-014 was added to the permit.
- 37 • DP Site east investigation report was submitted and approved
- 38 • TA-16-399 closure plan has been approved

39 Ms. Dhawan stated that for WIPP, they are in their maintenance period, which runs
40 .from December 23, 2018 through January 19, 2019 so no shipments are being received at
41 this time. She noted that an additional power outage is being planned for January 23-27,
42 2019. Ms. Dhawan stated that the Federal shutdown is not affecting WIPP.

- The Class 3 Permit Modification for the waste volume tracking was finalized on December 21, 2018 and became effective on January 20, 2019. The permit modification has been appealed. The appeal was filed on December 17, 2018.
- WIPP shipments from January 1 through December 31, 2018, they have received 311 shipments. She noted that 6,431 containers have been set in place.

a. Questions

Ms. Gurulé asked how many shipments were from Los Alamos.

Ms. Dhawan stated that 5 of them were from Los Alamos.

X. Update from EM-Los Alamos Field Office

Mr. Hintze stated that DOE operated under the three principles of safety, efficiency, and transparency. He noted that safety is the number one priority. Mr. Hintze explained the budget graph, he stated that at any one time they are in three funding years; the execution year, the budget year, and the planning year. Mr. Hintze stated that this is the first time since 1997 that they have had a budget going into the fiscal year. Mr. Hintze stated that DOE would be asking for the NNMCAB's input on the 2021 budget within the next couple of months. He stated that for 2018-2019 DOE EM-LA received \$220 million, 16% more than what they asked for so they are accelerating the programs for this year.

Mr. Hull asked if DOE is locked or if things are still changeable as long as they are still working with a certain amount of money.

Mr. Hintze stated that yes, he is exactly right. He noted that EM-LA is lucky, because of their control points on funding, they can shift the money when they get into the execution year as necessary based on the scope of work.

Mr. Puglisi asked how EM-LA shifts funding.

Mr. Hintze stated that they get the money in three buckets; waste management, environmental remediation, and community and regulatory support which is a small bucket of only \$3.5 million. He noted that it is important to have the baseline, because it shows here is the scope, the cost, and the schedule and as they go along during the course of the year they are measuring against that baseline. He stated that DOE EM-LA has the authority to go to the budget people in Cincinnati and have them move money from one bucket to the other.

Mr. Hintze stated that there are 113 drums left at WCS. He stated that a feasibility study out in the public and it identified these things:

- 1) The waste would be brought back to Los Alamos.
- 2) The waste would be treated at WCS.

1 3) The Savannah River National Lab is doing an aging study that potentially shows that at
2 this point in time, it would be safe to ship that waste straight to WIPP.

3
4 Mr. Hintze pointed out public engagement opportunities for the members:

- 5 • Tuesday, February 5, 2019 at the Los Alamos County Council, the topic to be
6 discussed is RDX.
- 7 • Thursday, February 7, 2019 at the Buckman Direct Diversion, the topic to be covered
8 is RDX.
- 9 • February 21, 2019, 5:30 pm to 9:00 pm, the topic to be covered is DOE Order 140.1,
10 the DNFSB Interface Order Hearing at the Albuquerque Convention Center.

11
12 **XI. Update from DDFO and Executive Director**

13 Mr. Rhodes stated that he has been looking at the previous recommendations and is
14 trying to template some of the stuff that came into more of the CO communications on a
15 monthly basis to see where he could pull that information from without creating new
16 work inside the shop. He noted that he was not able to put it together for this meeting,
17 but he will at least have his ideas so he can discuss it in the future. Mr. Rhodes was very
18 interested to hear the other discussion on public outreach, and we will entertain the new
19 ideas. Mr. Rhodes stated, "Keep going, keep pushing me, and we will get a better product
20 out of it.

21
22 Ms. Santistevan thanked the public for attending and the members for the time that
23 they give throughout the month between meetings. She welcomed Ms. Varela back to the
24 Board. Ms. Varela is running a food truck and will provide lunch for the February
25 Committee Meetings. Ms. Santistevan stated that there is a revised schedule for meetings.
26 She noted that there is a contact list in the packet and members should update any
27 information that is incorrect. She asked the members to use it judiciously since it contains
28 addresses. Ms. Santistevan reminded members to get their travel information to Ms.
29 Maestas. Ms. Santistevan stated that Ms. Beloff and Mr. Hull would be traveling to the
30 Waste Management Conference in March and Chairs Meeting would be held in May. She
31 noted that the next meeting would be February 20, 2019 at the NNMCAB Office.

32
33 **XII. Wrap-up and Comments**

34 The members thanked the presenters for their presentations and thanked the NNMCAB
35 and DOE staff for the meeting. No presentations were requested.

36
37 Dr. Riveles asked Beth to speak about her role on the Environment Transition Team.

38
39 Ms. Beloff stated that she can say that it was a very compressed timetable, they
40 evaluated NMED thoroughly and came up with a set of recommendations. She noted that
41 she was very keen on the CO and looking at how it can be improved and perhaps more in

1 line with the 2005 CO. She stated that there was a very good set of directions to Secretary
2 Kenney regarding increasing staffing, there are many vacancies.

3
4 Ms. Atcitty suggested maybe starting the meeting earlier since we lost a lot of Board
5 members within the last hour of the meeting.

6
7 Dr. Riveles stated that they could discuss that in the next Executive Committee Meeting.

8
9 Mr. Martínez y Valencia asked for a study session on stormwater. He also noted that
10 they need to schedule a study session soon and submit a recommendation by March for the
11 CO, in order to become more involved in the process.

12
13 **XIII. Adjournment**

14 Mr. Rhodes thanked the staff and members of the public that were able to attend.

15
16 With no additional business to discuss, Mr. Rhodes adjourned the meeting at 5:08 p.m.

17 **Respectfully Submitted,**



18
19 **Mr. Stanley Riveles, Chair, NNM CAB**

20 ***Minutes prepared by Bridget Maestas, Executive Assistant, NNM CAB**

21
22 **Attachments**

- 23 1. **Final NNM CAB Meeting Agenda for 1/30/2019**
- 24 2. **Draft Recommendation 2019-01, "DOE EM-LA Monthly/Quarterly Reporting of Legacy Waste**
25 **Management Activities"**
- 26 3. **Presentation by David Rhodes, "Individual Permit for Stormwater Update to the Northern New**
27 **Mexico Citizens' Advisory Board"**
- 28 4. **Handout, Biography, Erich Evered, N3B, Presenter at the January 30, 2019 NNM CAB Meeting**
- 29 5. **Presentation by Erich Evered, "The Individual Permit as Applied to Cleanup"**
- 30 6. **Report from the Executive Director, Menice Santistevan**
- 31 7. **Handout, Northern New Mexico Citizens' Advisory Board Member Address List**
- 32 8. **Handout, NNM CAB Meeting Schedule**
- 33 9. **Handout, Budget Cycle Graph**

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