



**Northern New Mexico Citizens' Advisory Board Meeting**

**July 29, 2009**

**2:00 p.m. to 8:00 p.m.**

**Holiday Inn, 4048 Cerrillos Road**

**Santa Fe, NM**

**MINUTES**

**Attending:**

**NNMCAB Members-**

- 1. J.D Campbell, NNM CAB Chair**
- 2. Ralph Phelps, NNM CAB Vice Chair**
- 3. Mike Loya, EMSR Committee Chair**
- 4. Pam Henline, EMSR Committee Vice Chair**
- 5. Gerry Maestas, WM Committee Chair**
- 6. Pete Baston**
- 7. Robert Gallegos**
- 8. Jane Gaziano**
- 9. Kyo Kim**
- 10. Caroline Mason**
- 11. Ken LaGattuta**
- 12. Lawrence Longacre**
- 13. Deb Shaw**
- 14. Robert Villarreal**

**NNMCAB Nominees-**

- 1. Bob Misener**
- 2. Paul Miskimin**
- 3. Manuel Pacheco**

**Excused Absences-**

- 1. Jacquelyn Gutierrez**

**Absent-**

- 1. Kathleen Hall**
- 2. Karen Torres**

**NNMCAB Staff-**

**Menice Santistevan, Executive Director**  
**Lorelei Novak, Technical Programs and Outreach**  
**Grace Roybal, Office Administrator**  
**Edward Roybal, Sound Technician**

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**Meeting Facilitator-**  
**Jenny Freeman Strata\*G,**

**Also in Attendance-**  
**Catherine Brennan, Designated Federal Officer, DOE/HQ**  
**Jeffrey Casalina, Deputy Designated Federal Officer (DDFO)**  
**George Rael, DOE/LASO**  
**James Bearzi, NMED**  
**Michael Graham, LANS**

**Guests-**  
**Lorrie Bonds-Lopez, LANS**  
**Dan Pava, LANL/RRO/NEPA**  
**Michelle Lynch, LANS Intern**  
**Stephanie Liguori, LANS Intern**  
**Rickisha Besren, LANS Intern**  
**Neil Weber, San Ildefonso Pueblo**  
**Christina Houston, DOE**

CERTIFIED

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**AGENDA**

- I. Call to Order**
- II. Establishment of Quorum (9 needed)**
  - a. Roll Call**
  - b. Excused Absences**
- III. Approval of Agenda**
- IV. Approval of Minutes of May 14, 2009**
- V. Old Business**
  - a. Written Reports**
  - b. Matters from Board Members**
  - c. Committee Reports, Discuss Draft FY'10 WM and EMSR Committee Work Plans**
    - 1. Waste Management Committee**
    - 2. Environmental Monitoring and Surveillance Committee**
    - 3. Ad Hoc Committee Reports**
      - **Public Participation**
      - **Board Process**
- VI. New Business**
  - a. Establishment of a Nominating Committee**
  - b. NNM CAB Top Issues for September 2009 SSAB Chairs Meeting**
- VII. Q/A with the New Mexico Environment Department, James Bearzi**
- VIII. Q/A with Liaison Members**
  - 1. Michael Graham, LANS**
  - 2. George Rael, DOE**
  - 3. Rich Mayer, EPA**
- IX. Public Comment Period**
- X. Consideration and Action on Draft Recommendations**
  - a. Draft Recommendation 2009-06 (Approved as Amended)**
  - b. Draft Recommendation 2009-07 (Not Approved)**
  - c. Draft Recommendation 2009-08 (Approved as Amended)**
  - d. Draft Recommendation 2009-09 (Approved as Amended)**
- XI. Presentation by Pueblo of San Ildefonso Environmental Office, Neil Weber**
- XII. Open Discussion from Board Members**
  - a. Brief Report on Nominating Slate**
  - b. Vote on Top Three Issues**
- XIII. Wrap-up Discussion and Adjournment.**

## MINUTES

### I. Call to Order, Introductions

The regular bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB or CAB) meeting was held on July 29, 2009 at the Holiday Inn, 4048 Cerrillos Road Santa Fe, New Mexico. The Chair, J. D. Campbell presided. Jenny Freeman from Strata\*G provided facilitation for the meeting. Jeffrey Casalina, Deputy Designated Federal Officer (DDFO) stated that on behalf of the Department of Energy (DOE), the regular bi-monthly meeting of the NNM CAB was called to order at 2:00 p.m. The regular meeting of the NNM CAB was open to the public and posted in *The Federal Register* in accordance with *The Federal Advisory Committee Act*. Dr. Campbell announced the facilitator, Ms. Freeman was delayed in transit as such Dr. Campbell proceeded to lead the meeting. He welcomed Ms. Cate Brennan, DOE Deputy Federal Officer (DFO) to the meeting. Dr. Campbell acknowledged and welcomed three new NNM CAB nominees to the meeting: Mr. Robert Misener, Mr. Paul Miskimin and Mr. Manual Pacheco. The Board members, Liaison members and new nominees introduced themselves in a round robin. Mr. Rich Mayer, CAB Liaison member from EPA, Region Six, who mentioned he has been attending the CAB meetings for about ten years and he considered the NNM CAB to be definitely the best public participation board he has seen.

The three new nominees introduced themselves to the Board. A brief introduction from their biographies can be found below:

**Mr. Robert J. Misener, Jr.**, a veteran of the U.S Airforce and a retired Senior Level Administrative and Operations Manager has a Supervisory and Management background that spans thirty-five years. Through progressive leadership, he exhibited a talent for surpassing financial and service objectives via a combination of exceptional service delivery, cost conscious operating methods with an emphasis on team achievement. For eighteen years, he worked for the Boat America Corporation in Alexandria, Virginia, where he was a Director of Facility Services and the Vice President of Insurance Administration. Mr. Misener earned a Bachelor's degree in Elementary Education from Shippensburg State University in Shippensburg, Pennsylvania. He majored in Business Administration from Temple University in Philadelphia, Pennsylvania and West Chester State University in West Chester, Pennsylvania.

**Mr. Paul A. Miskimin's** career has centered on the design, construction, operations and maintenance, and decommissioning of nuclear and other facilities. He progressed from Plant Operations Manager, to Division Manager and ultimately to Executive Management roles with U.S. multi-national firms, culminating in three years as President and Chief Executive of British Nuclear Fuel's American subsidiary. He formed his own Company, Winning Ways International Limited in February 2004; a management consultancy company that provided technical, management services to US, and UK corporations engaged in nuclear decommissioning and site cleanup. He has held Director or Chairman positions for British Nuclear Fuels on six Boards and served pro-bono on the Board of a minority owned small business. A frequent speaker at industry conferences, Mr. Miskimin was also an accomplished public speaker and lecturer. He has been published and interviewed widely in industry technical and trade publications. In the

course of his career, Mr. Miskimin has worked with several members of Congress, as well as Executive Branch officials. Business sectors that he supported included environmental consulting and engineering, environmental remediation, nuclear projects, outsourcing and privatization, energy projects, management information systems, and sustainable development. Mr. Miskimin received his M.S. in Nuclear Engineering from the University of Wisconsin, and his B.S. in Marine Engineering from the U.S. Merchant Marine Academy. A member of the American Nuclear Society, the British American Business Association (where he was the Former Director) and British Nuclear Energy Society, Mr. Miskimin was also a member of the Energy Technology and Environment Business Alliance.

**Mr. Manual Pacheco**, Town of Taos Buildings and Grounds Director as well as the Chief Building Official for the Building Safety Division; he has extensive municipal and county government experience. Previously, Mr. Pacheco was a Building Official for the Town of Taos Planning and Zoning Department. He has experience in heavy civil construction, specializing in concrete and steel building principles. He has gained expertise in forming, and placement of concrete and steel with twenty-eight years experience, which included job management and crew supervision. An ironworker, welder and carpenter, Mr. Pacheco was always a self-starter with a strong work ethic. Over the years, he has developed excellent skills working with sub-contractors, clients and industry vendors. Mr. Pacheco also has considerable experience working with municipal, state and federal inspectors and engineering teams. His good work, and focus on safety, garnered him two Letters of Commendation for producing quality structures and materials on a global scale. Mr. Pacheco attended Taos High School. He served in the U.S Army and New Mexico Army National Guard. Mr. Pacheco is enrolled at the University of New Mexico-Taos in the Civil Engineering Degree Program.

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## **II. Establishment of Quorum (9 needed) (14 present)**

### **a. Roll Call**

Ms. Novak conducted roll call and announced a quorum with 11 members present at the start of the meeting. There were a total of 14 members present at the close of the meeting.

### **b. Excused Absences**

Mr. Casalina had previously approved an excused absence for Jacquelyn Gutierrez. Kathleen Hall and Karen Torres were marked absent.

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## **III. Approval of Agenda**

The Board reviewed the agenda. **Mr. Phelps made a motion to approve the agenda as amended and Mr. Loya seconded the motion. The meeting agenda was approved.**

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## **IV. Approval of Minutes of May 14, 2009**

The Board reviewed the minutes from the May 14, 2009 CAB meeting. By ongoing instructions from DOE Headquarters, the minutes were reviewed and certified by the NNM CAB Chair. The minutes were included in the mailed meeting packet and were presented at the meeting for Board approval.

**Mr. Phelps made a motion to approve the minutes as presented and Ms. Henline seconded motion. The minutes were approved as presented.**

**V. Old Business**

**a. Written Reports.**

**➤ NNM CAB Chair's Report**

A printed copy of Dr. Campbell's report was included in the meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662. Dr. Campbell asked for questions or comments on the report, the intent was for the report to be submitted in writing, questions could be brought up in this section or later. Ms. Shaw had a question about the date of the upcoming CAB member tour of LANL. She also stated she wanted to attend the tour. Ms. Bonds-Lopez replied that LANL has just confirmed the date of August 17, 2009 for the formal bus tour around Los Alamos. Additionally, Ms. Bonds-Lopez stated the LANL Environmental Surveillance Report was ready for distribution on August 1, 2009. Dr. Campbell mentioned the board received a thank you letter from Dr. Inés Triay for the CAB's letter congratulating her on the appointment as DOE Assistant Secretary for Environmental Management.

**➤ NNM CAB Executive Director's Report**

A printed copy of Ms. Santistevan's report was included in the meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662. There were no questions for Ms. Santistevan.

**b. Matters from Board Members**

Dr. Campbell asked for comments regarding issues of interest from CAB members. Board comments are recorded below:

- Dr. LaGattuta asked if this was a good time to bring up questions regarding the recent DOE responses to Board recommendations? His impression was the responses do not give credit to the work involved in researching and writing the recommendations.
- Mr. Phelps wanted to get a qualitative assessment of the response considering the time it took to get the response from the DOE.
- Mr. Maestas thought LASO should rank the Board's recommendations from one to five to see if they were worth a 'darn.'
- Ms. Henline wanted to see follow up information from DOE in addition to the formal DOE response. She knew the implementation information was not a requirement of DOE but the CAB could ask for it.

**C. Committee Reports, Discuss Draft FY'10 WM and EMSR Committee Work Plans**

- 1. Waste Management (WM) Committee**
- 2. Environmental Monitoring, Remediation and Surveillance (EMSR) Committee**
- 3. Ad Hoc Committee Reports**
  - **Public Participation**
  - **Board Process**



**1. Waste Management Committee**

Mr. Maestas, WM Committee Chair, acted as the reporting member for the WM Committee. A printed copy of Mr. Maestas report was included in the meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662. Mr. Maestas had nothing specific to add to his written report.

**2. Environmental Monitoring and Surveillance Committee**

Mr. Loya, EMSR Committee Chair, acted as the reporting member for the EMSR Committee. A printed copy of Mr. Loya's report was included in the meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662. Mr. Loya wanted to thank everyone for the nice, thoughtful card he received from the CAB members and staff with condolences on his Mother's passing.

➤ **Status of FY'10 Committee Work Plans:**

Mr. Loya announced that the WM and EMSR Committees were meeting jointly in August to finalize their work plans. Both committees have been in the process of developing the work plans since the May 2009 Board Retreat. The Committee Chairs expressed confidence that their FY'10 Committee Work Plans would be ready for final Board approval at the September 2009 CAB meeting.

**3. Ad Hoc Committee Reports**

➤ **Public Participation**

Mr. Baston provided a verbal report to the Board on the activities of the Public Outreach Ad Hoc Committee. The Public Outreach Ad Hoc Committee met with George Rael on Tuesday, June 23, 2009 at 1:00 p.m. at the Los Alamos Site Office (LASO). The Ad Hoc committee discussed outreach opportunities, structure and funding.

➤ **Board Process**

Ms. Henline provided a verbal report on the activities of the Board Process Ad Hoc Committee. Ms. Henline also provided a written handout. She explained there were two major focus areas for the Ad Hoc committee, one was new member orientation and the second area of concentration was member retention. Ms. Henline announced there was a tour of LANL scheduled for members on August 17, 2009. Ms. Brennan suggested the Board could vote on making the orientation and retention information an administrative procedure.

Board Process Discussion:

Ms. Mason would like to see the board meet in different locations. Ms. Santistevan stated that approach has been tried in the past and it was found to be ineffective at making a significant difference in board member attendance or retention.

Dr Kyo spoke about procedures. One reason he was not continuing for another term with the board was initially the focus seemed to be more reactive, which he liked initially, now it seemed to be more about process. The process has become very time consuming indicating that one could spend a lot of real work time being a volunteer board member, beyond the projected eleven hours per month. If he had realized how much was involved in being on the CAB, he may have reconsidered applying for appointment. He did recognize there were a lot of levels of participation from one board member to the next; perhaps it would be more effective if all the board members spent an approximately equal time on board work.

Mr. Maestas stated the board needed to examine why it was tough to recruit members. Being a board member was a time intensive agreement and the first year is just overwhelming

1 for most of the members. He stated the CAB was going to lose a valuable member in Dr. Kim  
2 and he wanted to prevent that from happening in the future.

3 Mr. Casalina appreciated the ideas that Ms. Henline put together. He thought there were  
4 some great suggestions for member orientation and retention. A suggestion Mr. Casalina had  
5 was to hold a separate meeting as an orientation for the new members, rather than a  
6 mentoring program or possibly both.

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## 7 **VI. New Business**

### 8 **a. Establishment of a Nominating Committee**

9 Ms. Freeman, facilitator, requested volunteers to form a nominating committee for the  
10 September 30, 2009 CAB officer elections. The following members volunteered and agreed to  
11 put together a slate of nominated or self-nominated candidates:

12 **1. Robert Gallegos**

13 **2. Deborah Shaw**

14 **3. Gerry Maestas**

15 Ms. Freeman thanked the volunteers and suggested that the committee get together at  
16 the break to begin the process of the forming the slate for the upcoming elections. Dr.  
17 Campbell made the clarification that one could submit nominations up to the time of the  
18 election. **Dr. Campbell made a motion to accept the Nominating committee and Mr.**  
19 **Longacre seconded the motion. The motion passed unanimously.**

### 20 **b. NNM CAB Top Issues for September 2009 Site Specific Advisory Board** 21 **(SSAB) Chairs Meeting**

22 The board referred to their last "Top Three Issues" from the spring 2009 Semi-annual  
23 SSAB Chairs meeting. The goal was to develop a new set of top issues that would additionally  
24 include an accomplishment and major activity. Ms. Novak would work with the group during  
25 the break to develop a draft set of issues that the board could take up for action later in the  
26 meeting.  
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## 28 **VII. Q/A with the New Mexico Environment Department (NMED)**

29 Mr. James Bearzi of the NMED provided comments to the Board. He provided handouts  
30 to the group from a public meeting recently convened on the Resource Conservation and  
31 Recovery Act (RCRA) Permit. The update for the NMED was that the NMED was working the  
32 RCRA, which was their major and current focus. Included in the packet that Mr. Bearzi  
33 distributed was the PowerPoint Presentation slides used in Mr. Bearzi's presentation, the public  
34 notice for the current comment period on the draft permit, table of contents for the permit, an  
35 instruction sheet on how to make public comments, a listing of acronyms, a one page summary  
36 about the permit and an informational brochure produced by NMED for public outreach on  
37 federal and state hazardous waste laws and how they relate. He pointed out that the relevant  
38 issue for the CAB was that the NMED was in the middle of a public comment period for the  
39 permit. The previous permit that was issued in August of 2007 was out for a 120-day comment  
40 period. The CAB commented as group. The draft permit has been withdrawn, which releases  
41 NMED from responding to those public comments because that draft permit is now null and  
42 void. The NMED has a revised draft permit out currently for a 60-day public comment period  
43 starting from July 6, 2009. He pointed out the NMED website location in order to view the draft  
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1 permit and one can also visit the office to look at the administrative record. Additionally, this  
2 was the time period that one could request a public hearing.

3 Questions for Mr. Bearzi:

4 Mr. Phelps asked for a brief update on how LANS was doing on Consent Order  
5 Deliverables and how NMED was doing on its responses? Mr. Bearzi replied that the NMED was  
6 doing very well on its responses. He stated LANS was submitting many items on time; but they  
7 still have a lot of clean-up work to do.

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9 **VIII. Q/A with Liaison Members**

10 **1. Michael Graham, Los Alamos National Securities (LANS)**

11 Mr. Michael Graham, LANS, provided verbal comments to the CAB. He discussed  
12 current Environmental Management (EM) / LANL Programs. He discussed the current state of  
13 the planning and implementation for new monitoring and characterization wells at LANL, the  
14 continued efforts at removal of Transuranic (TRU) Waste from MDA-G, American Reinvestment  
15 and Recovery Act (ARRA) Projects at TA-21 and MDA B and upcoming Corrective Measures  
16 Evaluations (CMEs) for the remediation of LANL disposal areas. Ms. Henline requested a one-  
17 page summary of the plans discussed.

18 **2. George Rael, Department of Energy**

19 Mr. George Rael, DOE, provided comments for the board. He announced a public  
20 meeting regarding TA-21 and ARRA Projects. The meeting would be held at Fuller Lodge in Los  
21 Alamos on August 18, 2009. He stated Recovery Act Funding had arrived and was being issued  
22 for approved projects. In terms of the budget, in FY'08 the EM Program started the year with a  
23 152 million dollars; which included additional funding for the planned new wells. In terms of  
24 tracking budgets year-by-year, FY'09 went up, FY'10 dropped down a little bit. The EM program  
25 was 'reshuffling the deck' and looking at all the projects to see how they were defined and  
26 categorized. Mr. Rael did not know how it would 'shake out' but they may have more projects;  
27 there was definitely a lot of movement and they were keeping busy. He stated Mr. Graham has  
28 helped to strengthen the relationship with the NMED. For remediation projects, LANL  
29 recommended the decision to NMED and NMED announced the Record of Decision (ROD) to the  
30 public. Mr. Rael has received some staffing assistance from the DOE Albuquerque Operations  
31 Office.

32 Questions for Mr. Rael:

33 Dr. LaGattuta asked if LASO has increased in staff because there was more work needed  
34 for the Consent Order implementation, or if EM had looked at project management and they did  
35 a "consumers guide analysis" and this had allowed Mr. Rael the ability to expand.

36 Mr. Graham replied one could see from the numbers that the FY'10 scope has increased, and a  
37 key to keeping funds flowing was to deliver. Mr. Graham stated that LANS sub contracts out  
38 about 50% of its work. They were currently doing some shifting about what they sub contract  
39 out and what they do not. Mr. Graham thought they were in a better position now to  
40 accomplish work with the additional staff.

41 Mr. Longacre referred to an article in the Albuquerque Journal about the ARRA Funding  
42 and the impending change of the skyline, the MDA-B clean up, and enforceable milestones for  
43 this monitoring and clean up. His question was about whether the CAB was relevant to the  
44 process and he referred to the CAB recommendation-tracking sheet where he saw many 'no

1 responses yet' from the DOE to the CAB's recommendations. Two things that impressed Mr.  
2 Longacre about this board was that he saw a lot of brain power here, yet the second was what  
3 was the tax payer getting out of it? Mr. Rael replied that the CAB contributed to the EM clean  
4 up at LANL in many ways. It has been a lead for the DOE regarding the MDA-G public  
5 participation efforts. This CAB functions as an independent arm of the DOE, which has provided  
6 a great service to the taxpayers.

7 Mr. Rael stated they were currently working on more timely responses to CAB  
8 recommendations. Dr. Campbell stated that one of the CAB's accomplishments was the  
9 continuing dialog between the public and the DOE; it's a great process. Ms. Henline thought it  
10 would be helpful to review, with the DOE, one recommendation at each board meeting. Ms.  
11 Brennan complimented Mr. Rael on getting the response issue moving forward with his staff.  
12 She stated Mr. Rael and Mr. Casalina were working together to significantly decrease the  
13 amount of time it took for the DOE to respond to CAB recommendations. Ms. Brennan  
14 referenced her handout of what made for a good, effective, more valuable recommendation,  
15 what made a recommendation easier to understand. She has spent time with Mr. Casalina and  
16 Mr. Lee Bishop to look at the backlog of CAB recommendations. They were looking at the  
17 recommendations by subject in order to get the process moving. Mr. Mayer stated, in defense  
18 of Mr. Rael, that he inherited a lot of board recommendations when he started.

19 Mr. Villarreal asked about jobs for stimulus work and Mr. Rael replied all jobs are posted  
20 on USAJobs.gov. Additionally, Mr. Graham posted jobs on the LANL website. Ms. Gaziano  
21 referred to Ms. Brennan's handout as a (\*Definition-Attachments No. 15) "rubric." She said this  
22 was a very good tool to provide to the CAB for instructions on how to write effective  
23 recommendations and she would like to see it made into a worksheet to help the members  
24 develop recommendations that were very clear and within scope.

### 25 **3. Rich Mayer, Environmental Protection Agency**

26 Mr. Mayer, Liaison member from EPA Region Six, provided comments for the Board. He  
27 reported on some of the projects that EPA is doing with Los Alamos, one is a \*(Definition-  
28 Attachments No. 9) Polychlorinated biphenyls (PCB) clean up. This cleanup was ongoing at TA -  
29 21, the site was about one to two acres, basically they were in the process of removing the top  
30 one to four feet of contaminated soil at the area which equated to approximately 1000 cubic  
31 yards or the equivalent of 80 truck loads. This clean up by removal of soil was being conducted  
32 under the Toxic Substance Control Act (TOSCA) and not the Resource Conservation and  
33 Recovery Act (RCRA) and EPA has the lead on PCBs. LANL was working at the site and has  
34 removed about half of the contaminated soils; he thought LANL would have the clean up at TA-  
35 21 completed in a couple of months. Mr. Mayer visited the site recently. He stated the  
36 contamination was from many years ago.

37 In addition, the EPA was in the process of reviewing the draft RCRA Permit for LANL.  
38 The EPA authorized the state as the lead regulator for the RCRA permit in New Mexico. But the  
39 EPA still performed an oversight function and by law the EPA reviewed one permit per year per  
40 state. Mr. Mayer was actually reviewing the permit and he has some comments, although his  
41 review was not quite complete. He was also having two of his new employees look at the  
42 permit as well, as a training tool for these new employees.

43 Finally, under the Clean Water Act, EPA issued an Individual Solid Waste Management  
44 Unit Storm Water Permit in February of 2009. The Permit was appealed by a consortium of

about seven different citizens' groups, environmental groups and individual citizens. EPA has stayed/withdrawn the whole permit as a result of the appeal, and in essence it was like there was no permit at all in effect during this process. Mr. Mayer stated two of the major issues that the citizens appealed on was (1) the compliance schedules in the permit, and (2) the benchmark target standards levels, using New Mexico numerical standards, the group wants any exceedances to be considered a violation. As stated in the permit, EPA would give LANL time to come into compliance before a violation was issued. This appeal would be resolved up at EPA Headquarters before the Environmental Appeals Board.

Questions for Mr. Mayer:

Robert Gallegos asked if the appeal review would be resolved by the end of the year? Mr. Mayer answered that the EPA would begin to look at the case by the end of the year but that it might take up to six months to complete the review. There were proposals from the EPA in the process to address the citizens' groups concerns.

Ms. Mason asked where the PCBs were located? Mr. Mayer replied there was surface contamination that was east of MDA-B and southeast of MDA-A, facing the canyon to the south, on the side slope of TA-21; this site had a septic tank system with an outfall and the outfall went to the side of the mesa and then it went down into the canyon. Ms. Mason asked if there were other contaminants in addition to the PCBs? Mr. Mayer stated there were also slightly elevated levels of radionuclides and some heavy metals as well but that clean up was being conducted through NMED. This waste would be taken to a landfill in Utah that accepts PCB waste, hazardous waste and radionuclides.

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**IX. Public Comment Period**

A public comment period was scheduled for 6:00 p.m. No one signed up for Public Comment.

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**X. Consideration and Action on Draft Recommendations**

A summary of the votes for draft Recommendations for which the Board took action at the July 29, 2009 CAB meeting are provided below. Details follow.

**a. Draft Recommendation 2009-06 (Approved as Amended)**

Votes:

8 in favor

2 opposed

4 abstained

Recommendation passed.

**b. Draft Recommendation 2009-07 (Not Approved)**

**Votes:**

2 in favor

12 opposed

Recommendation failed.

**c. Draft Recommendation 2009-08 (Approved as Amended)**

**Votes:**

9 in favor

3 opposed

2 abstained

Recommendation passed.

**d. Draft Recommendation 2009-09 (Approved as Amended)**

Votes:

11 in favor

0 opposed

3 abstained

Recommendation passed.

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**Detailed Account:**

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**a. Draft Recommendation 2009-06, "Support for Innovative Approaches to Community Outreach on Environmental Restoration Work at TA-21 at Los Alamos National Laboratory"**

The draft discussed providing information to and receiving input from the communities affected by the environmental cleanup efforts at Los Alamos National Laboratory. This recommendation specifically addressed the American Recovery and Reinvestment Act (ARRA) work planned at TA-21. The NNM CAB recognized that there was an exceptional opportunity to make immediate progress in cleanup efforts at TA-21 with the removal of buildings and facilities. This project could also be used as an example of the various aspects involved in planning and executing an environmental restoration project. In addition, planning for the cleanup of MDA-B at TA-21 was underway and also presented an immediate opportunity to communicate with the surrounding communities regarding the process of environmental cleanup in an area that was adjacent to commercial businesses and in a highly visible location that would be available for future use by Los Alamos residents.

The draft recommended that LASO/LANS support and develop innovative communications programs based upon the work to be performed at TA-21 in FY'10 and FY'11. It further requested web based tools and other interactive software be incorporated into these programs and it was thought that local schools would be a good platform for this technology. Additionally, the CAB offered to assist in community outreach activities with LASO/LANS for TA-21.

Draft Recommendation 2009-06 was tabled at the May 14, 2009 CAB meeting. **Dr. Campbell made a motion to bring draft Recommendation 2009-06 off the table for discussion. Dr Shaw seconded the motion.** The Board discussed the draft recommendation.

Dr. Campbell wanted to get outreach to the student level. Mr. Baston has had collaboration with several types of teachers. He spoke about fostering a dialog between the schools and the scientific community. Ms. Bonds-Lopez mentioned that Nevada Test Site had curriculum on the website that teachers could download and incorporate into their lesson plans. Dr. LaGattuta and Mr. Rael, DOE, thought the recommendations were not clear enough in its intent. Dr. Campbell, as the recommendation manager, was satisfied the draft could be brought to a vote. **Board action: eight members voted in favor, two voted no and four members abstained. Final Result: Recommendation 2009-06 was approved for submission to the DOE.**

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**b. Draft Recommendation 2009-07, "That DOE will Sponsor a Dose Reconstruction Study at Los Alamos, New Mexico"**

The Los Alamos Historical Document Retrieval Assessment (LAHDRA) Project made a presentation of its final report on June 25, 2009. Based upon a study of Los Alamos National Laboratory (LANL) archives stretching back to 1943, and relating to emissions of toxic materials from the weapons program into the surrounding environment, LAHDRA personnel have collected information relevant to deciding whether a full dose reconstruction study for the Los Alamos town site was warranted. As described in the presentation, LAHDRA personnel have found that especially large releases of a few potentially toxic materials have occurred from the weapons program at Los Alamos, since its inception in 1943. Apparently, these releases were much larger than had been reported at the time. The draft recommended that DOE support a follow-up to the LAHDRA study and that the DOE fund the Centers for Disease Control (CDC) to perform a dose reconstruction study for select materials; e.g., especially for plutonium released during the years 1943-1955, for beryllium released after 1963, and for tritium released until 2000.

Recommendation manager, Dr. LaGattuta introduced the draft for board action. **Mr. Gallegos made motion to approve discussion. Ms. Henline seconded the motion.** The board discussed the draft.

Mr. Maestas was disappointed in the expense of the LAHDRA study; he thought the intent was to provide factual information but he was not totally convinced of the results. He believed the original study was to help DOE with fears and claims of suffering in the community. In summary, since the first study had not been all that effective, he thought a new study would be akin to "throwing good money after bad." Mr. Gallegos asked if there was an actual request from the CDC for DOE to conduct a further study. Dr. LaGattuta replied that there was not an actual request. However, CDC had conducted a preliminary screening assessment and estimate, which suggested a dose reconstruction study, for a few selected materials, which could be conducted but it would be up to the public to make that determination/recommendation. Ms. Henline wanted to know if this issue fell within the EM scope of the board. Mr. Rael, DOE, replied that a dose reconstruction study would be funded by the NNSA and thus would fall outside of the board's scope.

Ms. Brennan, DOE/DFO felt it was relevant because of clean-up, and she wanted Dr. LaGattuta to know that there was a panel of experts that would be taking up this issue. Ms. Gaziano questioned whether the study reflected community values. Mr. Loya stated many people in the valley were very worried over the environment, yet people were dependant on the Lab for employment and economic stability in the area. Still, the water issue was of utmost concern to the community, which would in order of preference determine that this study did not have enough value added to make it cost effective. Ms. Mason said if there was Plutonium released, then where was it? Dr. LaGattuta, as the recommendation manager, was satisfied the draft could be brought to a vote. **Board action: two members voted in favor, twelve members voted no. Final Result: Recommendation 2009-07 was not approved for submission to the DOE.**

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1                   c. **Draft Recommendation 2009-08, "Establish an Effective Policy and**  
2                   **Funding For Recycling of Valuable Materials From Environmental**  
3                   **Restoration Work at DOE Sites"**

4                   At recent Site Specific Advisory Board (SSAB) Chairs' meetings, several site boards,  
5 including the NNM CAB have raised the issue of recycling of valuable materials, regarding the  
6 large amount of high purity nickel currently stored at the Oak Ridge Reservation. This is only  
7 one example of the resources that could be recycled into the American economy, with great  
8 overall benefits to both commercial and government projects. Some of this material may be  
9 contaminated with trace amounts of radioactivity. However, a national policy for recycling  
10 valuable materials, especially those with trace radioactive contamination, would be necessary  
11 before the American economy could benefit from using the byproducts of the environmental  
12 restoration effort. The draft recommended that DOE initiate a coordinated Federal effort to  
13 develop as quickly as practical, an effective national policy for recycling valuable materials  
14 salvaged from the environmental restoration efforts at legacy sites throughout the DOE  
15 complex. Additionally, the board recommended that contract language be developed and  
16 implemented to provide incentives for EM contractors to support the recycling policy.

17                   Recommendation manager, Mr. Phelps introduced the draft for board action. Mr. Phelps  
18 pointed out that this recommendation would be sent specifically and directly to Dr. Inés Triay,  
19 Assistant Secretary of the Department of Energy for Environmental Management. Mr. Phelps  
20 expected Dr. Triay to respond quickly and set the standard for DOE responses to CAB  
21 recommendations. **Ms. Shaw made a motion to approve discussion of draft**  
22 **Recommendation 2009-08. Mr. Phelps seconded the motion.** The board discussed the  
23 draft.

24                   Dr. Kim asked if a national policy on recycling already existed? The SSAB Chairs have  
25 already written a letter on recycling policy, which this Board has approved for Dr. Campbell's  
26 signature. The letter focused on developing a recycling policy for nickel and mercury.

27                   Ms. Henline stated there were a lot of different types of recycling programs and more  
28 information was needed. The issue of incentives for the recycling program through budget  
29 appropriation was mentioned by Ms. Brennan and Mr. Rael who stated the DOE did try to offer  
30 incentives to the contractor to increase efficiency, which was Mr. Baston's point as well. Mr.  
31 Villarreal stated platinum recycling has driven this effort with other metals because of its value.  
32 Dr. LaGattuta considered this to be a national effort and he was concerned it was out of scope  
33 for this board to comment on established national policy. Mr. Phelps, as the recommendation  
34 manager, was satisfied the draft could be brought to a vote. **Board action: nine members**  
35 **voted in favor, three members voted no and two members abstained. Final Result:**  
36 **Recommendation 2009-08 was approved for submission to the DOE.**

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37  
38                   d. **Draft Recommendation 2009-09, "Support for Community Outreach on**  
39                   **Environmental Management Education and Training Provided by Los**  
40                   **Alamos National Laboratory"**

41                   The CAB has established a Community Outreach Ad Hoc Committee to develop and  
42 execute innovative approaches to fulfill one of the NNM CAB's mission statements:

43                   *"The responsibility of the Environmental Management Site Specific*  
44                   *Advisory Board (EM SSAB) at Northern New Mexico (the Board) is to*



1 *provide meaningful opportunities for collaborative dialogue among the*  
2 *diverse multicultural communities of Northern New Mexico, the*  
3 *Department of Energy (DOE), the Los Alamos National Laboratory*  
4 *(LANL), and state and federal regulatory agencies. The Board ensures*  
5 *early ongoing community access to information (and its interpretation*  
6 *and implications) and dialogue that improves the quality of the decision-*  
7 *making process of DOE and LANL."*

8 The draft provided recommendations on the content and approach to the Los Alamos  
9 Site Office (LASO) on developing specific programs to promote this community outreach and  
10 education. Additionally, the draft recommended that LASO request funding sources for the  
11 expansion of such community outreach programs to be administered by LASO for the benefit  
12 and education regarding the environment to the citizens of Northern New Mexico.

13 Recommendation manager, Dr. Campbell introduced the draft for board action. He  
14 explained the draft had undergone several revisions. The expectation was that this would be  
15 outreach conducted through the school system. The recommendation requested DOE/EM/LASO  
16 to procure the funding for outreach programs and he described that this comprised a portion of  
17 what the Public Outreach Ad Hoc Committee wanted to do as their charge for the CAB. **Mr.**  
18 **Phelps made a motion to approve the draft for discussion. Dr. Shaw seconded the**  
19 **motion.** The board discussed the draft.

20 Mr. Baston asked for comments from the Liaison members. Mr. Rael liked the idea of  
21 conducting outreach for the schools as he has done outreach at Pantex where they had some  
22 High Explosives (HE) contamination in the groundwater. It was a good discussion with the  
23 public because people had been informed at the high school level. The only problem Mr. Rael  
24 saw was that he has funding to meet the Consent Order obligations and that did not include  
25 funding for additional outreach, which was not covered in the Order.

26 Mr. Lee Bishop, DOE, stated DOE has deployed some very successful public outreach  
27 modules, for example at Yucca Mountain. He stated this was not something new for DOE but  
28 would be new for LASO. Ms. Brennan had a couple of procedural problems with the draft  
29 recommendation. First, she stated, it was clear the concept had site support. However, she  
30 noted that the recommendation had to stem from the full Board and not from a sub committee.

31 Mr. Mayer, EPA, stated we have been talking about public outreach and perhaps there  
32 were other ways the CAB could conduct outreach. He mentioned commenting on the draft  
33 RCRA Permit as an example. Ms. Freeman, facilitator, recommended either modifying the draft  
34 or consider tabling the recommendation due to the length of discussion. Mr. Gallegos  
35 recommended striking the specific word, "CABCO" and Ms. Gaziano suggested striking  
36 recommendation No. 1 to make the recommendation less prescriptive and more general to  
37 basically recommend the DOE work on getting more budget appropriated for public outreach.  
38 Dr. Campbell asked if Dr. Shaw and Mr. Phelps would accept the changes to the draft. They  
39 agreed and the draft came to a final vote. **Board action: eleven members voted in favor,**  
40 **no members voted no and three members abstained. Final Result: Recommendation**  
41 **2009-08 was approved for submission to the DOE.**  
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**XI. Presentation by Pueblo of San Ildefonso Environmental Office**

Mr. Neil Weber, Pueblo of San Ildefonso Environmental Office, provided a subject matter presentation for the Board. A copy of Mr. Weber's PowerPoint Presentation can be requested from the CAB office. Mr. Weber stated that the Environmental Office of the Pueblo did not have a public website because its environmental information was proprietary. Ms Henline asked if the CAB could get a copy of the Pueblo's Newsletter. Mr. Weber stated the CAB could be added to general mailing list for the Pueblo Newsletter. Mr. Weber stated that the Pueblo was a cooperative agency with DOE and they worked with NMED also. He stated they work directly with DOE and they have a very effective government-to-government relationship. Mr. Weber commented that his office has participated at two of the CAB's previous large scale Public Outreach Forums. Mr. Mayer asked if there were any areas of contamination at the San Ildefonso Pueblo that were above standards. Mr. Weber said yes, they have had hits of plutonium, uranium and lead but it was important to remember the Pueblo's use was different from the general community because they eat and hunt on the land. Dr. Campbell followed up that the CAB wanted to understand more about pueblo life and an explanation of the difference in the risk assessment would be appreciated. Mr. Weber stated they would be willing to come in at any time to discuss risk assessment.

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**XII. Open Discussion from Board Members**

**a. Brief Report on Nominating Slate**

Dr. Shaw reported that the Nominating Committee had developed a preliminary slate of candidates but she wanted it understood that the slate could still be added to:

**Nominations for NNM CAB Chair:**

- **Ralph Phelps**
- **Mike Loya**
- **Ken LaGattuta (Dr. LaGattuta later withdrew his name from the slate.)**

**Nominations for NNM CAB Vice Chair:**

- **Robert Gallegos**
- **Ken LaGattuta**
- **Pam Henline**
- **Peter Baston**

-Gerry Maestas was asked but he declined.

-Deb Shaw was asked but she declined.

**b. Top three Issues, Accomplishments and Activity for Board Action**

During the break, Ms. Novak worked with members to prepare typed hard copies of the Draft NNM CAB Top Issues, Accomplishment and Activity.

**Dr. Campbell made a motion to accept the presented NNM CAB Top Issues. Mr. Phelps seconded the motion. The motion passed and the board discussed the Top Issues. Non-substantive changes were made to the Top Issues. Dr. Campbell moved to approve the Top Issues and Mr. Phelps seconded the motion. The Top Issues were approved unanimously.**

1 Dr. Campbell made a motion to approve the NNM CAB Accomplishment. Mr.  
2 Loya seconded the motion. The Board discussed the motion. The accomplishment  
3 was approved unanimously.

4 Ms. Henline considered listing the development of a sub committee that has not  
5 conducted any concrete action as yet to be an inappropriate Board Activity. Dr. Campbell  
6 asked the board to vote on the NNM CAB Activity. Board Action: six members voted  
7 to approve, 2 members voted to not approve and 5 members abstained. The major  
8 Board Activity was not approved. The topic of major board activity would be taken up at  
9 the next Executive Committee Meeting.

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11  
12 **Approved Top Three Issues for NNM CAB Fall 2009:**

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13  
14 **Issue #1**

15 **A) DOE ensure efficient and effective use of ARRA funds to complete planned work**  
16 **at TA-21.**

17 **B) DOE provide full baseline funding (Base Program) in FY'11 and beyond to meet**  
18 **the clean-up schedule of the New Mexico Order on Consent.**

19 **Issue #2**

20 **DOE should focus on continued development and justification of an integrated site-**  
21 **wide Surface Water and Groundwater Monitoring Program, which incorporated best**  
22 **management practices for new wells.**

23 **Issue #3**

24 **Continue the overall plan to complete the clean up of MDA G, including removal of**  
25 **the remaining TRU Waste.**

26 **Approved Accomplishment:**

- 27 ➤ **Dialog has continued to improve the relationship between the NNM CAB and LASO**  
28 **in support of the NNM CAB's activities and recommendations.**  
29 ➤ **The NNM CAB recommendation to utilize casing advance drilling techniques has**  
30 **contributed to this implementation by LASO.**
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31  
32 **XIII. Adjournment**

33 **a. Wrap-up Discussion**

34 Ms. Freeman suggested a quick Round Robin to wrap up the meeting:

- 35 ➤ Mr. Longacre was still stuck in "low gear" about our accomplishment.  
36 ➤ Ms. Henline thought the members did a great job coming to a vote on things we didn't  
37 necessarily agree upon.  
38 ➤ Ms. Mason thought there was a steep learning curve as a board member.  
39 ➤ Ms. Gaziano liked Ms. Brennan's "Rubric" instructions on how to develop board  
40 recommendations; she would like the guidelines to be formally put together.  
41 ➤ Mr. Bishop wanted to thank the membership for their work.  
42 ➤ Dr. Shaw thought this was the best meeting she has attended and she concurred we  
43 were learning to work together.

- Mr. Phelps thanked our guests and Liaison members; he thought we had great discussions today.
- Mr. Loya stated we were entering into an elongated drought cycle and what we do to monitor the region's water was critical.
- Dr. LaGattuta was disappointed that the CAB was unwilling to go forward with a public health issue recommendation.
- Mr. Gallegos appreciated the slate of candidates.
- Dr. Kim thought there was a problem with the clarity of the recommendations. The hierarchy was such that you have to accommodate so many hands on a recommendation that the writer ends up not knowing what he was writing; the original intent. He thought there needed to be a hierarchy in writing recommendations.
- Mr. Graham appreciated the board's commitment and he valued the board's perspective.
- Mr. Rael stated we all benefited from working together which facilitates the work getting accomplished. Still, he couldn't understand why the board had trouble coming up with an accomplishment. He personally thought the board made many significant accomplishments.
- Mr. Mayer appreciated the work of the staff to put the meetings together! He also stated that CAB members needed to stay independent.
- Ms. Brennan wanted to thank everyone here today for their willingness to look at everything anew; she thanked Mr. Rael and his staff at DOE and she wished the Board luck.
- Dr. Campbell thanked Ms. Brennan for attending and thanked Ms. Freeman for her facilitation assistance.

**With no further business to discuss, Ms. Brennan, DFO adjourned the meeting at 8:12 p.m.**

**Respectfully submitted,**



**J. D. Campbell, Ph.D., P. E., Chair, NNM CAB**

***\*Minutes prepared by Lorelei Novak, NNM CAB Technical Programs and Outreach***

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**Attachments:**

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1. **Final 7-29-09 CAB Meeting Agenda.**
2. **Report from J.D. Campbell, Chair, NNM CAB.**
3. **Report from Menice Santistevan, Executive Director.**

4. Report from Mike Loya, Chair, EMSR Committee.
5. Report from Gerry Maestas, Chair, WM Committee.
6. Report from Pam Henline, Lead, Ad Hoc Committee for Board Process.
7. June 23, 2009 Letter to Dr. Campbell from Inés Triay.
8. "Comments on Writing Effective Recommendations," one page handout from Cate Brennan, DOE/DFO.
9. Definition- Polychlorinated biphenyls (PCBs) are a class of organic compounds with 1 to 10 chlorine atoms attached to biphenyl, which is a molecule composed of two benzene rings. The chemical formula for PCBs is  $C_{12}H_{10-x}Cl_x$ , where  $x = 1-10$ . PCB's were widely used for many applications, especially as dielectric fluids in transformers and capacitors and coolants. Due to PCB's toxicity and classification as persistent organic pollutants, PCB production was banned by the United States Congress in 1976 and by the Stockholm Convention on Persistent Organic Pollutants in 2001.
10. Draft Recommendations 2009-06 2009-07, 2009-08, 2009-09.
11. PowerPoint Presentation by Neil Weber, San Ildefonso Pueblo Environment Department.
12. Draft Top Three Issues, Board Accomplishment and Activity.
13. NMED Handouts on the draft Resource Conservation and Recovery Act (RCRA) Permit for LANL.
14. Definition- "What is a Rubric?" Heidi Goodrich, a rubrics expert, defines a rubric as "a scoring tool that lists the criteria for a piece of work or 'what counts'." So a rubric for a multimedia project will list the things the student must have included to receive a certain score or rating. Rubrics help the student figure out how their project will be evaluated. Goodrich quotes a student who said he didn't much care for rubrics because "if you get something wrong, your teacher can prove you knew what you were supposed to do." Generally rubrics specify the level of performance expected for several levels of quality. These levels of quality may be written as different ratings (e.g., Excellent, Good, Needs Improvement) or as numerical scores (e.g., 4, 3, 2, 1) which are then added up to form a total score which then is associated with a grade (e.g., A, B, C, etc). Many rubrics also specify the level of assistance (e.g., Independently, With Minimal Adult Help; With Extensive Adult Help) for each quality rating. Rubrics can help students and teachers define "quality." Rubrics can also help students judge and revise their own work before handing in their assignments.

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**PUBLIC NOTICE**

 \*All NNM CAB meetings are recorded in accordance with the Federal Advisory Committee Act. Audiotapes have been placed on file at the NNM CAB Office, 1660 Old Pecos Trail, Suite B, Santa Fe, New Mexico, 87505.

 \*Reference documents listed in the Appendix section of these minutes may be requested for review at the CAB office in Santa Fe.

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\*For more information regarding audio transcription or any information referenced to or contained here in these minutes, please call the CAB office at (505)-989-1662.