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Northern New Mexico Citizens' Advisory Board Meeting

July 27, 2016

1:00 p.m. to 5:15 p.m.

Santa Fe Community College, Jemez Complex

Santa Fe, New Mexico 87508



Minutes

Meeting Attendees

Department of Energy

1. Douglas Hintze, Department of Energy, Manager, Environmental Management Los Alamos Field Office
 2. Lee Bishop, Co-Deputy Designated Federal Officer, EM-LA
 3. Michael Gardipe, Co-Deputy Designated Federal Officer, EM-LA
 4. David Rhodes, Department of Energy, Environmental Management Los Alamos Field Office
 5. Jennifer Hackett, Department of Energy, Environmental Management Los Alamos Field Office
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NNMCAB Members

1. Doug Sayre, NNMCAB Chair
 2. Gerard Martínez y Valencia, NNMCAB Vice-Chair
 3. Angelica Gurulé, Chair, Waste Management Committee
 4. Stephen Schmelling, Chair, Environmental Monitoring and Remediation Committee
 5. Diahann Lopez-Cordova, Vice-Chair, Environmental Monitoring and Remediation Committee
 6. Danny Mayfield
 7. Angel Quintana
 8. Max Baca
 9. Ashley Sanderson
 10. Nona Girardi
 11. Robert Gomez
 12. Michael Valerio
 13. Alex Puglisi
 14. Carlos Valdez
 15. Mona Varela
-

Student Representative

1. James Valerio
-

NNMCAB Excused Absences

1. Irene Tse-Pe
2. Joshua Madalena
3. Rod Sanchez

- 1 4. Carla Abeyta
- 2 5. Mary Friday

3

4 **NNMCAB Absences**

- 5 1. Tessa Jo Mascareñas
- 6 2. Joey Tiano

7

8 **NNMCAB Staff**

- 9 1. Menice Santistevan, Executive Director
- 10 2. Bridget Maestas, Administrative Assistant
- 11 3. William Alexander, Technical Programs and Outreach

12

13 **Guests**

- 14 1. James Rivera, Pueblo of Pojoaque
- 15 2. Shannon Farrell, CH2M Hill
- 16 3. Scott Kovac, Nuke Watch New Mexico
- 17 4. Peter Hyde, Los Alamos National Security
- 18 5. Jerry O’Leary, CH2M Hill
- 19 6. Andrea Romero, Regional Coalition of LANL Communities
- 20 7. Liddie Martinez, Regional Development Corporation
- 21 8. Taslima Khandaker, Regional Coalition of LANL Communities
- 22 9. Steven Horak, Project Time and Cost
- 23 10. Brian Bosshardt, Los Alamos County
- 24 11. George Rael, Project Time and Cost
- 25 12. Michele Jacquez-Ortiz, U.S. Senator Tom Udall’s office
- 26 13. Brian Crone, Congressman Ben Ray Lujan’s Office
- 27 14. Amelica Cajou, Public
- 28 15. Michael Chacon, Pueblo de San Ildefonso

29 ***All NNM CAB meetings are recorded. Audio CD’s and Video DVD’s have been placed on file for review**
30 **at the NNM CAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are**
31 **intended as a synopsis of the meeting.**

1 **Minutes**

2 **I. Call to Order**

3 The meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) was held
4 on July 27, 2016 at Santa Fe Community College, Santa Fe, New Mexico. Mr. Lee Bishop, Co-
5 Deputy Designated Federal Officer (CDDFO) stated that on behalf of the Department of
6 Energy (DOE) the meeting of the NNMCAB was called to order at 1:09 p.m.

7 Mr. Bishop recognized Mr. Doug Sayre, the NNMCAB Chair. Mr. Sayre presided at the
8 meeting.

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

11 **II. Establishment of a Quorum (11 Needed)**

12 **a. Roll Call**

13 Mr. William Alexander conducted roll call as the members arrived. At the call to
14 order 14 members were present. Mr. Alexander recorded that Mr. Max Baca arrived at
15 3:20 p.m. Mr. Alexander recorded that Ms. Angel Quintana departed at 2:30 p.m.
16
17

18 **b. Excused Absences**

19 Mr. Alexander recorded that the following members had excused absences: Ms.
20 Irene Tse-Pe, Mr. Joshua Madalena, and Mr. Rod Sanchez.
21

22 **c. Absences**

23 Mr. Alexander recorded that the following members were absent: Mr. Joey Tiano
24 and Ms. Tessa Jo Mascareñas.

25 **III. Welcome and Introductions**

26 Mr. Sayre welcomed the members and the public to the meeting. He asked for
27 introductions from the board members and attending guests.
28

29 **IV. Approval of Agenda**

30 The board reviewed the agenda for the July 27, 2016 meeting, Mr. Sayre opened the
31 floor for questions or comments.
32
33

34 Mr. Gerard Martínez y Valencia made a motion to approve the agenda as presented;
35 Mr. Schmelling seconded the motion. The motion to approve the agenda as presented was
36 unanimously passed.

37 **V. Approval of Minutes**

38 The board reviewed the minutes from the May 18, 2016 meeting. By ongoing instruction
39 from DOE Headquarters, the minutes were previously reviewed and certified by the
40 NNMCAB Chair. Mr. Sayre opened the floor for questions or comments.
41
42

43 Mr. Valdez made a motion to approve the minutes as presented; Mr. Puglisi seconded
44 the motion. The motion to approve the minutes as presented was unanimously passed.
45

1 **VI. Old Business**

2 **a. Written Reports**

3 Mr. Sayre opened the floor for questions on the written reports, the reports are
4 provided as an attachment to the minutes. Mr. Sayre gave a brief overview of
5 activities since the last NNMCAB meeting.
6

7 Ms. Santistevan noted that the members should review the Executive Director's
8 report for important dates of upcoming meetings and events, in addition to an update
9 on the membership and NNMCAB activities.
10

11 **b. Consideration and Action on Draft Chairs Recommendation**

12 Mr. Sayre opened the floor for consideration and action on the draft
13 recommendation that had been approved at the Spring Chairs Meeting. He stated that
14 the NNMCAB would be voting yes or no on the approval of the draft recommendation,
15 stating that changes to the draft are not permitted. Mr. Sayre provided a brief
16 overview of the Environmental Management (EM) Site Specific Advisory Board (SSAB)
17 "Community Investment as Factor in Contract Proposal Evaluation Process"
18 recommendation.
19

20 Mr. Valdez asked if Ms. Liddy Martinez from the Regional Development Corporation
21 could provide information on how community involvement is handled locally.
22

23 Ms. Martinez stated that historically the community involvement plan was a
24 weighted factor in the selection of contractors. She noted that the practice of having
25 community involvement as part of the contract had changed during the time when
26 Los Alamos National Security was awarded the contract. Ms. Martinez noted that the
27 reinvestment that has been put into the community from the current prime
28 contractor and its subcontractors over the past 7 years is \$5 million. Additionally,
29 stating that if you take away that investment, that it will have an impact on local
30 communities. She stated that, "contractors should be involved in our communities as
31 part of good stewardship."
32

33 The NNMCAB members had a lengthy discussion on the Draft Recommendation Mr.
34 Valdez made a motion to approve the "Community Investment as Factor in Contract
35 Proposal Evaluation Process" recommendation as presented; Mr. Martínez y Valencia
36 seconded the motion. The members voted 11 for, 2 against, with 1 abstention. The
37 motion to approve the recommendation as presented passed.
38

39 **VII. New Business**

40 **a. Report from the Nomination Committee**

41 Mr. Sayre asked Ms. Sanderson if she would provide the members with a status on
42 the members nominated for the upcoming NNMCAB fall election.
43

1 Ms. Sanderson responded that she and Mr. Schmelling had polled the membership
2 in July for nominations for the positions of Chair and Vice Chair of the NNM CAB. Ms.
3 Sanderson stated that at this time there was only one nominee for Chair and two for
4 Vice-Chair. Ms. Sanderson noted that the nominees are Mr. Gerard Martínez y
5 Valencia for Chair and Ms. Angelica Gurulé and Mr. Danny Mayfield for Vice-Chair.
6

7 **b. Other Items**

8 Mr. Sayre asked for additional items, seeing none Mr. Sayre moved on to the update
9 from the DDFO.
10

11 **VIII. Update from the DDFO**

12 Mr. Bishop stated that the Waste Isolation Pilot Plant (WIPP) had just gone into cold
13 operations in preparation for starting up the WIPP facility. Additionally, noting that cold
14 operations are using the equipment and facilities in preparation for getting ready to move
15 actual material. Mr. Bishop stated that WIPP had changed its waste acceptance criteria to
16 include looking for incompatible materials.

17 Mr. Bishop advised the members that the new Environmental Management Division
18 Organizational Chart had just been released, he noted that the new chart would be provided
19 to the members at the August Combined Committee meeting.

20 Mr. Gardipe stated that Mr. Sayre and Mr. Martínez y Valencia would be attending the
21 fall chairs meeting in Las Vegas, August 30, 2016 – September 1, 2016. He noted that they
22 would be presenting the NNM CABs top accomplishments/problems to the other boards. Mr.
23 Gardipe advised the members that in September Ms. Quintana and Mr. Mayfield would be
24 attending the Rad Waste Summit in Las Vegas and Mr. Schmelling would be attending the
25 National Cleanup Conference in Washington D.C.
26

27 **IX. Presentations from the Department of Energy**

28 **a. Los Alamos Legacy Cleanup Contract**

29 Mr. David Rhodes, DOE Environmental Management Los Alamos Field Office (EM-
30 LA); gave a presentation to the NNM CAB on the “Los Alamos Legacy Cleanup Contract
31 Draft Request for Proposals (RFP).” An electronic copy of the presentation may be
32 obtained from the NNM CAB website; <http://www.energy.gov/em/nnmcab>. Video of
33 the presentation is also available on the NNM CAB’s YouTube Channel (NNM CAB).
34

35 **b. Questions**

36 Mr. Valdez asked if bonuses had been added to the RFP.
37

38 Mr. Rhodes responded that the fee awards in the RFP are currently structured with
39 a 15% based on 5 subjective criteria: Quality, Safety, Cost Controls, Management
40 Expertise, and Regulatory Compliance. Mr. Rhodes noted that 85% would be based on
41 performance based incentives, such as consent order driven milestones.

1 Mr. Puglisi asked if the proposed remedies for Material Disposal Areas G, H, and L
2 are being withdrawn for the duration of the contract.

3
4 Mr. Rhodes responded that the remedies that have been submitted to the state are
5 being withdrawn from consideration and new corrective measures will be resubmitted
6 based on the new schedule in the lifecycle baseline.

7
8 Mr. Puglisi asked what the base period and the options look like for this 10 year
9 contract.

10
11 Mr. Rhodes responded that the base period of the contract is 5 years with one 3
12 year option and two 1 year options.

13
14 Mr. Schmelling asked about how the new Consent Order would impact this new
15 contract.

16
17 Mr. Rhodes noted that the RFP states that the contractor will comply with the new
18 Consent Order and will work closely with EM-LA to create each year's Annual Work
19 Plan.

20
21 Mr. Schmelling asked if EM-LA would still have the ability to interface and access
22 LANS employees that have the needed expertise.

23
24 Mr. Rhodes responded that yes, EM-LA will have the ability to access LANS
25 employees.

26
27 Ms. Gurulé asked why the 33 shafts were not included in the new contract scope.

28
29 Mr. Rhodes stated that the challenges that have occurred with the contact handled
30 waste have caused the schedule for completion has been pushed out. He noted that
31 in order to handle the remote handled waste in the 33 shafts facilities will need to be
32 modified to handle that waste. Mr. Rhodes additionally noted, that it will take time to
33 cover the facility construction gap which will probably cover about 2 years.

34
35 Ms. Gurulé asked if there would be any work conducted on the remote handled
36 waste in the next 10 years.

37
38 Mr. Rhodes stated that he would expect to see work on safety basis development
39 and designs for the facility modifications. Additionally, noting that designs take quite
40 some time.

41

1 Mr. Sayre asked if the RFP would be revised to include the 2016 Consent Order
2 rather than the 2005 Consent Order.

3 Mr. Rhodes noted that today's presentation is the same presentation that was
4 provided in May to the prospective contractors. Mr. Rhodes stated that when this
5 presentation was given in May the 2016 Consent Order had not been signed.
6 Additionally, he stated that in the final draft of the RFP all references to the 2005
7 Consent Order have been removed and only the newly signed 2016 Consent Order is
8 referenced.

9
10 **c. Los Alamos Lifecycle Baseline**

11 Mr. Doug Hintze, Manager, DOE Environmental Management Los Alamos Field
12 Office (EM-LA); gave a presentation to the NNMCAB on the "2016 Lifecycle Estimate
13 for Los Alamos National Laboratory's Environmental Legacy Cleanup Responsibilities."
14 Video of the presentation is available on the NNMCAB's YouTube Channel (NNMCAB).

15
16 **d. Questions**

17 Mr. Puglisi asked when work on the below grade TRU waste at Area G will begin.

18
19 Mr. Hintze responded that the current focus under the Bridge Contract is to
20 remediate the nitrate salt drums. He stated that planning for work on the above grade
21 TRU waste is scheduled to begin in FY'18, once that waste is taken care of work on
22 below grade TRU waste will begin. The retrievals are planned to begin in FY'21.

23
24 Mr. Baca asked where on the list of priorities a project completion would get moved
25 up, if DOE could save some of the overhead costs.

26
27 Mr. Hintze responded that the new Lifecycle Cost Estimate assumes a 15% to 20%
28 efficiency over the cleanup timeline. Noting that what that means is that EM-LA is
29 planning on having a 15% to 20% savings in overhead and indirect costs to complete
30 the cleanup with the anticipated funding.

31
32 Mr. Schmelling asked what the assumptions are in the Lifecycle Cost Estimate.

33
34 Mr. Hintze responded that EM-LA is in the process of developing a document that
35 will provide a narrative description of the assumptions used in the new Lifecycle Cost
36 Estimate. He noted that the anticipated completion date for the document is in late
37 August 2016. Additionally noting that it will be available to the public on the EM-LA
38 website.

39
40 Dr. Girardi asked, is there a long term planning phase for what Los Alamos National
41 Laboratory is planning to do in the future. Has EM accounted for the cost of the
42 cleanup for future projects?

1
2 Mr. Hintze responded that the current scope does not include any future cleanup
3 only the cleanup of waste that was generated before 1999. Additionally, noting that
4 newly generated waste is the responsibility of the National Nuclear Security
5 Administration (NNSA) and their Lifecycle cost.
6

7 Dr. Girardi asked if the NNSA uses what the EM-LA legacy cleanup project has
8 learned in its cleanup operations. Does it apply that information to its projects to
9 project future cleanup costs?
10

11 Mr. Hintze responded that he could not speak for NNSA; however, it would stand to
12 reason that you would want to use all the information available when making a
13 determination of future costs.
14

15 Ms. Gurulé asked where the waste stored at Waste Control Specialists falls on the
16 schedule.
17

18 Mr. Hintze responded that the waste stored at Waste Control Specialists is not
19 currently on the schedule. Noting that if at some point it is decided that the
20 responsibility to remediate that waste comes to EM-LA it would need to be put in the
21 cost estimate.
22

23 Ms. Gurulé asked if the waste at Waste Control Specialists is included in the Draft
24 RFP.
25

26 Mr. Hintze responded that the waste at Waste Control Specialists is not in the Draft
27 RFP.
28

29 Mr. Puglisi asked if it would be possible to get a breakdown of what assumptions
30 were used to build the cost estimate.
31

32 Mr. Hintze responded that the narrative that goes with the cost estimate provides
33 that breakdown and should be ready for release in late August 2016.
34

35 **X. Public Comment**

36 Mr. Sayre opened the floor for public comment at 4:18 p.m., he invited Mr. Scott Kovac
37 from Nuke Watch New Mexico (NWNM) to address the board.
38

39 Mr. Kovac stated that he would like to start off with addressing some issues that have
40 come up in the press lately, stating that Nuke Watch is trying to delay cleanup. He stated
41 that "Nuke Watch is not trying to delay cleanup, we are trying to do what we think is
42 necessary to speed up cleanup. We have different views on cleanup and we are trying to

1 work on cleanup how we see fit.” Additionally, Mr. Kovac stated that Nuke Watch is happy
2 to see that a Lifecycle Baseline has been released.

3
4 With no additional public comment, Mr. Sayre closed the comment period at 4:20 p.m.

5
6 **XI. Update from Liaisons**

7 **a. Department of Energy Environmental Management Los Alamos Field Office**

8 Doug Hintze, Manager, DOE EM-LA; gave an update to the NNMCAB, He noted that
9 the new EM organization chart was out and would be presented at the NNMCABs
10 August Committee Meeting. He noted that under the new organization there are
11 three Associate Principal Deputy Assistant Secretaries: Candice Trummell will head
12 Corporate Services, Frank Marcinowski will head Regulatory & Policy affairs, and Stacy
13 Charboneau will head Field Operations. Additionally noting that the EM-LA office
14 organization falls under Ms. Charboneau.

15 Mr. Hintze stated that the injection wells have been completed at the chromium site
16 in Mortandad Canyon. He noted that the next phase is to link the injection wells with
17 the extraction wells so that the clean water can be reinjected back into the aquifer.
18 Mr. Hintze stated that EM-LA is working to obtain the necessary permits for
19 reinjection of the treated water.

20 Mr. Hintze noted that the remediation of nitrate salts drums is the number one
21 priority. The current schedule has the remediation slated to be completed by the end
22 of the Bridge Contract. Mr. Hintze noted that EM-LA is planning for a Continuing
23 Resolution for FY’17. Additionally, stating that it shouldn’t be a significant impact for
24 EM-LA as the current year’s budget of \$185 million and the FY’17 requested budget of
25 \$189 million are very close. Mr. Hintze noted that since it is a presidential election
26 year the Continuing Resolution could be in place as late as March 2017.

27
28 **b. New Mexico Environment Department**

29 Ms. Katie Roberts, New Mexico Environment Department (NMED), provided an
30 update to the members. She stated that there was an important regulatory milestone
31 that was achieved in regards to the nitrate salts waste stream. As of Monday July 25,
32 2016 the treatment methodology permit modification for the nitrate salts submitted
33 by LANL has been approved by NMED.

34 Ms. Roberts noted that the Supplemental Environmental Projects (SEP) for LANL and
35 WIPP are moving forward. She stated that WIPP has submitted the first of its required
36 training SEPs and is moving forward on the road improvements to the north access
37 road at the WIPP site. Ms. Roberts noted that the LANL SEP team has made significant
38 progress in determining which projects will be completed as SEPs.

39 Ms. Roberts stated that the new 2016 Consent Order was signed by Secretary Ryan
40 Flynn on June 26, 2016. She noted that in the final document additional definitions
41 were added for presumptive remedies. She stated that it was determined that the
42 contractor will not be a party on the document. Ms. Roberts noted that a provision

1 was added that requires NMED to request input from affected stakeholders if there is
2 a change in the schedule for campaigns. Additionally, noting that this provision would
3 also apply to modifications to the Consent Order. Ms. Roberts stated that it was
4 decided that an end date would not be added to the Consent Order. However, DOE is
5 required to provide an end date based on the yearly annual planning process. Ms.
6 Roberts advised the members that as requested in a comment from the NNM CAB,
7 SEPs had been added to the document as a possible alternative.

8
9 Mr. Mayfield asked how the contractor or third parties would be held accountable.

10
11 Mr. Roberts responded that the new Consent Order is signed off by DOE and NMED.
12 She noted that DOE will likely flow down requirements in the Consent Order to its
13 contractors through its subcontracts.

14
15 Mr. Sayre asked if there was data from the well that was drilled on San Ildefonso
16 Pueblo land.

17
18 Mr. Rhodes responded that there were no elevated chromium levels detected in the
19 samples from the well. He noted that the levels detected were about 6 parts per
20 billion, which is well below background.

21
22 **XII. Wrap-up and Comments**

23 Ms. Gurulé thanked everyone for the detailed information. She thanked Ms. Roberts
24 from NMED for the detail provided on the changes to the finalized 2016 Consent Order.

25
26 Mr. Gomez noted that this was his first meeting and he was very grateful for the great
27 information. He stated that how these issues relate to the ongoing protection of the
28 environment and what kind of world we are going to leave our kids and grandkids is
29 important. He noted that he would like to express his gratitude to everyone for the hard
30 work that they are doing.

31
32 Mr. Martínez y Valencia thanked everyone for attending today's meeting at the
33 Community College. He noted that in the next six months there are going to be some new
34 buildings going up around the campus. He thanked the presenters for their presentations
35 and the staff for the excellent support.

36
37 Mr. Mayfield, Mr. Baca, Ms. Sanderson, Dr. Girardi, Mr. Schmelling, Mr. Michael Valerio,
38 Ms. Diahann Lopez-Cordova, Mr. Puglisi, Mr. Valdez, Ms. Varela, and Mr. James Valerio all
39 thanked the NNM CAB staff for the great location and the meeting arrangements and
40 support provided to the members. Everyone thanked the presenters for the great
41 presentations and the information that was provided at the meeting.

1 **XIII. Adjournment**

2 Mr. Sayre noted that the next Combined Committee meeting would be at the NNMCAB
3 office in Pojoaque on August 24, 2016 from 1:00 p.m. to 4:00 p.m., and the next board meeting
4 would be at New Mexico Highlands University on September 28, 2016 from 1:00 p.m. to 5:15
5 p.m. He thanked the presenters and members for attending today's meeting.
6

7 Mr. Bishop and Mr. Gardipe thanked the members for volunteering their time. With no
8 additional business to discuss, Mr. Gardipe adjourned the meeting at 4:51 p.m.

9 **Respectfully Submitted,**



10 **Doug Sayre, Chair, NNMCAB**

11 ***Minutes prepared by William Alexander, Technical Programs and Outreach, NNMCAB**

12 **Attachments**

- 14 **1. Final NNMCAB Meeting Agenda for 07/27/2016**
- 15 **2. Final NNMCAB Meeting Minutes for 05/18/2016**
- 16 **3. Report from the Executive Director, Menice Santistevan**
- 17 **4. Draft Chairs Recommendation "Community Investment as Factor in Contract Proposal**
18 **Evaluation Process"**
- 19 **5. Presentation by Department of Energy, "Los Alamos Legacy Cleanup Contract Draft Request for**
20 **Proposals"**
- 21 **6. Presentation by Department of Energy, "2016 Lifecycle Estimate for Los Alamos National**
22 **Laboratory's Environmental Legacy Cleanup Responsibilities**

24 **Public Notice:**

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26 **at the NNMCAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are**
27 **intended as a synopsis of the meeting.**