



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

**March 31, 2010**

**1:00 p.m. to 7:00 p.m.**

**Meeting Location: The Lodge**

**Santa Fe, New Mexico**

**MINUTES**

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**Attending:**

**NNMCAB Members-**

- 1. Ralph Phelps, NNMCAB Chair**
- 2. Robert Gallegos, NNMCAB Vice Chair**
- 3. Pam Henline, EMSR Committee Chair**
- 4. Gerry Maestas, WM Committee Chair**
- 5. Mike Loya, WM Committee Vice Chair**
- 6. J.D. Campbell**
- 7. Pamela Gilchrist**
- 8. Lawrence Longacre**
- 9. John Lujan**
- 10. Caroline Mason**
- 11. Manuel Pacheco**
- 12. Bob Villarreal**

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**Excused Absences-**

- 1. Jacqueline Gutierrez**
- 2. Deb Shaw**

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**Absent-**

- 1. Robert Misener**

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**NNMCAB Staff-**

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

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**Also in Attendance-**

**Lee Bishop, Co-Deputy Designated Federal Officer (DDFO)**  
**Ed Worth, Co- Deputy Designated Federal Officer (DDFO)**

**Guests-**

**Stephen Schmelling, Public**

**Fred deSousa, LANS**

**Neil Weber, Pueblo de San Ildefonso**

**Don Moseley, Public**

**Lorrie Bonds-Lopez, LANL**

**George Henckel, DOE**

**Carlos Valdez, CAB Nominee**

**Courtney Perkins, NMED**

**Dan Martinez, NMED DOE/Oversight Bureau**

**Michael Graham, LANS**

**George Rael, DOE/LASO**

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**AGENDA**

- I. Call to Order**
  - II. Establishment of Quorum (8 needed)**
    - a. Roll Call**
    - b. Excused Absences**
  - III. Welcome and Introductions**
  - IV. Approval of Agenda**
  - V. Approval of Minutes of January 27, 2010**
  - VI. Public Comment Period**
  - VII. Old Business**
    - a. Written Reports**
  - VIII. New Business**
    - a. Discuss Board Meeting Time**
    - b. "Top Three Issues" for SSAB Chairs Meeting**
  - IX. Presentation 1. Overview of Los Alamos National Security Reorganization**  
**George Rael and Michael Graham**
  - X. Presentation 2. Presentation on the Inventory of Waste at Area G, with**  
**George Henckel, DOE**
  - XI. Consideration and Action on Draft Recommendations to the Department of**  
**Energy**
    - 1. Recommendation 2010-07, Regarding the Aesthetics of MDA-G to the**  
**Neighboring Pueblo of San Ildefonso (removed from table)**
    - 2. Recommendation 2010-06, Regarding Budget Priorities for FY '11 and**  
**Baseline Change Proposal with Future Budgets at LANL Recommendation**  
**(approved)**
    - 3. 2010-02, Reducing All Outfalls Generated at Los Alamos National Laboratory,**  
**Including Sandia Canyon; Relating to Studies and Cleanup of Chromium, the**  
**260 Outfall and All Others (approved)**
    - 4. Recommendation 2010-03, Regarding Sufficient Funding for Los Alamos**  
**National Laboratory Environmental Management Projects and the Order on**  
**Consent (approved)**
    - 5. Recommendation 2010-04, Regarding Unfunded Liabilities (approved)**
    - 6. Recommendation 2010-05, Regarding Interim Measure for Volatile Organic**  
**Constituent Contaminant Source Removal in MDA-L and MDA-G (approved)**
  - XII. Public Comment Period**
  - XIII. Closing Comments**
  - XIV. Adjournment**
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**MINUTES**

**I. Call to Order, DDFO Introductions**

The regular bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB or CAB) meeting was held on March 31, 2010 at the Lodge in Santa Fe, New Mexico. Mr. Bishop, Co-Deputy Designated Federal Officer (DDFO) stated that on behalf of the Department of Energy (DOE), the regular bi-monthly meeting of the NNMCAB was called to order at 1:00 p.m. Mr. Bishop recognized Mr. Phelps as NNMCAB Chair. The Chair, Ralph Phelps presided. The regular meeting of the NNMCAB was open to the public and posted in **The Federal Register** in accordance with **The Federal Advisory Committee Act**.

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**II. Welcome and Introductions**

Mr. Phelps welcomed everyone to the meeting. He stated his appreciation for all the people at the meeting; he noted membership was growing with new faces. Mr. Phelps asked for round robin introductions from the members and guests in attendance. Mr. Phelps went over the public comment process and he mentioned there were two comment periods scheduled for the meeting. Guests attending the meeting included Mr. Neil Weber from the San Ildefonso Pueblo Environment Department, Board nominee Mr. Carlos Valdez, Don Moseley and Stephen Schmelling members of the public interested in becoming board members, Courtney Perkins from the New Mexico Environment Department and Dan Martinez, from the NMED DOE/Oversight Bureau attended the meeting. Two presentations were scheduled for the meeting; the first was an "Overview of Los Alamos National Security Reorganization," with Mr. George Rael, DOE/LASO and Mr. Michael Graham, LANS. The second presentation was on the "Inventory of Waste at Area G," with Mr. George Henckel, DOE. The board would also consider several draft recommendations to the Department of Energy.

Mr. Worth and Mr. Bishop, co-DDFOs, formally recognized outgoing Board Chair, Dr. J.D. Campbell with a plaque stating the DOE's appreciation for Dr. Campbell's six years of service as a CAB member and four years as board Chair. Dr. Campbell made remarks and he stated he may remain involved through participation on the committees. He encouraged everyone to continue volunteering on the board. He was pleased to see more support from the Department of Energy. Mr. Phelps said Dr. Campbell's interest and many years of good work on the Board would be missed.

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**III. Establishment of Quorum (8 needed)**

**a. Roll Call**

Ms. Novak conducted roll call as the members arrived. Twelve members were present at the start of the meeting, which made a quorum for conducting business.

**b. Excused Absences**

Mr. Worth and Mr. Bishop, co-DDFOs, previously approved excused absences for Ms. Jackie Gutierrez and Dr. Deb Shaw. Mr. Robert Misener was marked absent.

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#### **IV. Approval of Agenda**

The Board reviewed the March 31, 2010 CAB meeting agenda. Mr. Phelps called for any comments or additions to the agenda. Ms. Henline asked to change the order of consideration for the draft recommendations. She preferred to discuss draft 2010-06 first, because the recommendation contained in the draft had a timeliness factor to take into consideration, specifically with regards to budget priorities for FY'12. She stated this recommendation was quite important and would need to be passed in a timely manner if it was to be effective. **Ms. Henline made a motion to approve the agenda as amended and Mr. Pacheco seconded the motion. The amended meeting agenda was approved.**

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#### **V. Approval of Minutes of January 27, 2010**

The Board reviewed the minutes from the January 27, 2010 CAB meeting. By ongoing instructions from DOE Headquarters, the minutes were previously reviewed and certified by the NNMCAB Chair. The minutes were distributed in the mailed meeting packet and were presented at the meeting for Board approval.

**Mr. Gallegos made a motion to approve the minutes as presented and Mr. Lujan seconded the motion. The minutes were unanimously approved.**

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#### **VI. Public Comment Period**

Mr. Phelps opened the floor for public comment. No one signed up to speak.

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#### **VII. Old Business**

##### **a. Written Reports.**

##### **– NNMCAB Chair's Report**

A printed copy of the Chair'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. Phelps asked for questions or comments on the written reports; the intent was for the reports to be submitted in writing but questions could be brought up in this section or later. Mr. Phelps briefly reviewed the main points in the Chair's report.

1. Mr. Phelps pointed out the written response to the last Site Specific Advisory Boards Chairs letter from Dr. Ines Triay dated March 19, 2010.
2. Executive Committee meeting on February 10, 2010:
  - Discussed draft issues for the SSAB meeting and developed NNMCAB Top 3 Issues, Accomplishment and Major Board Activity for consideration by the full Board at the March 31, 2010 CAB meeting.
  - Discussed presentation schedule and agenda for the CAB meeting. In an effort to get Board direction, the Executive Committee placed the topic of Board meeting start and end times on the agenda.
  - Discussed draft recommendations for the CAB meeting.
3. Combined EMSR and WM Committee meeting on February 14, 2010:

- Discussed new draft recommendations (2010-02, 2010-03 and 2010-04) and held a round table discussion on the Buckman Diversion Project. Mr. Danny Katzman, LANS led a round table discussion regarding the sediment and contamination transport and migration project for Los Alamos/Pueblo Canyon.
- 4. Executive Committee meeting on March 17, 2010:
  - Decided to not re-establish an Outreach Ad-Hoc Committee; rather develop a library of recent recommendations with responses and encourage members to become involved with the Speaker's Bureau.
  - Noted that there are ten new member applications; seven have been interviewed.
  - NNMCAB will support LANL's public meeting on TA-21 ARRA work in early May.

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**– NNMCAB 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. Ms. Santistevan reminded the board that the May 12 and 13, 2010 Board Retreat and CAB meeting was scheduled to be held at the Ohkay Owingeh Conference Center in Espanola, New Mexico. The NNMCAB will be hosting the fall 2010 Chairs' meeting at Hotel La Fonda in Santa Fe on September 14 through September 16, 2010.

Ms. Santistevan's report included information about Board Membership. Mr. John Lujan was appointed to the NNMCAB on March 16, 2010. Mr. Mike Loya and Dr. Deb Shaw were reappointed to serve another term. After a major recruiting effort by the NNMCAB staff, ten applications for membership were received. The CAB staff planned to have an Outreach table at the Earth Day activities in Los Alamos on April 24, 2010 and an informational table an upcoming LANL Public event in May.

At the last Executive Committee meeting, it was decided to have a more active Speaker's Bureau program rather than have a formal Outreach Ad Hoc Committee. Ms. Novak was asked to add examples of three effective board recommendations to DOE to the current Speaker's Bureau PowerPoint presentation for use as an example of the CAB's work. Adding accomplishments to the presentation would give concrete examples to show the positive contributions of the CAB. Ms. Santistevan asked the members to let her know if they were interested in participating in the CAB's Speaker's Bureau program.

The staff supported all committee meetings with preparation of notices, agendas and committee minutes. Ms. Novak has been working with Headquarters staff to transfer the NNMCAB public website from a ".org" to a ".gov" in accordance with Site Specific Advisory Board (SSAB) guidance.

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**➤ EMSR Committee Chair Report**

Ms. Henline, Environmental Monitoring, Surveillance and Remediation (EMSR) Committee Chair, provided a written report, which was included in the meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662.

The EMSR Committee met on February 10, 2010 where three new draft recommendations (2010-02, 2010-03 and 2010-04) were discussed by the group. Mr. Katzman, LANS, led a round table discussion on the various actions at LANL in support of the Buckman Diversion Project.

The EMSR committee met jointly with the Waste Management (WM) Committee on March 17, 2010. The group discussed the three Recommendations, which had been circulated

and edited during the previous month. Three new draft recommendations (2010-05, 2010-06 and 2010-07) were brought forth to the committees for the first time. A presentation on the 260 Outfall was given by Mr. John McCann, LANS.

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➤ **WM Committee Chair Report**

Mr. Maestas, Waste Management (WM) Committee Chair provided a written report, which was included in the meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662. The WM Committee met on February 17, 2010. The group heard a presentation on Technical Area 54 by Mr. Jarrett Rice, LANS.

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Board member comments on the written reports:

Mr. Longacre suggested board members, other than those serving on the Executive Committee, be allowed to attend the semi-annual SSAB Chairs meetings, which are held at each site in the DOE complex on a rotating basis. Mr. Bishop stated that the next Chairs meeting would be held in Santa Fe and all the members were invited to attend the meeting. Mr. Bishop asked Mr. Longacre if they could have regular board members go to the semi-annual meetings, then how would one choose which member attended? Mr. Longacre suggested choosing names of those member's interested through random selection. Both Mr. Bishop and Mr. Worth were open to the idea and were willing to discuss the issue further. Mr. Longacre wanted the DDFOs to skip the initial interview process of meeting new member nominees and send any applications directly to the DOE for review. Mr. Longacre has written letters about the personal issue he has with the way board members are selected to serve on the board. Again, Mr. Bishop addressed Mr. Longacre's comments. Mr. Bishop stated the board follows direction from DOE Headquarters regarding protocols for appointing new members. Mr. Phelps informed the group that new member applications go through a standardized process. Mr. Worth stated that Headquarters requested the initial site screening process to avoid potential conflicts of interest.

Ms. Henline commented that she had an opportunity to attend a SSAB meeting in Washington, D.C. and she thought it was very beneficial to interact with the others sites and to share information. She recommended board members attend the fall 2010 SSAB Chairs meeting, which this CAB was scheduled to host here in Santa Fe. She explained that at the actual SSAB Chairs meetings, only two people from each board are invited to sit at the table and participate/vote. Additional board members who attend are asked to sit in the audience.

Ms. Mason objected to term limits for board members. **Ms. Henline made a motion to take the term limit topic to the SSAB meeting for discussion.** Ms. Henline was in favor of allowing CAB members who had term limited off the board to be allowed to come back after a couple of years. **Ms. Mason seconded the motion.** The board discussed the motion.

Mr. Phelps is a very strong proponent of term limits, he stated his belief that term limits brings new members in and fresh perspectives to the board. Mr. Longacre agreed with Mr. Phelps but for a different reason, he believed more active members eventually end up controlling the board and he thought the board needed to rotate members and officers. Ms. Santistevan mentioned this was a complex wide policy from DOE/HQ. Members whose terms have expired are allowed to be public members of a board committee by invitation from the committee. For example: Dr. Fran Berting, longtime CAB member, was now a public member of



the EMSR Committee. Dr. Campbell stated his intention to remain active on one of the technical committees after his term expired. Dr. Campbell supported term limits.

**Mr. Phelps brought the discussion to a close and called for a vote. Three members voted in favor and six members voted against the motion. The motion to bring up the topic of term limits at the next SSAB Chairs meeting failed.**

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## **VIII. New Business**

### **a. Discussed Board Meeting Times**

Mr. Phelps opened the floor for discussion about Board meeting times. The members were generally in agreement that the meeting times could be shortened. Mr. Phelps didn't have a problem shortening the meeting in concept, but the agendas for past meetings have been full and the board sometimes struggles finishing its work. With that said, Mr. Phelps thought the board could work to be efficient with their time, but he thought it was very important to hear Liaison Member comments, have sufficient time for good and detailed presentations; hence he was a little reluctant to shorten the meeting times. Ms. Santistevan suggested that the CAB meeting could begin at 1:00 p.m. and go to 6:00 p.m., which would still give the board five hours of meeting time.

Mr. Phelps stated the Executive Committee would take up the discussion and work on a shorter meeting agenda without impacting the quality of the agenda.

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### **b. Discussed NNMCAB Top Issues:**

The Top Issues for the NNMCAB would be presented at the SSAB Chairs meeting in April 2010. At the last regular CAB meeting, Mr. Phelps asked the board to develop its top issues and to develop an accomplishment for the spring meeting. For reference, the board's current Top Issues are located on the CAB website. **Mr. Phelps asked for a motion to approve the following Top Issues, Accomplishment and Major Board Activity for the NNMCAB:**

1. *(a) DOE provide full baseline funding (Base Program) in FY'12 and beyond to meet the clean-up schedule of the New Mexico Order on Consent. (b) Remove Transuranic Waste from Material Disposal Area G (MDA-G).*
2. *DOE should focus on continued development of an integrated site-wide Surface Water and Groundwater Monitoring Program which incorporates best management practices for new wells.*
3. *Complete clean-up of MDA-B and continue clean-up of the rest of TA-21 and MDA-G.*

*Accomplishment:* *The NNMCAB approved a recommendation to remove the 33 shafts of Remote Handled Waste from Area G.*

*Major Board Activity:* *The NNMCAB has been in the forefront of safeguarding the water supply in Los Alamos and communities reliant on the Rio Grande Basin.*



1       **Dr. Campbell made a motion to approve the NNMACB Top Issues,**  
2 **Accomplishment and Major Board Activity for the NNMCAB as presented. Ms.**  
3 **Henline seconded the motion. The motion was unanimously approved.**  
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6       **IX. Presentation 1. Overview of Los Alamos National Security Reorganization**  
7       **George Rael and Michael Graham**

8       NNMCAB Liaison members, Mr. George Rael, DOE, and Mr. Michael Graham, LANS  
9 provided a subject matter presentation for the board entitled, "Overview of Los Alamos National  
10 Security Reorganization." The presentation discussed accomplishments so far in FY 2010, the  
11 path to completion, execution strategy and organization. An outline of the presentation is  
12 provided below:

13       The LANS EM Program was working in cooperation with the Waste Isolation Pilot Plant  
14 (WIPP) in Carlsbad, New Mexico to eliminate LANL backlog based on an accelerated seven-week  
15 WIPP shipping campaign:

- 16       • Loading operation moves to seven days per week
- 17       • Fills a gap in WIPP pipeline
- 18       • Eliminates entire backlog of 1,500 LANL drums

19       The presentation included an outline of the Corrective Action Program's accomplishments:

- 20       • Completed 260 Outfall Corrective Measures Implementation report
- 21       • Significant progress on Buckman support
- 22       • Grade control structures, gauging stations completed
- 23       • PCB removal and retention structures in Upper LA Canyon installed
- 24       • Scheduled recovery at TA-49, MDA-A,B
- 25       • First ever rail shipment of LANL waste

26       Additional discussion on Recovery Act Work:

- 27       • 200 jobs created or saved in first 6 months
- 28       • \$43M spent through February
- 29       • Nine structures demolished (25,000 sq. feet of 175,000 total)
- 30       • Performance could attract additional ARRA funds
- 31       • 8 of 16 wells drilled to total depth
- 32       • Tritium Systems and Test Assembly deactivation complete
- 33       • TSTA: 98-foot stack removed
- 34       • D&D: Contract awarded for DP West deactivation
- 35       • Asphalt removal and two cells complete at MDA-B
- 36       • \$100M waste contract awarded
- 37       • PCB removal

38       Provided the board with a brief Consent Order Update:

- 39       • No missed milestones or commitments in FY 2009 or FY 2010
- 40       • 90+ Consent Order deliverables in FY'10, all on time
- 41       • Passed comprehensive review of tracking system by HQ

42       Described organizational structure:

- 43       • Integrated project teams reporting to Project Manager
- 44       • Projects execute What, When and Where

- Functions responsible for How, Why

Mr. Rael and Mr. Graham answered questions from the board.

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**X. Presentation 2. Presentation on the Inventory of Waste at Area G, with George Henckel, DOE**

Mr. George Henckel, DOE provided the board with a subject matter presentation entitled: "Inventory of Waste at Area G." Mr. Rael, DOE/LASO introduced the presentation. He explained that Area-G is an extremely complex site which was difficult to pick up quickly and fully understand the big picture of operations at Technical Area (TA-54). The site office was working on preparing an educational workshop for the public. He encouraged everyone to engage with him with questions.

Mr. Henckel's presentation described the physical layout of Low Level Waste (LLW) at Area G. He included a recent aerial view photograph and pointed out the disposal areas for the Low LLW Operations. Mr. Henckel explained the site is approximately 97 acres, with the current operational facility Material Disposal Area G (MDA-G) covering 63 acres. At MDA-G, LLW was disposed in pits and shafts. Mr. Henckel stated the primary waste disposed at MDA G included:

- Operational waste (Laboratory trash, personal protective equipment, depleted uranium, and classified items)
- Waste derived from Environmental Restoration and Decommissioning waste
- Typical drum waste included cemented sludge and laboratory trash

Mr. Henckel answered questions from the Board.

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**XI. Consideration and Action on Draft Recommendations to the Department of Energy**

Members discussed Draft NNMCAB Recommendations 2010-02, 2010-03, 2010-04, 2010-05, 2010-06 and 2010-07. Mr. Phelps asked the board to discuss draft recommendation 2010-07 first to respect the board's guest, Mr. Neil Weber from the Environment Department of the San Ildefonso Pueblo. With no objections, the board adjusted the order of discussion for the draft recommendations to begin with draft 2010-07 then 2010-06 with the rest to follow in numerical order.

**1. Recommendation 2010-07, "Regarding the Aesthetics of MDA-G to the Neighboring Pueblo of San Ildefonso," drafted by Dr. Campbell.**

Mr. Weber stated the point he came to make was that the Pueblo was hesitant to have groups speak on its behalf and this was because they have a unique government-to-government relationship with the DOE. The Pueblo officials speak directly to the Secretary of Energy on down to the officials at the DOE Los Alamos Site Office (LASO). The San Ildefonso Pueblo has twelve people in its Environment Department and the technical expertise of these people is among the finest in the nation. Mr. Weber stated that San Ildefonso Pueblo Governor Perry Martinez would be happy to talk further with the CAB. Mr. Phelps offered to make an appointment with the Governor to listen to the Pueblo's position and to discuss the NNMCAB mission. **In light of Mr. Weber's comments to the board, Mr. Phelps made a motion have the board remove this draft Recommendation from the table, and Dr. Campbell**

seconded the motion. The motion to remove the draft was passed by unanimous approval.

**2. Recommendation 2010-06, "Regarding Budget Priorities for FY '12 and Baseline Change Proposal with Future Budgets at LANL," drafted by the Ad Hoc Committee for Budget Priorities.**

Background: The board has been asked by Environmental Management (EM) Headquarters to provide its input to LASO on our priorities for activities in the cleanup of legacy waste at LANL. The board has reviewed the list of priority elements being considered by LASO for inclusion in the Baseline Change Proposal (BCP) and future EM budgets for LANL. The Budget Ad Hoc committee has priority recommendations for the NNMCAB and the citizens of Northern New Mexico. The draft recommended:

"No. 1. DOE maintain a high priority for expedited disposition of TRU waste in TA-54 and for the closure of waste management facilities in TA-54. We also recognize that considerable additional resources will need to be directed toward the disposition of the 33 Remote Handled Shafts in MDA-G.

No. 2. DOE expedite the characterization and evaluation of contaminant migration of legacy wastes from LANL facilities so that reliable and cost-effective remedial alternatives may be developed and implemented in a timely manner. Areas with remaining uncertainty in their characterization, which require additional study include TA-54, TA-21, TA-16 and other areas where closure is to take place in the near term.

No. 3. LASO implement Interim Measures at MDA-G and MDA-L using soil vapor extraction (SVE) to extract source volatile organic constituents (VOC) from the subsurface to reduce the potential for further migration to groundwater and the atmosphere.

No. 4. LASO continue the decontamination and decommissioning (D&D) of buildings and tanks in TA-21 so the subsurface contamination may be characterized and a remedial action plan may be developed for the subsurface.

No. 5. LASO prepare and implement a pro-active intensive public communication plan to inform all stakeholders of the legacy waste conditions at LANL and what actions are being considered for remediation and closure of legacy waste facilities. LASO should present these matters to school students and to the public from multiple perspectives and viewpoints so the actions may be understood by everyone. LASO should consider and use innovative communication tools to provide transparency of actions at LANL. The objective of this intensive and pro-active public communication program should be to reach and engage members of the public so they may have confidence and trust in the actions being taken on their behalf and at taxpayer cost to clean up the legacy waste at LANL.

No. 6. LASO implement cost-effective and reliable clean up remedies on a site-by-site basis as the opportunities become available. Interim measures may contribute to the early cleanup of some facilities where the long-term "final remedy" may take longer to consider and implement."

The intent of the draft was to provide information and recommendations related to the reassessment with regarding Environmental Management (EM) funding needs. The draft addressed funding priorities and not specific funding levels. Mr. Loya stated the EM program budget baseline has been under funded and he believed if there were more money, then the EM program would get more money. Mr. Loya thought the board might be recommending the

obvious with this draft. Dr. Campbell responded by saying DOE/EM has requested this type of input from the CAB on priorities for funding as they develop their specific budgets. Mr. Maestas thought the Lab was in a better position to make decisions on funding priorities. He considered the draft to be a "harmless recommendation" but he agreed that the board was stating the obvious. From the chair's perspective, Mr. Phelps agreed that DOE/HQ has asked for some input on priorities. DOE understands that this board has spent time considering the situation and the CAB's opinion was valued by HQ. He asked the Board to come to a consensus. Mr. Bishop stated that the CAB's role was designed so that the DOE provided the CAB with technical information, the CAB formed an opinion, they become informed members of the public, which gives the DOE relevant information or public input into the decision making process at DOE; a primary purpose stated in the charter for the SSABs. This informed public opinion was important to the DOE and provided them with relevant information and does provide public perspective and can help DOE formulate its strategies for the coming years. **Dr. Campbell made a motion to change the wording "FY'11" to "FY'12" and move forward with a vote to approve this draft. Mr. Pacheco seconded the motion. Ten members voted to approve draft recommendation 2010-06 for submission to the DOE and two members voted against the motion. The motion passed.**

**3. Recommendation 2010-02, "Reducing All Outfalls Generated at Los Alamos National Laboratory, Including Sandia Canyon; Relating to Studies and Cleanup of Chromium, The 260 Outfall and All Others," drafted by the Environmental Monitoring, Surveillance and Remediation Committee.**

Background: The draft focused on reduction of outfalls at LANL and on water issues relative to Chromium and the wetlands at LANL. The intent of this recommendation was to support the elimination of a mechanism for the spread of Chromium into the regional aquifer while other studies and remedies were underway. The recommendation provided that later information and remedies could have a different final end state for the Sandia Canyon wetland. Specifically, the draft recommended:

"No 1. Based on the additional study that has been completed, reduce the amount of outfall into Sandia Canyon so that the amount is only sufficient to keep the existing wetland area viable. LANL is to determine the amount of needed water.

No. 2. Continue to study the effects on stored Cr(III) and Cr(VI) if the wetland is not maintained.

No. 3. LANL should make it a priority to eliminate all outfalls wherever possible.

No. 4. Divert the excess of all outfalls to beneficial uses."

The board discussed the draft, which was originally introduced in committee two months prior and was discussed and edited over the course of several committee meetings. Mr. Phelps pointed out this was the sixth draft version, which had been reviewed and approved by both committees. **Mr. Maestas made a motion to approve the draft and Dr. Campbell seconded the motion.** The board discussed the motion. Mr. Loya and Mr. Villarreal made some suggestions to clarify the language used, specifically to state in line 15, page 2 that preserving the wetland was an important "strategy," rather than be quite so specific with regards to when and how Cr(VI) can reduce to Cr(III). Mr. Worth stated he was working on

arranging a Subject matter Expert (SME) presentation regarding the Lab's Outfall Reduction Program.

Ms. Henline, as primary author agreed to the suggested changes in language. **Mr. Phelps called the motion to approve the draft with amendments to a vote. The motion to approve passed by unanimous approval.**

**4. Recommendation 2010-03, "Regarding Sufficient Funding for Los Alamos National Laboratory Environmental Management Projects and the Order on Consent," drafted by the Environmental Monitoring, Surveillance and Remediation Committee and Waste Management Committee.**

Background: The draft recommended full funding for LANL to comply with the Consent Order. It was explained in the draft that in March 2005, LANL, DOE and the New Mexico Environment Department (NMED) signed the Order on Consent. In this document, LANL agreed to a schedule for completion of cleanup at various locations at the LANL site by 2015. DOE implicitly agreed to provide sufficient funding to the Environmental Management (EM) Division (and others) to meet the cleanup timetable. Intensive work has been ongoing to reach the targets of the Consent Order. However, funding levels have not been sufficient to allow work to proceed to meet all the deadlines and milestones in the Consent Order. The draft recommended that:

"No. 1--DOE should review the requirements of the Consent Order. Funds, probably in excess of usual EM Department requests, must be provided between now and the end of 2015 so that the cleanup, as defined in the 2005 Order on Consent, can be completed on time.  
No. 2--DOE should make the Consent Order an annual funding priority. Sufficient funding must be provided for increased scope, problems and other events which have occurred and which may occur until cleanup is completed."

**Ms. Henline made a motion to approve the draft and Mr. Pacheco seconded the motion. The board had no further discussion on the draft. Mr. Phelps called the motion to a vote. The motion was unanimously approved.**

**5. Recommendation 2010-04, "Regarding Unfunded Liabilities," drafted by the Environmental Monitoring, Surveillance and Remediation Committee and Waste Management Committee**

Background: At a SSAB Chairs meeting, Mr. James Rispoli, Assistant Secretary for Environmental Management, gave a presentation before retiring where he mentioned that across the DOE complex, there were approximately \$9 to \$13 Billion of Unfunded Liabilities. He said this amount was very uncertain and more facilities were being added to the list over time. Unfunded Liabilities include cleanup of waste at various DOE sites which had not been strictly identified, and for which plans for cleanup have not been fully developed. According to *The 2009 DOE Agency Financial Report*, (page 17) the 2009 environmental unfunded liability is \$262 billion. The Environmental Management (EM) portion is approximately \$180 billion. The most significant of these represent ongoing efforts to clean up environmental contamination resulting from past operations of the nuclear weapons complex. This cleanup represents one of the most technically challenging and complex cleanup efforts in the world. The individual SSABs have worked very earnestly with DOE on the existing sites for which they



are chartered. However, some foresight and early planning seems prudent. For example, the NNMCAB's major focus has been on the Consent Order of 2005 with the New Mexico Environment Department. Some other issues that have arisen since the Order are also being monitored, for instance high concentrations of Cr(VI) in some monitoring wells. Beyond this time frame, existing liabilities have not been specifically identified. All SSAB sites would like to identify additional concerns at their site. Also, new sites where SSAB's may be needed should be identified.

Recommendations:

"No. 1. Assign a person in DOE to further investigate these Unfunded Liabilities.

No. 2. Identify the Unfunded Liabilities for an upcoming time period, from approximately 2014 into the future.

No. 3. Estimate future costs for these items and develop an appropriate facility budget for all the sites in the DOE complex.

No. 4. Assign liaisons in each member SSAB organization for further communication.

No. 5. Assign a person at each DOE SSAB laboratory site to coordinate on Unfunded Liabilities.

No. 6. Identify DOE locations of Unfunded Liabilities, which are not at a site with a SSAB."

The intent of this Recommendation was to assure that Unfunded Liabilities are identified across the DOE complex, incorporated into the baseline plans, and funded. The SSAB should be included in the funding decisions at DOE facilities and should be utilized in the future as partners in the cleanup of waste at DOE sites."

The Board discussed the draft. Mr. Phelps stated the draft could be a possible SSAB chairs meeting product letter. **Ms. Henline made a motion to approve the draft. Ms. Mason seconded the motion. The motion passed unanimously.**

**6. Recommendation 2010-05, "Regarding Interim Measure for Volatile Organic Constituent Contaminant Source Removal in MDA-L and MDA-G," drafted by the Combined Environmental Monitoring, Surveillance and Remediation and Waste Management Committees**

Background: The Los Alamos National Laboratory (LANL) has utilized Material Disposal Area L at Technical Area 54 (MDA-L) to dispose of non-radioactive liquid chemical wastes in pits and shafts for many years. The waste liquids included Volatile Organic Compounds (VOC) that has infiltrated deep into the subsurface soil and rock. LANL has conducted site investigation studies of MDA-L in accordance with the 2005 New Mexico Environment Department (NMED) Order on Consent (Consent Order or Order.) Passive gas monitors placed on the surface around MDA-G and MDA-L identified hot spots with VOC contamination. Site characterization studies also included a pilot test at MDA-L to evaluate the ability and efficiency of removing the VOCs in the ground using a Soil Vapor Extraction (SVE) process where a vacuum is applied to open boreholes into the ground and the volatile organic vapors are withdrawn and filtered onto activated carbon at the ground surface. Short-term pilot tests demonstrated the efficiency of removing several hundred pounds of VOC contaminants from the ground. Such a removal of the VOC contaminant source material from MDA-L is consistent with good practice prior to constructing the final remedy at MDA-L. A similar SVE pilot test was planned for MDA-G in the next year. The draft Recommended:



1 "No. 1. DOE initiate an Interim Measure for source removal of VOCs from the subsurface of  
2 MDA-L prior to the implementation of a final remedy at the site.  
3 No. 2. DOE consider initiating or maintaining as an Interim Measure the SVE system at MDA-G  
4 if the pilot test confirms the ability to remove substantial quantities of VOCs from the subsurface  
5 at MDA-G.  
6 No. 3. The NNMCAB recommends that implementation of a soil vapor extraction system should  
7 include appropriate criteria for terminating system operation in the event that the quantity of  
8 VOCs removed over time no longer meets the intent and cost effective goals of this  
9 recommendation.  
10 No. 4. DOE consider immediately implementing these Interim Measures for MDA-L and MDA-G  
11 in accordance with the Consent Order. Provisions are available in the Order for DOE to  
12 implement such proven technologies for cleanup even without a final approval for the remedy  
13 from the NMED."

14 The members had no further discussion on the draft. **Dr. Campbell made a motion**  
15 **to approve the draft as written. Rev. Gilchrist seconded the motion. As all were in**  
16 **favor, the recommendation was approved.**  
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## 18 **XII. Public Comment Period**

19 Mr. Phelps announced the board was prepared for public comment. No one signed up to  
20 speak.  
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22

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## 23 **XIII. Closing Comments and Meeting Feedback**

24 Liaison member comments: Mr. Rael made closing comments to the board. He provided  
25 highlights for upcoming events. The DOE has released the Natural Resources Damages (NEPA)  
26 pre-assessment screen. He described the eight watersheds at the Lab; some of the watersheds  
27 are further along the NEPA process. On Monday, April 5, 2010, the Resource Conservation and  
28 Recovery Act (RCRA) Permit hearings were scheduled to begin. Mr. Rael explained the Lab has  
29 been operating on RCRA permit extensions since 1999. The hearing starts at the community  
30 college, moves for a day in Pojoaque and one in Espanola. Mr. Jeffrey Casalina, Ms.  
31 Santistevan, Mr. Worth and Mr. Bishop have been working on a self-assessment process for  
32 DOE's responses to CAB recommendations. They came up with six observations, which resulted  
33 in Mr. Rael working with Mr. Graham to be more timely with the responses and to consider  
34 what they do with the recommendations, i.e. did they bring a savings, an answer or possibly a  
35 new way of looking at a subject. Mr. Rael has been engaged for the last eight months on the  
36 Buckman Board meetings. To show an intention to be good environmental stewards, the DOE  
37 has been working with the Buckman Direct Diversion Project to include more stations and more  
38 sampling—all this goes to add to the education of when to turn off the pumps during a storm  
39 event.  
40

41 DDFO comments: Ms. Santistevan has been working with the Co-DDFOs to help with this  
42 recommendation response process. Note that when the DOE reviews the recommendations,  
43 they may actually say no to the recommendations, but they will say why and perhaps in some

cases offer an interim response. A DOE response to NNMCAB Recommendation 2008-10 was included in the board's packet for review.

Member comments:

Ms. Henline complimented Mr. Phelps on the meeting, well done. She thought it saved time to thoroughly vet the draft recommendations through both technical committees.

Mr. Lujan enjoyed the discussion, he has started getting used to the acronyms, looking to see where he fits in, but overall he was glad to be here.

Mr. Maestas talked about the Journal North and unsubstantiated, overused claims of Lab contamination. He wanted to see the CAB outreach efforts provide a factual counter balance for the public through the Speaker's Bureau Presentation.

Mr. Phelps quoted Mark Twain, "Those people who don't read the newspaper are uninformed but the people that do are misinformed."

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**XIV. Adjournment**

Mr. Phelps thanked everyone for their participation. **With no further business to discuss, Mr. Bishop, Co-DDFO adjourned the meeting at 6:45 p.m.**

**Respectfully submitted,**



**Ralph Phelps, Chair, NNMCAB**

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

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**Attachments:**

1. **Final 3-31-10 CAB Meeting Agenda.**
2. **Report from Ralph Phelps, Chair, NNMCAB.**
3. **Report from Menice Santistevan, Executive Director.**
4. **Report from Gerry Maestas, Chair, WM Committee.**
5. **Report from Pam Henline, Chair, EMSR Committee.**
6. **Draft NNMCAB Recommendation 2010-02, Reducing All Outfalls Generated at Los Alamos National Laboratory, Including Sandia Canyon; Relating to Studies and Cleanup of Chromium, the 260 Outfall and All Others**
7. **Draft NNMCAB Recommendation 2010-03, Regarding Sufficient Funding for Los Alamos National Laboratory Environmental Management Projects and the Order on Consent**
8. **Draft NNMCAB Recommendation 2010-04, Regarding Unfunded Liabilities**
9. **Draft NNMCAB Recommendation 2010-05, Regarding Interim Measure for Volatile Organic Constituent Contaminant Source Removal in MDA-L and MDA-G**
10. **Draft NNMCAB Recommendation 2010-06, Regarding Budget Priorities for FY '11 and Baseline Change Proposal with Future Budgets at LANL**

11. Draft NNMCAB Recommendation 2010-07, Regarding the Aesthetics of MDA-G to the Neighboring Pueblo of San Ildefonso
12. PowerPoint Presentation, "Inventory of Waste at Area G," with George Henckel, LANS.
13. PowerPoint Presentation, "Overview of Los Alamos National Security Reorganization" George Rael, DOE and Michael Graham, LANS.
14. Department of Energy response to NNMCAB Recommendation 2008-10.

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**Public Notice:**

 **\* All NNMCAB meetings are recorded in accordance with the Federal Advisory Committee Act. Audiotapes have been placed on file at the NNMCAB 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.**