

Northern New Mexico Citizens' Advisory Board Meeting Minutes

Cities of Gold Hotel, Pojoaque, New Mexico**Board Meeting Minutes****November 28, 2001, 1:00 p.m. to 8:30 p.m.**

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| Board Members Present: Jim Brannon, Dorothy Hoard, Fran Berting, Donald Jordan, Richard Gale, Jim Johnston, Angelina Valdez, Agustin Garcia, June Fabryka- Martin, Maxine Ewankow | Board Members Absent: David Chavez, Myron Gonzales, Valerie Espinoza (Excused) |
| Ex-Officio Members Present: Ted Taylor, DDFO; Rich Mayer, EPA; Ken Hargis for Michael Baker, LANL | Guest: Kathleen Garland; Debra Welsh-Fowler; Joe Auburg; Alan Chang, EPA; Veronica Rodriguez, Senator Domenici's Office; John Parker, NMED; Doniven Porterfield, Carl Friedrichs |
| Staff: Menice S. Manzanares, Executive Director; Ben Latham, Technical Advisor; Grace Roybal, Administrative Secretary; Edward Roybal, Sound System Technician | |

Ted Taylor, Deputy Designated Federal Official, called the meeting to order at 1:10 p.m. and a quorum was established. He then turned the meeting over to Jim Brannon, Chair. The meeting was open to the public and advertised in the Federal Register, Rio Grande Sun, the Los Alamos Monitor, the Albuquerque Journal North, the Santa Fe New Mexican, and the Taos News.

Approval of Minutes and Agenda

The agenda was modified to allow recommendation readings during the evening session, and was approved by the Board. The motion was made by Mr. Jordan and seconded by Dr. Berting. The minutes of the September meeting were approved, as amended, by the Board. The motion was made by Mr. Gale and seconded by Ms. Hoard.

Amendments to the Bylaws

Chairman Brannon presented the full bylaws for a second reading. Since there has been some concern that the bylaws contain too many procedures, he suggested that a special task force study the NNM CAB bylaws in comparison to other SSAB bylaws. The Board discussed several issues of substance, including:

- Criteria for Board membership

- Appointments from specific organizations, and how those are chosen
- The role and appointment of non-Board members on committees
- The need for a Standard Operating Procedure for the Executive Committee
- The parameters for the Chair when speaking to the media

The Board approved the Bylaws as amended. The motion was made by Dr. Berting and seconded by Mr. Gale.

Openness Policy

Due to lack of time, the Board dropped this item from the agenda. Chairman Brannon promised the Board a one to two page policy statement for a first reading. This will be in the packet for the next Board meeting.

Recruitment and Board Membership

Mr. Taylor gave a brief report on recruitment and he praised Ms. Manzanares' outreach effort. Ms. Manzanares reiterated that a lot of effort was placed on outreach in the past month. Four candidates, who were all unanimously recommended by the Interview Committee, were presented as potential nominees to the Board. The Board approved the four candidates (Mr. Armando Benavides, Ms. Kathleen Garland, Ms. Debra Welsh-Fowler, and Prasanta K. Ghosh, M.D.) for nomination to the CAB. The motion was made by Dr. Berting and seconded by Ms. Valdez.

Chairman Brannon proposed that the Interview Committee directly recommend nominees to the DDFO, as long as the resumes of nominees are distributed to Board members before the interview session. Four more candidates will be interviewed before the next meeting.

Chairman Brannon presented a draft recruitment letter for the purpose of filling Pueblo constituency seats. He would like to present the letters to new Pueblo Governors in January. Board members were asked to review it.

Environmental Covenants Act – NMED's Legislative Initiative

Chairman Brannon referred the Board to the draft Covenant that was included in the packet. Current New Mexico real estate laws prohibit the state from imposing permanent covenants that stay with the property when it changes hands. This can be very restrictive in cleanup projects, as it limits the cleanup standard to unlimited access residential status. Board members asked clarifying questions of Mr. Bearzi. Chairman Brannon referred this consideration to the Environmental Restoration Committee with the request for evaluation. He asked Board members to direct comments and concerns to the ER committee, and asked the ER committee to report back to the Board at the January meeting. Mr. Taylor recommended that if the CAB acts on this covenant, it should make a recommendation directly to DOE as opposed to the Legislature itself.

Report from the DDFO

Mr. Taylor requested an additional \$250,000 of new funding to go with the approximately \$200,000 in carry over funds. DOE is in the process of making the first \$100,000 allocation to the CAB for this fiscal year. DOE has not responded to Recommendation 2001-4 as yet, and Mr. Taylor apologized for this. A written report was distributed; a copy is available at the CAB office.

Report from the Executive Director

Ms. Manzanares mentioned again that most of her recent work has been on outreach and recruitment. She praised Ms. Roybal for organizing all the files in the office. She invited all Board members to the office for a visit, and thanked Mr. Taylor for all his help. She then passed out a draft brochure for the CAB. Ms. Manzanares plans to spend time meeting with the Pueblo Governors in January. A written report was distributed, along with samples of recent CAB advertising. Copies are available at the CAB office.

Report from Technical Advisor

Mr. Latham, who joined the CAB staff in October 2001, introduced himself. Mr. Latham has done a lot of background reading to orient himself to the CAB, has taken geology tours, reorganized files, assisted with committee recommendations, supported committee meetings, attended the rolling roadblock demonstration, meetings, and tours, and provided administrative support to other CAB staff. A written report was distributed. A copy is available at the CAB office.

Report from Environmental Restoration Committee

Minutes from the last meeting were distributed. A copy is available at the CAB office. Dr. Berting will give a report on the Eco-Risk seminar at the next meeting, after an Eco-Risk presentation at the December 17th ER committee meeting. At that meeting, Ms. Carmen Rodriguez will present the committee with an update on LANL's ER project priorities and any changes that may occur due to budget changes. Ms. Hoard passed around photos of the cleanup activities at Acid Canyon.

Report from the Waste Management Committee

Minutes from the last meeting were distributed. A copy is available at the CAB office. Mr. Gale mentioned that guests attending committee meetings are a valuable resource. He clarified that the "rolling roadblock" should be referred to as the non-escorted transfer system. The committee was not able to attend the demonstration of this system, but Mr. Latham did attend. There are still unanswered questions about the system that will hopefully be addressed at the next demonstration. Mr. Gale introduced Carl Friedrichs as a guest and prospective new Board member, and members thanked him for coming.

Report from the Monitoring and Surveillance Committee

A report of the last meeting, as well as draft summary of the Groundwater Summary Report for the SSAB Groundwater Workshop, was distributed. Copies are available at the CAB office. Dr. Fabryka-Martin proposed that the Groundwater Report, once finalized, be added to the CAB's "citizens' toolkit." The committee has been working on four recommendations on: levels of perchlorate, replicate sampling, seismic surveys, and post-fire effects on groundwater quantity and quality. The committee will continue the process with these recommendations, and will bring them to the Board for consideration.

Miscellaneous

Chairman Brannon suggested that Board members read the League of Women Voters Nuclear Waste Primer and that it be included in the Citizens' Toolkit. He then addressed the causes that led to the disbandment of the Pantex Plant CAB, including the inability of Board members to reach consensus. He distributed an article on this, and a copy is available at the CAB office. The Chairman also distributed a letter he drafted to the Area Manager regarding concern for the budget of NMED Oversight Bureau, and asked the Board members to review it.

Break**Acknowledgements**

Chairman Brannon presented Mr. Johnston with a certificate of appreciation for his past service to the Board as Vice Chair and Chair. The Chairman then presented Ms. Manzanares with a certificate of appreciation for her service to the Board as Chair.

Cerro Grande Fire Report

Mr. McAtee presented a report on the recovery and rehabilitation from the Cerro Grande Fire. LANL had an internal "one year after" review and update on the fire in September. Mr. McAtee gave a mini-version of this update to the CAB. Mr. McAtee covered the facts and context of the fire, air sampling (including methods, results, and current status), measures for protection and rehabilitation (especially flood control), assessment and lessons learned, water sampling, and some remaining major issues from the fire. He presented a very informative set of slides with his talk, and a paper copy of this presentation is available at the CAB office.

Report from NM Environment Department Oversight Bureau

Mr. Parker, chief of the Environment Department's Oversight Bureau, gave a presentation that covered the history of the Bureau, its role and responsibilities, and its current status. Secretary of Energy Watkins initiated the work of the Bureau in 1990 to enhance the credibility of DOE and to deal with environmental, health and safety problems. The objectives of the program are to develop and implement a vigorous program of independent monitoring and oversight to further assess DOE's compliance with existing laws and regulations, assist in prioritizing cleanup activities, communicate with the public, and coordinate activities with local and tribal governments. The Bureau conducts sampling and monitoring, issues technical reports, produces a semi-annual newsletter and annual report, provides technical assistance for tribal and local governments, and reviews documents. In addition to ongoing projects, the Bureau is currently conducting a risk assessment on the Cerro Grande Fire, advising on long-term stewardship plans at Sandia, and overseeing the contaminant excavation from chemical waste landfill at Sandia. Fulfilling the objectives of the Bureau is becoming increasingly difficult due to drastic funding cuts. Mr. Parker emphasized that because the Bureau provides an independent perspective, its work is important not only to the Environment Department, but to LANL and the people of New Mexico. He expressed concern over the recent reduction in funding. Dr. Fabryka-Martin thanked Mr. Parker for the Bureau's staff support at the CAB committee level. The Board members reviewed Chairman Brannon's draft letter in support of the Bureau and response was favorable.

Public Comment

No one from the public stepped up to speak.

Recommendations

Dr. Berting presented for a second reading, Recommendation 2001-5, Evaluation of Contaminants at Potential Release Sites, which was a unanimous recommendation from the ER Committee. The recommendation was distributed at the meeting and is available at the CAB office.

Two sentences were stricken from the recommendation. With these corrections, the Board unanimously approved Recommendation 2001-5. The motion was made by Mr. Gale and seconded by Dr. Berting.

Mr. Gale gave a brief overview of the purpose and intention of the Education Project, which is to educate the general population in a simple, deliberate, and repetitive manner.

The Waste Management Committee recommended that the CAB use alternative methods of communication in its public outreach efforts. Mr. Taylor suggested that the CAB might want to evaluate LANL's outreach activities before possibly advising DOE on how to communicate. It was subsequently decided that the recommendation be used for internal purposes in the process of developing a public information campaign. Ms. Hoard thought that the recommendation is exceedingly important for the CAB members. Dr. Berting expressed the initial need for fact sheets of local interest. Chairman Brannon suggested that the recommendation be brought to the next meeting for further discussion and integration into other policy discussions. Ms. Fabryka-Martin suggested that Mr. Gale bring a sample fact sheet that utilizes the proposed methods and language to the next meeting.

Recap and Scheduling

The next meeting is January 23rd.

Suggestions for Next Meeting:

The status of recommendations

A presentation of elements of ecological risk assessment

Update on activities at WIPP

Update on the RCRA Permit

Update on the Budget and its impact on prioritization for the fiscal year

Chairman. Brannon expressed concerns about the number of recommendations coming out of the CAB relative to the costs involved. He challenged each committee to bring 4-6 recommendations to the Board this coming year.

Members gave positive feedback on the process and longer format of the meeting. The absence of a facilitator was not seen as a significant loss in a regular meeting.

These minutes are certified by:


Jim Brannon, Chair Date

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