



Northern New Mexico Citizens' Advisory Board Meeting
September 10, 2013
2:00 p.m. to 4:00 p.m.
Cities of Gold Conference Center
Pojoaque, New Mexico

MINUTES

Meeting Attendees

U.S. Department of Energy

1. Cate Alexander, Designated Federal Officer (DFO)
 2. Lee Bishop, Deputy Designated Federal Officer (DDFO)
 3. Pete Maggiore, Assistant Manager Environmental Project Office
 4. Christina Houston, Environmental Projects Office
 5. David Rhodes, Environmental Projects Office
 6. Toni Chiri, Los Alamos Field Office
 7. Jennifer Jung, Los Alamos Field Office
 8. Cheryl Rodriguez, Environmental Projects Office
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NNMCAB Members

1. Carlos Valdez, NNMCAB Chair
 2. Manuel Pacheco, NNMCAB Vice-Chair
 3. Doug Sayre, Environmental Monitoring & Remediation Committee Chair
 4. Joey Tiano, Waste Management Committee Chair
 5. Joseph Viarrial, Environmental Monitoring & Remediation Committee Vice-Chair
 6. Bonnie Lucas
 7. Stephen Schmelling
 8. Ashley Sanderson
 9. Nona Girardi
 10. Angel Quintana
 11. Gerard Martinez
 12. Allison Majure
 13. Bob Villarreal
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NNMCAB Student Members

1. Jerry Trujillo

- 1 2. Kaitlin Martinez
2 3. Gary Johnson

3 _____

4 **NNMCAB Support Staff**

- 5 Menice Santistevan, Executive Director
6 William Alexander, Technical Programs and Outreach
7 Carolyn Bateman, Project Time & Cost

8 _____

9 **Guests**

- 10 Secretary Ryan Flynn, New Mexico Environment Department
11 Tom Blaine, New Mexico Environment Department
12 Jeff Kendall, New Mexico Environment Department
13 Laura Day, PT&C
14 Jeff Mousseau, Los Alamos National Laboratory
15 Patti Jones, Los Alamos National Laboratory
16 Cecilia Frank, New Mexico Environment Department / Department of Energy Oversight Bureau
17 Kathy Walker, Public
18 Scott Kovac, Nuclear Watch New Mexico
19 Steve Yanicek, New Mexico Environment Department / Department of Energy Oversight Bureau
20 Tori George, Los Alamos National Laboratory
21 Kathryn Roberts, Los Alamos National Laboratory
22 Mayor David Coss, City of Santa Fe
23 Alicia Martinez, Public
24 Bridget Maestas, Public
25 Kim Granzon, New Mexico Environment Department/Department of Energy Oversight Bureau
26 Patrick Longmire, New Mexico Environment Department/ Department of Energy Oversight Bureau

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

30

1 **Minutes**

2 **I. Call to Order**

3 The monthly meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB)
4 Waste Management (WM), and Environmental Monitoring & Remediation (EM&R)
5 committees was held on September 10, 2013 at Cities of Gold in Pojoaque, New Mexico. Mr.
6 Lee Bishop the Deputy Designated Federal Officer (DDFO) stated that on behalf of the
7 Department of Energy (DOE) the combined meeting of the NNMCAB committees was called
8 to order at 2:03 p.m.

9 Mr. Bishop recognized Mr. Carlos Valdez the NNMCAB Chair. The Chair presided at the
10 meeting.

11 The Meeting of the NNMCAB was open to the public and posted in The Federal Register
12 in accordance with the Federal Advisory Committee Act (FACA).

13
14 **II. Approval of Agenda**

15 The Combined Committee (CC) reviewed the agenda for the September 10, 2013
16 meeting. Mr. Doug Sayre made a motion to approve the agenda as presented; Mr. Joey
17 Tiano seconded the motion. The agenda for the September 10, 2013 meeting was
18 unanimously approved.

19
20 **III. Approval of Minutes**

21 The CC reviewed the minutes for the August 14, 2013 meeting. Mr. Manuel Pacheco
22 made a motion to approve the minutes as presented; Mr. Sayre seconded the motion. The
23 motion to approve the minutes as presented passed.

24
25 **IV. Presentations**

26 **a. NMED's Perspective on the Order on Consent.**

27 New Mexico Environment Department (NMED) Secretary Ryan Flynn gave a
28 presentation to the NNMCAB on the NMED's perspective regarding the 2005 Order on
29 Consent (CO). Secretary Flynn introduced his new General Counsel Jeff Kendall who
30 would be playing an integral role moving forward on the CO and Los Alamos clean-up
31 efforts and Tom Blaine the Division Director for the Environmental Health Division at
32 NMED. Secretary Flynn noted that the Hazardous Waste Bureau (HWB) had been moved
33 from Resource Protection Division (RPD) to a new Division, noting that the decision was
34 based on the confidence that he has in Mr. Blaine.

35
36 Secretary Flynn addressed the Framework Agreement (FA), stating that the parties
37 concerned had tried to set an ambitious but reasonable goal regarding the 3706
38 Campaign. He noted the project is not completed; however, he is very pleased with the
39 results. Noting that in 2012 Los Alamos National Laboratory (LANL) set a record for
40 transuranic (TRU) waste shipments from LANL to the Waste Isolation Pilot Plant (WIPP)
41 at 230 shipments, 59 more shipments than the previous record. Secretary Flynn also
42 noted that LANL is processing waste in 4 facilities 24/7. He stated that in the past year

1 and a half there has been more meaningful environmental clean-up at LANL than in the
2 past 6 years under the CO. Stating that demonstrating that we can clean-up these sites
3 is the goal.
4

5 Secretary Flynn stated that the agreed upon date for all of the clean-up at LANL to be
6 completed was the end of 2015. He noted that this was a mistake, stating that the date
7 was set forth by DOE and agreed upon by NMED. Noting that NMED felt the date was
8 unrealistic from the beginning; however, he understood why the date had been agreed
9 upon. Secretary Flynn noted that in hindsight agreeing to set a date that was not
10 achievable was a mistake, and when we fail to meet the expectations, public confidence
11 is eroded. Noting that he regretted that in 2012 we were in a position where DOE had to
12 announce that it would not meet the 2015 deadline in the CO; however, he applauded
13 DOE for its honesty in coming forward to the public.

14 Secretary Flynn stated his focus going forward was on cleaning-up, focusing on short
15 term goals and having the date work itself out as clean-up progresses; noting that he
16 feels confident in the FA and the progress that has been made in waste clean-up at
17 LANL. Secretary Flynn stated that he is impressed by the DOE's commitment in the
18 clean-up efforts. Other priorities that were set forth in the FA were the removal of all
19 newly generated TRU waste by December 31, 2014. The second priority in the FA was
20 addressing the chromium plume; Secretary Flynn noted that the amount of work on the
21 plume issue, with two extraction wells in place and pilot tests in progress is outstanding.
22 The third priority is to monitor the Buckman Direct Diversion Project, noting that he is
23 confident in the infrastructure in place to monitor and protect the well field.
24

25 Secretary Flynn addressed the issue of funding, and his concerns with the Continuing
26 Resolutions that have impacted LANL. Secretary Flynn noted the unprecedented
27 outcome of the reprogramming of funds in FY'13, and its impact on the 3706 Campaign.
28 He noted that the FY'14 proposed budget ranges from \$173 million to \$255 million,
29 stating that in comparison to the other sites, the LANL budget is minuscule. Secretary
30 Flynn encouraged the citizens and the NNMCAB continue to voice support for funding
31 LANL at an appropriate level.
32

33 Secretary Flynn stated that at this point it is premature to engage in discussions
34 concerning the renegotiation of the CO. He also stated that LANL's performance under
35 the FA would play a role in how and when negotiations on the CO would take place.
36 Secretary Flynn noted that if and when the CO is renegotiated the public would have a
37 role in that renegotiation. Secretary Flynn stated that if the CO were to be changed he
38 would like to see it focus on small, clearly defined goals and objectives that focus on a
39 risk based approach to the clean-up. He feels that this would allow LANL to show
40 progress and focus on short term campaigns, which would allow the public and
41 regulators to see that progress.
42

1 **b. Questions**

2 Mr. Valdez stated that due to the CR LANL was likely to start FY'14 with a budget of
3 \$170 million.

4
5 Mr. Bob Villarreal asked how an acceptable end point would be determined for the
6 chromium plume.

7
8 Secretary Flynn responded that groundwater contamination is a long term endeavor,
9 and in respect to the chromium the goals are: containment, elimination of the source,
10 and remediation to groundwater standards.

11
12 Mr. Blaine responded that a number of processes would need to be completed, the
13 first of which is site characterization. He noted that a critical element was containment
14 of the source of the contamination. Mr. Blaine also noted that aquifer pump tests and
15 how it affects the contamination would need to be completed before a remedy could be
16 selected.

17
18 Mr. Villarreal asked about the reduction of chromium 6 to chromium 3 and if it would
19 be beneficial.

20
21 Mr. Blaine responded that chromium 6 is a problem in regards to its presence in the
22 aquifer. He noted that if there was a way to easily change the chromium 6 to chromium
23 3 that would be the safest thing to do; however we don't know how to do that until we
24 have the site fully characterized.

25
26 Mr. Villarreal asked about cooperation between sites.

27
28 Mr. Jeff Mousseau stated that LANL does work to gain knowledge about what other
29 sites are doing and how they are dealing with similar problems.

30
31 Mr. Valdez asked Secretary Flynn if a representative from NMED could be present at
32 the Taos meeting to present on the chromium plume.

33
34 Secretary Flynn agreed to have a member of his staff at the Taos meeting for a
35 presentation.

36
37 Mr. Stephen Schmelling asked about the WIPP permit modification that is on the
38 table, and what the schedule on that modification would be.

39
40 Secretary Flynn responded that schedule would depend on what changes are being
41 made to the document, and noted that once the process started it would likely take
42 around 9 months to complete. Secretary Flynn stated that a public notice would be

1 issued once the process started; however, at this time he was unsure when the process
2 would begin.

3
4 Ms. Allison Majure asked how containment is measured, and in regards to the
5 chromium plume, what containment means.

6
7 Secretary Flynn responded that containment would be stabilizing the plume and
8 halting its movement.

9
10 Mr. Patrick Longmire responded that at Los Alamos the depth to groundwater is 1000
11 feet, making physical/chemical means of containment difficult. He also noted that
12 without nature and extent it is difficult to decide on a containment method.

13
14 Ms. Bonnie Lucas asked about the mercury storage facility proposed for Andrews,
15 Texas.

16
17 Secretary Flynn responded that he was generally familiar with the topic but did not
18 have a great depth of knowledge on the subject. He noted that he would be happy to
19 provide the information to the board.

20
21 Mr. Bishop stated that it was still in the NEPA process, and at this time the
22 Supplemental Environmental Impact Statement (SEIS) was still under review. Mr. Bishop
23 noted that only after the SEIS was finalized, and a Record of Decision (ROD) issued
24 would the facility seek permitting for the site. He advised the board that the SEIS might
25 be finalized by the end of September 2013.

26
27 Mr. Villarreal asked Secretary Flynn for his opinion on the 33 Shafts.

28
29 Secretary Flynn responded that he thought the 33 Shafts were currently undergoing
30 the NEPA process, and once the process was complete the results would be evaluated.
31 He stated that at this point he did not have any specific path forward.

32
33 **c. Presentation by Designated Federal Officer on Appointment Processes**

34 Ms. Cate Alexander gave a presentation to the CC on "Department of Energy's
35 Environmental Management Site Specific Advisory Board (SSAB) Member Appointment
36 Process". A copy of the presentation may be requested by contacting the NNMCAB
37 office at (505)989-1662, or on the NNMCAB website at
38 <http://www.nnmcab.energy.gov/7-presentations/presentations.htm>.

39
40 **d. Questions**

41 Mr. Villarreal asked about two SSAB's working together to solve problems at other
42 sites.

1
2 Ms. Alexander responded that on cross site involvement, the issue should be
3 presented at the Chairs' meeting, an example of which would be budget issues. She
4 noted that in general, sites work independently with respect to their sites and issues at
5 those sites.

6
7 Ms. Majure asked about the composition of the boards in regards to levels of
8 education represented on the board.

9
10 Ms. Alexander stated that individuals are not appointed because of their education,
11 but rather the category that they represent such as their location. Individuals are
12 appointed because they bring a perspective that is being looked for in the community.

13
14 Mr. Bishop stated that by virtue of their involvement in the community the individuals
15 represented on the board are subject matter experts, regarding their knowledge and
16 understanding of their communities and Northern New Mexico.

17
18 **V. Public Comment Period**

19 Mr. Valdez opened the public comment period at 3:47 p.m.

20
21 Mr. Scott Kovac stated that if you know half the acronyms then that makes you an
22 expert. Mr. Kovac stated that the CO was a well written plan to make a plan. He noted that
23 each area of LANL had different required steps, with work plans and investigation plans for
24 each area. He stated that Congress saw a problem because they weren't seeing any work
25 done on clean-up only the planning that was designed to determine the scope of the clean-
26 up. Mr. Kovac stated that at the inception of the CO the amount of work needed to clean-up
27 LANL was unknown. He stated for the record that the 2015 end date set in the CO was not a
28 mistake, noting that we need to have a sense of urgency on the clean-up and not become
29 complacent.

30
31 With no additional public comment Mr. Valdez closed public comment at 3:51 p.m.

32
33 **VI. Update from Executive Committee**

34 Mr. Valdez stated that the Executive Committee was looking at appointing an ad hoc
35 committee to review the NNMCAB Bylaws. He noted that DOE Headquarters was looking at
36 reviewing the NNMCAB site Bylaws in the near future.

37 Mr. Valdez noted that at the next CC meeting in October the committees would be
38 electing officers for FY'14.

39 Mr. Valdez also advised the NNMCAB of the upcoming WIPP/Waste Control Specialists
40 tours in November, and the possibility of a new member tour of LANL at the end of October.

1 Mr. Valdez also thanked Dr. Nona Girardi for attending the Secretary Ernest Moniz press
2 conference at LANL, and bringing the information back to the NNMCAB.

3
4 **VII. Update From DOE**

5 Mr. Bishop stated that the EIS for the Greater than Class C would likely be published by
6 the end of 2013.

7 Mr. Bishop thanked the new student members for attending today's meeting and
8 welcomed them to the NNMCAB.

9 Mr. Bishop noted that the NNMCAB's fall schedule was relatively full with the upcoming
10 tours, meetings, and projects.

11
12 **VIII. Adjournment**

13 Mr. Valdez noted that the committees would be meeting separately after the
14 adjournment to work on drafting their FY'14 committee work plans.

15
16 With no further business to discuss, Mr. Bishop adjourned the meeting at 4:01 p.m.

17
18
19 **Respectfully Submitted,**



20 **Carlos Valdez, Chair, NNMCAB**

21
22 ***Minutes prepared by William Alexander, Technical Programs and Outreach, NNMCAB**

23
24 **Attachments**

- 25 1. **Final NNMCAB Meeting Agenda for 09/10/2013**
- 26 2. **Final NNMCAB Meeting Minutes for 08/14/2013**
- 27 3. **Secretary Ryan C. Flynn's Biography**
- 28 4. **Designated Federal Officer Cate Alexander's Biography**
- 29 5. **Presentation by DOE Headquarters DOE's EM SSAB: Member Appointment Process, Cate**
30 **Alexander**
- 31 6. **Environmental Monitoring & Remediation Committee FY'13 Work Plan**
- 32 7. **Waste Management Committee FY'13 Work Plan**

33
34 **Public Notice:**

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

38 ***Reference documents listed in the Attachments section of these minutes may be requested for**
39 **review from the NNMCAB Office by calling (504)989-1662.**