Northern New Mexico Citizens' Advisory Board Meeting 1 2 May 19, 2021 1:00 p.m. to 5:00 p.m. 3 4 WebEx 5 6 Minutes 7 8 **Meeting Attendees** 9 10 **Department of Energy** 1. Kirk Lachman, Manager, Environmental Management Los Alamos 11 2. Lee Bishop, Deputy Designated Federal Officer, Environmental Management Los Alamos 12 13 3. Lee Ocker, Environmental Management Los Alamos 14 4. Miquela Vargas, Environmental Management Los Alamos 15 5. John Evans, Environmental Management Los Alamos 16 6. Peter Maggiore, National Nuclear Security Administration 17 **NNMCAB Members** 18 19 1. Robert Hull, Chair 20 2. Joshua Madalena, Vice-Chair 21 3. Max Baca 22 4. Beth Beloff 23 5. Elena Fernandez 24 6. Ubaldo Gallegos 25 7. Mark Hayden 26 8. Roger Life 27 9. David Neal 28 10. Patricio Pacheco 29 11. Stanley Riveles 30 12. Jenelle Roybal 31 13. Steven Santistevan 32 14. Russell Stowers 33 15. Irene Tse-Pe 34 **NNMCAB Excused Absences** 35 1. Cherylin Atcitty 36 37 2. Angelica Gurulé

1 2 **NNMCAB Staff** 3 1. Menice Santistevan, Executive Director 4 2. Bridget Maestas, Executive Assistant 5 6 Guests 7 1. Heather Evans, N3B 8 2. Mark Turnbough, Environmental Consultant 9 3. Felicia Aguilar, N3B 10 4. Suzanne Schwartz, Public 11 5. Jeff Holland, N3B 12 6. Leslie Martinez, N3B 13 7. John Toll, N3B 8. Barry Fulton, N3B 14 9. Jennifer Fullam, NMED 15 16 10. Kelsey Shank, the EDGE 17 11. Donovan Robinson, Office of Management and Budget (OMB) 12. Kathy Walker, N3B 18 19 13. Kathryn Keenan, N3B 20 14. Eric Castillo, Senator Martin Heinrich's Office 15. Maire O'Neil, Los Alamos Reporter 21 22 16. Sara Schmieg, Tetra Tech, Inc. 23 17. Fritz Hahn, Taos Town Council 24 18. Eric Chavez, Senator Ben Ray Lujan's Office 25 19. Steven Horak, EM-LA 26 20. Timothy Goering, LANL 27 21. Amanda White, N3B 28 22. Steve Veenis, N3B 29 23. Francesca Rodriguez, EM-LA 30 24. Troy Thomson, N3B 31 25. Catherine Juarez, LANL 32 26. Chris Catechis, NMED 33 27. David Abelson, N3B 34 28. Neelam Dhawan, NMED 35 29. Randal Roberts, LANL 36 30. Sara Holcomb, NMED 37 31. Luciana Vigil-Holterman, LANL 38 32. Angela Edwards, LANL 39 33. Kevin Pierard, NMED 40 34. Erin Shea, NMED

*The written minutes are intended as a synopsis of the meeting.

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1 Minutes 2 ı. Call to Order 3 The meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) was held on 4 May 19, 2021 via WebEx. Mr. Lee Bishop, Deputy Designated Federal Officer (DDFO) stated 5 that on behalf of the Department of Energy (DOE) the meeting of the NNMCAB was called to order at 1:00 p.m. 6 7 Mr. Bishop recognized Mr. Bob Hull, the NNMCAB Chair. Mr. Hull presided at the meeting. 8 The meeting of the NNMCAB was open to the public and posted in The Federal Register in 9 accordance with the Federal Advisory Committee Act. 10 II. Establishment of a Quorum (9 Needed) 11 12 a. Roll Call Ms. Menice Santistevan conducted roll call for board members and guests on the 13 WebEx. At the call to order, 12 members were present. 14 15 16 III. Welcome and Introductions 17 Mr. Bishop welcomed everyone to the WebEx and thanked the NNMCAB members for their 18 19 Mr. Hull stated reviewed the Agenda for the meeting and welcomed everyone to the 20 meeting. 21 IV. 22 **Approval of Agenda** 23 The board reviewed the agenda for the May 19, 2021 meeting. Mr. Hull opened the floor to 24 entertain a motion. 25 Ms. Elena Fernandez made a motion to approve the agenda; Mr. Max Baca seconded the 26 motion. The motion to approve the agenda passed. 27 ٧. 28 **Approval of Minutes** 29 The board reviewed the minutes from the March 17, 2021 Board Meeting. Mr. Hull opened the floor to entertain a motion. 30 31 Mr. Max Baca made a motion to approve the minutes as presented; Ms. Elena Fernandez seconded the motion. Mr. Hull opened the floor for discussion. 32 33 With no discussion, the motion to approve the minutes passed. 34 35 VI. **Old Business** 36 Report from Chair/Vice-Chair 37 Mr. Hull stated that there was a national Environmental Management (EM)-Site Specific 38 Advisory Board (SSAB) Chairs Meeting since the last full meeting and they went over the 39 two charges from EM-1. He noted that there was a charge related to public relations

and each SSAB provided their public outreach information. Mr. Hull stated that the outcome from the meeting was that the Designated Federal Official wanted a white paper written on the two charges. There would be one on public outreach and one on the strategic vision, which is the end state vision from each SSAB on what the end state of their respected sites should look like. Mr. Hull stated that various members signed up as teams to write the white papers for public outreach and for the strategic vision, which is the team he is participating in. He noted that the white papers would be put together and sent to each advisory board for their opinions and possibly to develop a recommendation based on the white paper. Mr. Hull stated that it would have to happen before the next EM SSAB Chairs Meeting in October in Idaho.

Mr. Joshua Madalena stated that this was his first Chairs Meeting and what he got out of it was the close working relationship between all the advisory boards and he was very impressed how they all were able to work in collaboration. He noted that he was amazed that there are so many Boards in place, and they all want the same thing. Mr. Madalena stated that the other Board members have the same concerns as the NNMCAB, and it is good to continue to have the relationship with the other Boards. He noted that being in person is always great but having these meetings through Zoom really worked out. Mr. Madalena stated that it was a great meeting and he appreciated being a part of it.

Mr. Hull stated that he has been to several of these meetings and that as much as the SSAB's have in common, they also have some significant differences. He noted that Hanford and the Savannah River Site are waste depository locations and they have significant issues that they are trying to deal with, and their funding levels are way higher than ours at this point. Mr. Hull stated that the next meeting in October may be a hybrid meeting and he encourages the NNMCAB members to listen in.

b. Report from Committee Chairs

Risk Evaluation and Management Committee/Consent Order Committee Joint Meeting

Mr. Mark Hayden stated that the next combined committee meeting would be held on June 23rd at 1:00 pm. He noted that on the Agenda is Joe Legare from N3B talking about the integrated response to COVID-19 for multi-faceted EM&R and WM Enterprise, also Ellen Gammon from N3B discussing Legacy TRU Waste Challenges for EM at LANL's TA-54 Including Difficult Waste Streams. Mr. Hayden stated that one item that the NNMCAB discussed recently was getting more clarification about targets and milestones for the Los Alamos cleanup and a 10-year plan. He noted that in connection with that they would like to have more explanation, for instance, the sampling data, not just where, when, and how many samples are taken, but if it could be articulated for general consumption. He asked, what does it mean in the context of the cleanup, so it isn't just data, it is an interpretation of that data. He also noted that they would like a more comprehensive report on each campaign and how does it square with the targets and milestones that they have in place in terms of timing and budget, and if we are not meeting expectations with targets and milestones including the progress that they are anticipating, what is the plan to get back on track.

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Mr. Hull stated that even though these are committee meetings, all Board members are invited and encouraged to attend. He noted that it is a way to get in one meeting a month to get as much information as possible about what is going on.

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VII. **New Business**

Mr. Hull stated that one item that came up was that there are a few items that are being worked on and one of them is that we will be working on updating and re-inventing the NNMCAB Website. He noted that Mr. Neal would be leading that effort along with outside support that would do the work. Mr. Hull stated that a few years back the NNMCAB had a newsletter that went out quarterly and what they would like to do is re-invigorate that and put a newsletter out to stakeholders. He noted that it would show who we are and what is cleanup is happening at the Laboratory. Mr. Hull stated that he received a request from New Mexico Representative Christine Chandler to give a presentation to the Radioactive and Hazardous Waste Committee of the Legislature. He noted that they have not been meeting, but they are setting up their schedule to get going again. He stated that they would like to hear what the NNMCAB is doing and what are the goals and strategies are.

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VIII. Presentation

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Mr. Steve Veenis, N3B, gave a presentation titled, "Proposal to Update New Mexico Water Quality Standards: Copper Site-Specific Water Quality Criteria for the Pajarito Plateau" An electronic copy of the presentation may be obtained from the NNMCAB website; http://www.energy.gov/em/nnmcab.

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IX. **Public Comment**

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Mr. Hull opened the floor for public comment at 2:45 p.m.

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With no public comment Mr. Hull closed the comment period at 2:46 p.m.

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X. Presentation

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Ms. Leslie Martinez and Ms. Heather Evans, N3B, gave a presentation titled, "How N3B is Rebuilding a Small Business Subcontractor Community" An electronic copy of the presentation may be obtained from the NNMCAB website; http://www.energy.gov/em/nnmcab.

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XI. **Update from EM-LA**

Mr. Lachman thanked the Board for giving him time to present.

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COVID Impacts

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Mr. Lachman stated that with COVID it is an everchanging environment and as the Centers for Disease Control and Prevention changes its requirements and recommendations, they have been implementing them at EM-LA. EM-LA is still at maximum telework for all staff and contractor staff. He noted that As of Monday, May 17, fully vaccinated Federal employees, contractors, and visitors entering or working at a DOE site/facility are not required to wear masks while in DOE buildings or in DOE leased spaces. He noted that this change is related

to mask wearing only and does not impact DOE's maximum telework posture. They are continuing to conduct activities that are essential to the cleanup mission.

Consent Order

Mr. Lachman stated that what he can say about the lawsuit with NMED, on May 4th EM-LA filed a response to NMED's complaint and the case has been removed from State Court and it is in Federal Court now. He noted that he cannot comment further on that.

Mr. Lachman stated that in March they completed three Consent Order milestones that they negotiated previously with the NMED and they are on track to complete two more later this month including their Periodic Monitoring Report for 2020 Vapor Sampling Activities at Material Disposal Area L, Solid Waste Management Unit 54-006, at Technical Area 54. He noted that they also will complete the Supplemental Investigation Report for Lower Sandia Canyon Aggregate Area and revision one would be done by the end of this month.

Middle DP Road

Mr. Lachman stated that sampling is taking place on portions of two land parcels on the south side of DP Road: A-16-a and the adjacent A-8-a. He noted that both parcels are owned by Los Alamos County and were turned over to them by DOE. Mr. Lachman stated that they have completed a little well over half of the areas they were taking soils from to test.

Chromium Plume Interim Measure

Mr. Lachman stated that they are in full operation of the hexavalent chromium plume interim measure and 100% of their wells are at work and the treatment facility is at work. He noted that over the years they have pulled back the plume about 500 feet from the southern border where they believe the plume was close to the Pueblo of San Ildefonso. Mr. Lachman stated that they are continuing with their plume characterization activities through modeling and hydrology studies, and they will be installing three additional wells over the next 18 months.

TRU Waste Shipments

Mr. Lachman stated that in Fiscal Year (FY) 2020 they had 5 shipments to Waste Isolation Pilot Plant and this year they are well underway towards their goal of 30 shipments. He noted that they are on pace to meet or exceed that goal of 30 shipments. Mr. Lachman stated that N3B is using NNSA's RANT facility to load shipments in all weather.

Mr. Lachman stated that this would be his last program update to the NNMCAB. He stated that he is retiring at the end of June. He thanked the NNMCAB, they have been really great to work with in the short time that he has been at EM-LA.

a. Questions

Mr. Baca asked why the lawsuit with NMED was moved from State Court to Federal Court.

Mr. Lachman stated that he would have to talk to the Department of Justice Attorneys to get that information and he does not have an answer for that.

XII. Update from DDFO

Mr. Lee Bishop stated that the membership package is still at Headquarters and it should be going over to EM-1 for approval in the next week or so. He noted that he and Ms. Santistevan met with the new Designated Federal Officer, Kelly Snyder who has been around for several years and knows how the advisory boards run. Mr. Bishop stated that there would be some organizational changes at NMED, and Mr. Pierard would speak to that. Mr. Bishop stated that he has received a draft and he is working on the written comments to Mr. Hayden's questions that were submitted through email.

a. Questions

Mr. Hull asked if Mr. Bishop would talk about the proposed targets and milestones for the next two years. Mr. Bishop stated that he can not discuss the litigation but stated that they are going to honor the 14 milestones that they did agree on with NMED. He noted that NMED is interested in coming to the table to talk about potential milestones in 2022 and targets for 2023. He deferred to Mr. Pierard to talk about the discussions on that.

Mr. Neal asked if the response that DOE submitted was available to the NNMCAB membership. Mr. Bishop stated that he does not know if it is available, it is up to the court. He does not believe that it is a public record yet, but he will note that as an action to follow up with DOE's legal team to see where that is.

Mr. Baca stated that given the lawsuit, do you think that the relationship is still professionally working in order to facilitate the cleanup for New Mexico and hopefully there is not unnecessary tension between the parties. Mr. Bishop stated that they are all professional at this point and DOE is still cooperating and communicating with the State.

Mr. Life asked if there are any plans on holding a hybrid meeting in June or is there any work being done to try and have face to face meetings again. Mr. Bishop stated that it is a reasonable request and he will consult with his senior management team and they will get guidance from Headquarters staff. He also noted that DOE is still at a maximum telework posture. He stated that they will take it as a legitimate request and see if they can move that forward.

Mr. Hull stated that he read an article in the Los Alamos Reporter about Mr. Glenn Morgan moving on. Mr. Bishop stated that he would let Mr. Troy Thomson explain the shift in personnel.

Mr. Hayden asked if the lawsuit impacts any of the established targets and milestones that are in place and is there anything that is not going to get done. Mr. Bishop stated that the 14 milestones that were agreed to with NMED, the Departments mission/trajectory right now is to fulfill those 14 milestones even though they did not come to a final agreement.

XIII. Update from N3B

Mr. Troy Thomson, Acting Program Manager for Environmental Remediation (ER) for N3B, stated that he would give a quick overview on N3B's field work from February through March and a detailed update was included in the meeting packet. Mr. Thomson stated that Mr. Morgan has recently retired from N3B and he will be supporting Huntington Ingalls

Industry in a corporate position. Ms. Kim Lebak will be the Acting President for N3B replacing Mr. Morgan. She was previously the ER Program Manager and Mr. Thomson will be the Acting Program Manager in that position.

Mr. Thomson stated that they are on track to hit the FY milestones with EM-LA and the proposed milestones with NMED.

WIPP Shipments – this FY they have executed a total of 26 shipments of Transuranic waste to WIPP. They have two more scheduled this week and two additional shipments the following week. They will hit the 30 shipments by the end of May which aligns with the strategic mission for FY 21 goals.

Chromium – the system is operating at its full output with five extraction wells and five injection wells. That effort is helping to shrink the plume and protect area water quality. They had three extraction wells and two injection wells come online along the eastern down-gradient portion of the chromium plume. As a part of this effort, a report was submitted to NMED, it was one of the three proposed Consent Order milestones they already met. The report for operation of the interim measure was submitted March 31st.

Middle DP Road – they mobilized to the two land parcels in April, A-8-a and A-16-a. They have about 124 locations where they will be performing potholing and looking for debris. They will be performing cleanup of known areas where they know there was contaminated debris identified. They will also do confirmatory sampling to verify that they have performed the cleanup as planned. They will also be shipping some containers from Middle DP Road where N3B containerized the spoils piles of soil and some debris from previous activities that occurred. So far, they have started shipping some of those materials to Waste Control Specialists in Texas for disposal. Each container that they are shipping has about 16 cubic yards of soil that was removed.

Aggregate Area Projects – They have been doing field work for all five aggregate areas in the southern external boundaries campaign. The work being done is soil sampling to assess the risk with that contamination and identify the extent of remediation that is needed in those areas. The areas they are cleaning up are known as Solid Waste Management Units or Areas of Concern and some of them have larger areas of contamination.

XIV. Update from New Mexico Environment Department

Mr. Kevin Pierard started with a LANL update and the annual planning process. He noted that Appendix B for this FY is not finalized and that is the subject of the current litigation. They are anticipating beginning some discussions on next years milestones, they just touched base on that late last week and hope to get that off the ground relatively soon.

DP Middle Road Site Contamination

NMED resolved all of their concerns with the work plan and N3B is in the field doing the work.

Chromium Groundwater Contamination

 NMED sent a letter directing DOE to submit a work plan for the rehabilitation of R-28 and R-42 monitoring wells. Those wells were adversely impacted by the Chromium amendments pilot study. They are anticipating both management and

1 2	technical discussions on this. This has been an issue for years and NMED would like to see them brough back online.
3 4 5 6	 Drilling for a new monitoring well R-72 in the southwestern portion of the chromium plume is set to begin in July and drilling of well R-71 is going to be delayed due to the presence of an endangered species. It will probably be pushed back a few months.
7	RDX Contamination
8 9 10 11	 NMED sent draft comments to DOE on the deep groundwater investigation report and on the fate and transport risk assessment report. DOE sent preliminary response to NMED comments with a proposed course of action and they have had two meetings in an effort to resolve all comments. That effort is ongoing.
12 13 14	 They ran into technical issues with plugging and abandonment of well R-25. They are currently working with the Office of the State Engineer and with DOE to discuss a path forward.
15	Consent Order Documents
16	 Approved the Phase 2 Investigation Report for Upper Los Alamos Canyon.
17	 They sent draft comments on the Phase 2 3 Mile Canyon Work Plan.
18 19	 Sent validation letters for TA-21 South Ancho and Lower Water Canyon Aggregate Area Progress Reports.
20	 Sent an approval on the Annual Sandia Wetlands Performance Report.
21	Permit Related Activities
22 23	 Sent an Administratively Incomplete Determination to DOE, they are anticipating working with them on that.
24 25	 Continue to review the causal report on the spark and drums incident at TA-55. They continue to work with DOE, LANL and WIPP
26	WIPP Update
27 28	WIPP has completed their two-month maintenance outage and shipments resumed at the end of March.
29 30	The Class 3 Permit Modification hearing began this week and was scheduled to go through Friday. It was a virtual hearing on the permit for the new air shaft.
31	The 10-year permit renewal is still under technical review at NMED.
32	Shipments Update
33	January 1^{st} through May 14^{th} – 60 total shipments/1,120 individual containers
34 35 36	Audit Schedule over the next five months, they are anticipating performing audits at LANL, Sandia, Argon National Laboratory, Lawrence Livermore, and the Advanced Mixed Waste Treatment Project in Idaho.
37 38	Mr. Pierard stated that he would like to mirror Mr. Bishop's comments that they continue to have discussions with DOE on quite a few difficult issues and sometimes they have

disagreements, but they would assure everyone that the discussions are professional and courteous and they are all still working toward the same positive outcome.

Mr. Pierard stated that concerning COVID response and progress made in that regard, they are anticipating that some staff will be reporting to the offices again beginning June 1st. They are also working on a policy for field activities and should be updated very soon.

Mr. Pierard stated that the following personnel changes were made:

Deputy Secretary Jennifer Pruit has retired and has been replaced by Stephanie Stringer and Rebecca Roose. Both are Division Directors that have been promoted and will both hold the title of Deputy Secretary. He noted that they are hoping to replace Ms. Stringer very soon as she will be continuing to do the Director's job as well as the new duties. Mr. Chris Catechis fills the role as Deputy Director and will be helping Ms. Stringer out. Mr. Pierard stated that he will also be leaving his post as Bureau Chief effective June 11th.

XV. Future Presentation Requests and Wrap-up Comments

Dr. Riveles thanked Mr. Pierard and Mr. Lachman for their service and wished them well in their retirement. Dr. Riveles asked for the next meeting, an update on the chromium plume now that they have installed the fully operational permanent measure. He believes there will be a lot of questions on the function and duration of that project. He noted that he would like an update and not a full-scale presentation from Mr. Danny Katzman.

Mr. Bishop stated that it could be done but the interim measure has been fully implemented, the final remedy has not been determined yet. They are still working with the State on what the final remedy would be.

Mr. Life stated that he would like more face to face meetings. He also recalled that additional members could attend the Chairs meetings and he suggested that other members attend those meetings as well.

Ms. Beloff stated that she seconded Mr. Life's sentiment and would like more in person meetings. She thanked Mr. Lachman and Mr. Pierard for their service and wished them well in their retirement. She thanked the presenters for their excellent presentations.

Mr. Neal asked if there was a way to meet in person with the website developers. He would like to have an in person white board meeting to talk about how they are going to proceed with the development of a new website for the NNMCAB.

Ms. Beloff also asked for public documents that can be shared around the Consent Order lawsuit, they would like to be knowledgeable about what is going on. She would like an update at the next meeting about what can be publicly revealed about the lawsuit.

Mr. Bishop stated that his legal council has gotten back to him and the responses to the lawsuit are public documents and he will send them to Ms. Santistevan to distribute to the NNMCAB members in the morning.

Mr. Hayden stated that he would like to see the written response included in the next meeting packet.

Mr. Hull stated that the next combined meeting is June 23rd. Ms. Santistevan stated that the next full Board Meeting is July 21st.

1 2 XVI. Adjournment 3 Mr. Bishop thanked the members for their participation, everyone had great comments. He 4 understands that the meetings are tough this way, but they are making them happen and 5 thanked everyone for that. 6 With no additional business to discuss, Mr. Bishop adjourned the meeting at 4:49 p.m. 7 Respectfully Submitted, 8 9 10 11 Mr. Robert Hull, Chair, NNMCAB 12 *Minutes prepared by Bridget Maestas, Executive Assistant, NNMCAB 13 14 **Attachments** 15 1. Final NNMCAB Meeting Agenda for 5/19/2021 16 2. Final NNMCAB Meeting Minutes for 03/17/2021 17 3. Biography, Steve Veenis, Environmental Remediation/Water Program Director 4. Presentation by Steve Veenis, "Proposal to Update New Mexico Water Quality Standards: 18 19 **Copper Site-Specific Water Quality Criteria for the Pajarito Plateau** 20 5. Biography, Leslie Martinez, Director of Acquisitions 21 6. Biography, Heather Evans, Environmental Remediation Procurement & Subcontracts Manager 7. Presentation by Leslie Martinez and Heather Evans, N3B, "How N3B is Rebuilding Our Small 22 23 **Business Subcontracting Community"** 24 8. N3B Progress Report, February 2021 – March 2021

- 25 **Public Notice:**
- *All NNMCAB meetings are recorded. Audio CD's will be placed on file for review at the NNMCAB
- office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are intended as a
- 28 synopsis of the meeting.