



Northern New Mexico Citizens' Advisory Board Meeting

January 31, 2024

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

Hybrid Meeting

Santa Fe, New Mexico

The video for the January Board Meeting can be viewed on the NNMCAB YouTube Channel:

[NNMCAB January 2024 Meeting \(youtube.com\)](https://www.youtube.com/watch?v=...)

Minutes

Meeting Attendees

Department of Energy

1. Michael Mikolanis, Manager, Environmental Management Los Alamos
2. Ellie Gilbertson, Deputy Manager, Environmental Management Los Alamo
3. Keith Grindstaff, Deputy Designated Federal Officer, Environmental Management Los Alamos
4. John Evans, Environmental Management Los Alamos
5. Robert Reine, Environmental Management Los Alamos
6. Philip Theisen, Environmental Management Los Alamos
7. Lee Ocker, Environmental Management Los Alamos
8. Cheryl Rodriguez, Environmental Management Los Alamos

NNMCAB Members

1. Elena Fernandez, Chair
2. Melissa Casias
3. Sterling Grogan
4. Mark Hayden
5. Martinez Hewlett
6. Anne Laurent
7. Manuel L'Esperance
8. Beverly Martin
9. Stephen McLaughlin
10. Patricio Pacheco
11. Joseph Villegas

NNMCAB Staff/Support

1. Bridget Maestas, Executive Director
2. Menice Santistevan, Senior Advisor
3. Yolanda Valdez, Executive Assistant

Guests

1. Ricardo Maestas, New Mexico Environment Department
2. Cherylin Atcitty, Public
3. Kristin Henderson, N3B
4. Elicia Williams, Environmental Management Los Alamos
5. Brad Smith, N3B
6. Meagan Mclean, New Mexico Environment Department
7. Chilton Tippin, CU Boulder
8. John Gonsky, Tech2 Solutions
9. Michael Peterson, New Mexico Environment Department
10. Erich Evered, N3B
11. Gail Mattson, Longenecker & Associates, LLC
12. Kevin Reid, N3B
13. David Abelson, N3B
14. Caitlin Martinez, New Mexico Environment Department
15. Renee Martinez, Environmental Management Los Alamos
16. Stephanie Gallagher, Environmental Management Los Alamos
17. Siona Briley, New Mexico Environment Department
18. Mitchell Schatz, New Mexico Environment Department
19. Chelsie Frasure, Environmental Management Los Alamos
20. Tom McCrory, Environmental Management Los Alamos
21. Jeff Holland, N3B
22. Nadia Martin, Industrial Economics, Incorporated
23. Neelam Dhawan, New Mexico Environment Department
24. Scott Kovac, Nuclear Watch New Mexico
25. Jennifer Hart, Industrial Economics, Incorporated
26. Joseph Ritchey, Environmental Management Los Alamos
27. Kaitlin Victorino, Jemez Pueblo
28. Melanie Hand, Los Alamos County Counselor
29. Amanda Caudillo, Environmental Management Los Alamos
30. Mingcheng Ren, New Mexico Environmental Department.
31. Neelam Dhawan, New Mexico Environmental Department
32. Susan Coleman, Hanford Advisory Board
33. Troy Thompson, N3B
34. Lauren Hargraves, Environmental Management Los Alamos
35. Nathan Williams, National Energy Technology Laboratory
36. Kate Girard, Office of Natural Resources Trustee
37. James Dyer, N3B
38. Gail Mattson, Longenecker & Associates, LLC

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

Minutes

I. Call to Order

The meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) was held on January 31, 2024, in a hybrid and in person format. Mr. Keith Grindstaff, Deputy Designated Federal Officer (DDFO) stated that on behalf of the Department of Energy (DOE) the meeting of the NNMCAB was called to order at 1:03 p.m.

Mr. Grindstaff recognized Ms. Elena Fernandez, the NNMCAB Chair. Ms. Fernandez presided at the meeting.

The meeting of the NNMCAB was posted in The Federal Register in accordance with the Federal Advisory Committee Act.

II. Establishment of a Quorum (Roll Call)

Ms. Fernandez conducted roll call of board members in person and on WebEx. At the call to order, 11 NNMCAB members were present or online, and a quorum was established. Ms. Fernandez stated that the meeting was being recorded to produce the minutes of the meeting.

III. Welcome and Introductions

Mr. Grindstaff welcomed everyone to the meeting. He then asked the IT team to provide a brief instruction on how to utilize the microphones. Mr. Grindstaff then gave a brief introduction of the new staff member Yolanda Valdez as Executive Administrator, followed by the announcement of Bridget Maestas as the new Executive Director and Menice Santistevan as Senior Advisor.

Mr. Grindstaff then turned the meeting over to Ms. Fernandez. Ms. Fernandez welcomed Ms. Valdez, gave congratulations to Ms. Maestas, and expressed her gratitude to Ms. Santistevan. Ms. Fernandez welcomed everyone to the January Board Meeting in Santa Fe. Ms. Fernandez then asked the members in the room and online to introduce themselves.

IV. Approval of Agenda

The board reviewed the agenda for the January 31, 2024, Board meeting. Ms. Fernandez opened the floor for a motion to approve the agenda as presented.

Mr. Sterling Grogan made a motion to approve the agenda; Mr. Mark Hayden seconded the motion. The motion to approve the agenda as presented passed.

V. Old Business

a. Update from Chair/Vice-Chair

Ms. Fernandez stated that she had no updates.

Mr. Pacheco stated that he had no updates.

b. Update from Subcommittee Chairs

Consent Order Subcommittee

Mr. Mark Hayden stated that they met preliminarily on the new work plans for 2024 however, they have not taken any action on them. They will be continuing discussion and will provide a report at the next meeting.

Public Outreach Subcommittee/Risk Evaluation & Management Subcommittee

Ms. Fernandez stated that as Chair for both the Public Outreach and Risk Evaluation Committees the same status applied. She reported that Headquarters has sent the members the work plans and they will require more time for review. The members will then meet to discuss or finalize the work plans. A vote will also be taking place for the new Chair and Vice-Chair of the Public Outreach and Risk Evaluation committees. The board is also looking forward to having a new website. Ms. Fernandez provided a brief talk on the positive aspects of the website.

VI. New Business

Ms. Fernandez stated that she had no new business.

Mr. Stephen McLaughlin stated that he previously submitted a motion for consideration of new business to have the July meeting minutes corrected and would like to know the status. Ms. Maestas stated that the minutes have been revised and are being prepped to be sent to the Chair for certification. Upon certification the corrected minutes will be sent out. Mr. McLaughlin asked if the members would have the opportunity to review the minutes before they are certified. Ms. Maestas stated that they will be shared prior to certification. Mr. McLaughlin referred to an email concerning the new procedure of processing minutes. He suggested that minutes should be submitted to the NNMCAB members for approval before they are certified. Ms. Maestas stated that minutes will be sent out for review by members before certification.

Mr. Hayden made a motion to keep Mr. McLaughlin's motion as pending due to not having the July minutes to review. Mr. McLaughlin agreed.

VII. Update and Look Ahead from N3B

Brad Smith introduced himself and his staff that were in attendance. Kristin Hendersen and Kevin Reid. Brad then extended his gratitude to Michael Mikolanis for all his assistance and hard work.

2024 Look Ahead – The primary areas of 2024 work are around waste disposition. This includes driving down Legacy Waste inventory.

TA-54 low-level waste and mixed low-level waste campaigns – Since contract start, approximately 1880 containers out of TA-54 have been shipped. The fiscal year 24 goal is to ship the final 451 containers. This will close out this effort in 2024 for shipping the mixed low-level and low-level waste offsite for what is currently in stock. Waste generated from aggregate area programs will also be shipped to depositories in Nevada, Utah, and other certified waste sites in the United States.

True waste and corrugated metal pipes – N3B continues to make progress. Despite the snowfalls, N3B crews were able to continue work. N3B also added another crew and created an incentive plan for the workforce to attain this Milestones.

TA-54 waist drum inventory – Planning continues for pit nine. A high material glove box is on site. Individuals that plan to execute the work visited a site in Tennessee and received good feedback. He anticipates that the beginning of the build will begin in FY24.

Environmental remediation – N3B has submitted two drilling plans to the New Mexico Environment department for simmer 3 and R79 Rev 1. They have also submitted the final Solid Waste Management unit assessment report for Middle DP Road a month ahead of schedule. Mr. Smith also informed that if the plan is dispositioned the land can be turned from an economic development effort back to Los Alamos.

Aggregate Areas – Two of the seven campaigns have been completed. Five are presently ongoing. Twomile Aggregate Area work will be completed and the field reports that include the risk assessments will be submitted to NMED. To limit remobilization N3B will sample for PCB's. Due to the possibility of beryllium in these areas all workers are required to complete the beryllium Protection Program.

The cultural resource aspect of the Potrillo/Fence Aggregate Area will continue to be worked. Samples from multiple depths and location are being taken and this is also a possible beryllium area. Site investigations continue at the Starmer/Upper Pajarito aggregate areas. Discussions concerning the gun site will resume. N3B will be reentering this area after suspension of activities took place due to insufficient oversight. Hand drilling operations will be utilized in this area due to archeological or culturally sensitive items. Chaquehui Canyon is in Phase III Investigations. Upon completion they will build work plans and submit them to NMED. Field work is planned in the Lower Pajarito and aggregate areas beginning in either February or March. This will be N3B's first time in the area so they will utilize the experience they have gained from the other areas and apply this to the work plans.

Mr. Smith then informed that since 2018 N3B has collected more than 13,000 soil sediment samples, 20,000 water sample and undertaken more than 13,000 storm water control inspections. This data is provided to NMED and ensures that work is being done properly and they are protecting human ecological health. Material disposal areas-MDA L will be proposing a cleanup plan. More information on that will come at a later meeting. Sampling and vapor operation will resume spring or fall of 2024. MDA A&T vapor sampling will continue to support corrective measures evaluation and MDA C, L and G will also continue vapor sampling.

New Program – This program will report directly to the Office of the Manager. The program will utilize N3B's engineers, Environmental Health, and procurement to create one standard for operations. N3B has hired Brett Gervino to lead this project. Mr. Gervino's prior experience includes the Pueblo Chemical weapons depot and has worked in Idaho. This program will improve training for workers and offer educational resources to current and future staff. Local colleges and universities have all been incorporated into the program. The program will also create a safety conscious work environment and create a more knowledgeable and open workforce.

EMF (Environmental Management Cleanup Forum) – February 15, 2024, Sala Event Center. Los Alamos, New Mexico.

VIII. Update from NMED

Resource Protection – Ricardo Maestas stated he was present on behalf of the Director of the Resource Protection Division, Rick Shean.

Mr. Maestas provided the following updates:

The Consent Order for the proposed FY24 Appendix B was submitted to NMED and DOE on July 28, 2023. The permittees, DOE and NMED have had multiple meetings to negotiate the proposal. A meeting occurred on the morning of January 31, 2024 to negotiate the last item needing resolution to finalize Appendix B. An update will be given at a future meeting.

Groundwater Well R-73 was plugged and abandoned with oversight from NMED and the Office of the State Engineer on September 10, 2023. DOE submitted a causal analysis on December 20, 2023. A Notice of Deficiency (NOD) was sent for the Chromium Interim Measure (IM) and characterization work plan on May 31, 2023. The Notice of Deficiency required that DOE propose an alternative location to injection as part of the revised document. NMED and DOE met on July 24, 2023 to discuss the disagreements with comments. DOE then provided comment responses to the NOD and a meeting were held on October 26, 2023 to continue those discussions. NMED reviewed the comment responses and issued the feedback in a letter sent back to the permittees on January 3, 2024.

NMED approved the R-76 drilling work plan on June 8, 2023 and the drilling of R-76 began on September 21, 2023. DOE requested a variance from the Office of State Engineer on November 24, 2023. It was denied by the Office of the State Engineer on November 28, 2023 and suspended the permit for R-76 until DOE submits the required information. NMED, Office of the State Engineer and DOE have had several meetings to clarify the information request. DOE has not submitted all the information required by the Office of the State Engineer and the permit is currently suspended.

DOE submitted the revised drilling work plan for R-79 on October 27, 2023. To accommodate the Office of the State Engineer's requirement for a single screen well and it has reviewed the submission and issued review comments on January 22, 2024.

The Office of State Engineer returned the permit application for Well R-80 due to the proposed dual screen design. NMED will review a revised drilling plan for R-80 to accommodate the single screen design.

The Chromium IM has been shut down since April 1, 2023. DOE and NMED have not yet agreed on a path forward. To resume operations, NMED has required that DOE propose an alternative injection location for the extraction and treatment of contaminated water. A letter was sent by NMED to DOE on September 6, 2023, to propose a path forward for continued remediation of the chromium plume. NMED provided acceptable corrective actions that would allow for a temporary recommencement of the injections while an alternative location is developed. NMED has also discussed the need to retain an independent mediator at the recommendation of the General Accountability Office and the State's Radioactive and Hazardous Materials Interim Committee. DOE sent a response letter on December 5, 2023 that stated disagreement with the proposed corrective action and stated that DOE has retained technical staff from Savannah River National Labs to perform a technical review of the IM operation.

1 NMED and DOE attended the Pueblo of San Ildefonso Tribal Council working session on
2 October 16, 2023, to discuss the proposed monitoring of San Ildefonso Tribal monitoring
3 well number three on Pueblo land. The SIMR3 is proposed as a dual screen design to
4 monitor potential contamination south of the injection location near the Pueblo boundary.
5 NMED is continuing discussions with DOE, the Pueblo of San Ildefonso, and the Department
6 of Environmental and Cultural preservation to determine if SIMR3 will be completed as a
7 single screen or dual screen design. NMED presented an update on the status of the
8 chromium project to the Buckman Direct Diversion Board on November 2, 2023.

9 **Corrective Action Documents** – NMED has issued a statement of basis for MDA C on
10 September 7, 2023, that proposed the remedy to include the excavation of waste for
11 appropriate final disposal and active soil vapor extraction of the volatile organic compound
12 plume. The final remedy will be selected after considering input from the public. The public
13 comment period ended on November 6, 2023. NMED has received three requests for a
14 public hearing on the statement of basis. The hearing requests were from Triad National
15 Security, EMLA/N3B, and from Nuclear Watch New Mexico. NMED is in the process of
16 scheduling the public hearing and the public comment period has been extended to the
17 close of that public hearing. NMED has approved the final investigation work plan for MDA A
18 on September 20, 2023. NMED issued an approval with modifications for the Final
19 Investigation Work Plan for MDA T on November 4, 2023. NMED approved the Phase III
20 Investigation Work Plan for Chaquehui Canyon Aggregate Area on November 28, 2023.

21 **Middle DP Road** – DOE has completed field investigations and NMED received the solid
22 waste management unit assessment report for Middle DP Road site on December 22, 2023.
23 The report is now under NMED review.

24 **LANL Permits Related Activities** – The 10-year renewal application for the LANL permit was
25 submitted in 2020. NMED has sent two administratively incomplete determinations to DOE.
26 NMED is now waiting for DOE to submit a revised application that includes an additional
27 storage unit. NMED has approved a class one permit modification on September 14, 2023,
28 to add a treatment to TA-50 Building 0069.

29 **WIPP** – Megan Mclean thanked the NNMCAB for inviting her to attend the board meeting
30 and noted that she is currently the acting WIPP Program Manager. Megan provided the
31 following updates:

32 On November 3, 2023, the permit renewal for WIPP was finalized. The permittees and NMED
33 are focused on implementing several new permit conditions that went into effect for this
34 new permit. A vital condition is LANL waste, legacy waste, and the legacy true waste
35 disposal plan. The aim of the new permit condition is to define the term “legacy”. The term
36 is not currently defined in the current permit. The condition will also identify the inventory
37 of legacy waste at different DOE sites. The goal of this plan is to prioritize the legacy waste
38 in panel 12 and other panels. However, to the extent possible, panel 12 will be prioritized
39 for legacy waste.

40 Class 1 permit modifications are also expected in the next month. The modifications relate
41 to WIPP’s settlement agreement. One modification will ensure the term “Tribal” is
42 consistent throughout the permit and that Tribes are informed of public involvement
43 opportunities. The second modification pertains to flood zone designation at the facility.

44 The annual WIPP maintenance outage has paused shipments. The last shipments took place
45 January 24 – 27, 2024. The maintenance began on January 25th and will run until April 1st. A

meeting will take place on February 1, 2024, to inform staff what maintenance will take place.

Shipments for 2024 Calendar Year – From January 1st through January 22nd, WIPP has received thirty-two shipments. Twenty-six from Idaho, three from Los Alamos, two from Savannah River, and one from Oak Ridge.

IX. Update and Look Ahead from EMLA

Mr. Mikolanis welcomed all those in attendance. He then stated that in December, DOE announced his transfer to the Savannah River Site. He will be taking over as the Office Manager for the National Nuclear Security Administration's operations and by October will also be the landlord of the site. The transfer will take place on March 25, 2024. Mr. Mikolanis then provided the following information.

Website – Mr. Mikolanis stated that he did not have a date when the website will be released. It is currently under administrative review by headquarters. The release should take place soon.

Hexavalent Chromium Plume – Since interim measure was shut down, EMLA has conducted regular technical three-party meetings between DOE, NMED, and the Pueblo de San Ildefonso, to share the technical understanding of what is happening to the plume. EMLA is in the process of obtaining permits for additional monitoring wells to acquire data necessary to further characterize the plume and design a remedy. NMED has not submitted a corrective measures evaluation. EMLA has also been working with the Pueblo de San Ildefonso on the details of a proposed second monitoring well on Tribal lands. The final documents are in place and field work is planned for early 2024.

NMED and the State's Radioactive and Hazardous Materials Interim Committee encouraged the third-party review of the chromium interim measure project. DOE supports this recommendation. EMLA, DOE and NMED have engaged experts from the network of National Laboratories such as Savannah River. However, it is not direct work with the site. It is a contract with the lab and can be used as a vehicle to bring in world-renowned technical experts to give a thorough review of the issues. The network of National Laboratories is a way to reach out to Industry in the Environmental Protection agencies and others, to bring in that kind of expertise and then facilitate the technical discussions between the Department of Energy and our regulator, in an attempt to resolve those differing opinions. The review team will consist of 12 members with participation from the network of labs, industry, academia, and the Environmental Protection Agency, Region 6. Their contracts are currently being processed. The membership of this team is something that is jointly approved by both NMED and the DOE.

Mr. Mikolanis shared a slide on the state of the chromium plume. Mr. Mikolanis noted that in the past five years the chromium plume had been driven back and there was reduced chromium concentrations. However, after the shutdown of the IM, a rise in chromium concentrations in the monitoring and extraction wells has been noted. Mr. Mikolanis shared that he has particular concern with Well R-50. It is the sentinel well that borders Tribal land. At the start of the interim measure, it was above fifty parts per billion. It was reduced and efforts had moved the plume back five hundred feet. It is now on the rise again.

In September 2023, EMLA received a proposal from NMED to temporarily operate a portion of the interim measure, with conditions. After evaluating the proposal, EMLA submitted a response in December, requesting approval for partial resumption of the chromium interim measure. EMLA is awaiting the response from NMED. EMLA is hopeful that they may be able to restart the interim measure operation soon, even if it's a partial operation. EMLA also proposed resuming operation while the technical review team performs its work and evaluates the differing positions and make changes.

While discussing monitoring wells, Mr. Mikolanis stated that there have been some recent changes to single screen versus dual screen and shifting away from the bentonite as a seal. EMLA is working through that to get the NMED all the information it needs. Mr. Mikolanis attended a meeting two with the State Engineer. At the end of their conversation the State Engineer felt that EMLA was hitting a reset button on its relationship with NMED. They were no longer going to disagree on single vs. dual screen wells or the hazards of utilizing concrete. EMLA will just follow regulatory direction and proceed with work.

Strategic Vision – Throughout phase one, the educational sessions, and the phase two listening sessions, EMLA obtained significant feedback through the engagement. EMLA met with over 170 people, and participants who represented 20 stakeholder groups and pueblos. After 30 sessions, over 2,000 comments were received. Those comments are now being analyzed, grouped, and placed into a model titled *Socrates*. This will assist in planning for phase three. Certain decisions are being accelerated due to his departure. The project will not be complete by Mr. Mikolanis' s departure date of March 25, 2024, however, he feels that his team and corporate partner will complete phase three well.

X. Presentation on Landfill Covers

Mr. Kevin Reid, N3B Presented on Landfill Covers. An electronic copy of the presentation may be obtained from the NNMCAB staff. bridget.maestas@em.doe.gov, or Yolanda.valdez@em.doe.gov)

Mr. Reid stated that he would be discussing the engineered covers for landfill areas. Landfill covers are used to isolate the underlying waste and reduce risk to human health in the environment. The main utilization is to keep water from infiltrating the waste and potentially mobilizing contamination deeper. It also prevents intrusion by either people, plants, or animals. Mr. Reid also provided a description of EvapoTranspiration covers. He stated that EvapoTranspiration behave like a sponge. Water is absorbed into it and then the plants will use the water, and the sun will evaporate the water. Mr. Reid then provided information on all the locations that utilize landfill covers. The rest of the presentation discussed more data on the covers, such as cost and effectiveness. Lastly, Mr. Reid described the Los Alamos Airport landfill.

a. Questions

Beverly Martin asked if there has been an instance that roots have gotten so long that they have reached the contamination and brought it up?

Mr. Reid stated that one inspection that takes place is to ensure there is no woody types of vegetation occupying the covers. The ideal vegetation types are grasses and forbs.

She also asked if the plan for closure of the MDA's would be submitted as recreational land?

Mr. Mikolanis stated that there is not a definitive answer he can provide now. The answer will come from either the landlord or the State can dictate it through the Resource Conservation and Recovery Act process.

Manny L'Esperance asked a question concerning VapoTranspiration. He asked if off-target movement of contaminated material in upward movement as well as the potential for it to go down through the fractures was being monitored.

Mr. Reid stated that in this case the cover type prevents any infiltration into the waste. It's just going to be rainfall, which is uncontaminated, falling on our cover which is also uncontaminated. So consequently, there is not really a pathway of contamination because it's being restricted to this upper horizon EvapoTranspiration is strictly surface movement.

XI. Public Comment Period

Ms. Fernandez opened the floor for public comment at 4:15 p.m.

Mr. Scott Kovac, Nuclear Watch New Mexico, signed up for public comment. Mr. Kovac had technical issues and was asked to submit written comments to the NNM CAB Staff.

With no further public comment, Ms. Fernandez closed public comment at 4:16 p.m.

XII. Adjournment

With no additional business to discuss, Mr. Grindstaff adjourned the meeting at 5:15 p.m.

Certified By:



04/02/2024

Mr. Patricio Pacheco, Chair

***Minutes prepared by Yolanda Valdez, Executive Assistant, NNM CAB**

Attachments

1. Final NNM CAB Meeting Agenda for 01/31/2024
2. Biography, Kevin Reid
3. Presentation by Kevin Reid N3B, "Performance of Engineered Landfill Covers Relevant to Los Alamos National Laboratory Material Disposal Areas"
4. Handout, Cr Concentration Update (I)
5. Handout, NNM CAB FY 2024 Work Plan
6. Handout, NNM CAB Meeting Schedule 2024
7. N3B Project Update, Los Alamos Legacy Cleanup Q1 2024

Public Notice:

***All NNM CAB meetings are recorded. Audio files will be placed on file for review at the NNM CAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are intended as a synopsis of the meeting.**