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Northern New Mexico Citizens' Advisory Board Meeting

March 12, 2014

2:00 p.m. to 4:00 p.m.

NNMCAB Office

94 Cities of Gold Rd.

Santa Fe, New Mexico 87506



Minutes

Meeting Attendees

U.S. Department of Energy

1. Lee Bishop, Deputy Designated Federal Officer (DDFO)
 2. Christina Houston, DOE Environmental Projects Office
-

NNMCAB Members

1. Mike Loya, EM&R Committee Chair
 2. Nona Girardi, EM&R Committee Vice-Chair
 3. Carlos Valdez, NNMCAB Chair
 4. Bob Villarreal
 5. Joey Tiano
 6. Irene Tse-Pe
 7. Danny Mayfield
 8. Stephen Schmelling
 9. Alex Puglisi
 10. Gerard Martinez
-

NNMCAB Student Members

1. Kaitlin Martinez
-

NNMCAB Excused Absences

1. Manuel Pacheco
 2. Deidre Roybal
 3. Jerry Trujillo
 4. Gary Johnson
 5. Mary Friday
 6. Angel Quintana
 7. Doug Sayre
 8. Deb Shaw
-

1 **Absences**

- 2 1. Adrian Chavez
- 3 2. Bonnie Lucas
- 4 3. Brenda Gallegos
- 5 4. Allison Majure
- 6 5. Ashley Sanderson
- 7 6. Joseph Viarrial

8

9 **NNMCAB Support Staff**

- 10 1. Menice Santistevan, Executive Director
- 11 2. Bridget Maestas, Administrative Assistant
- 12 3. William Alexander, Technical Programs and Outreach

13

14 **Guests**

- 15 1. Scott Kovac, Nuclear Watch New Mexico
- 16 2. Pattie Jones, Los Alamos National Security
- 17 3. Karen Armijo, JGMS

18 ***All NNMCAB Meetings are recorded. Audio CD's have been placed on file for review at the NNMCAB**
19 **Office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are intended as a**
20 **synopsis of the meeting.**

1 **Minutes**

2 **I. Call to Order**

3 The monthly meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB)
4 Environmental Monitoring & Remediation (EM&R) and Waste Management (WM)
5 Committees was held on March 12, 2014 at the NNMCAB Office in Pojoaque, New Mexico.
6

7 Mr. Mike Loya, Chair EM&R committee called the meeting to order at 2:07 p.m.
8

9 The meeting of the NNMCAB was open to the public and posted in The Federal Register
10 in accordance with the Federal Advisory Committee Act.

11
12 **II. Approval of Agenda**

13 The Combined Committee (CC) reviewed the agenda for the March 12, 2014 meeting.
14 Mr. Joey Tiano made a motion to approve the agenda as presented; Dr. Nona Girardi
15 seconded the motion. The CC voted all in favor of approving the agenda for the March 12,
16 2014 meeting as presented.

17
18 **III. Approval of Minutes**

19 Mr. Loya opened the floor for discussion on the minutes of the February 12, 2014 CC
20 meeting. Seeing no comments Mr. Loya asked for a motion.
21

22 Mr. Stephen Schmelling made a motion to approve the minutes of the February 12,
23 2014 meeting as presented; Mr. Tiano seconded the motion. The motion to approve the
24 minutes of the February 12, 2014 meeting as presented passed.

25
26 **IV. Old Business**

27 **a. Roberts Rules**

28 Ms. Bridget Maestas gave an overview on Roberts Rules of Order (RROO). A copy of
29 the overview pamphlet "A Quick Guide to Robert's Rules of Order for The Northern New
30 Mexico Citizens' Advisory Board" can be obtained at the NNMCAB Office.
31

32 **b. Questions**

33 Mr. Alex Puglisi asked for clarification on addressing the Chair when asking
34 questions.
35

36 Mr. Bishop responded that during the business portion of the meeting individuals
37 should address the Chair. During the presentation phase he noted that there is a hand
38 off on behalf of the Chair to the presenter, allowing members to address the presenter.
39 Mr. Bishop noted that during the public comment period the members should be
40 recognized by the Chair before asking questions of public speakers and should address
41 questions for the public to the Chair.

1 Mr. Danny Mayfield asked if the complete RROO had been adopted into the By-
2 laws. Additionally, he recommended that the board consider adopting a condensed
3 version of the rules in an effort to streamline the meeting process, in lieu of the
4 complete set of rules.

5
6 Ms. Menice Santistevan responded that RROO had been adopted; however, noted
7 that the By-laws are currently under revision and that the RROO would likely be
8 removed.

9
10 Dr. Girardi asked what the protocol was for members outside of meetings, when do
11 you introduce yourself as a NNMCAB member and when do you speak as a
12 representative of the NNMCAB.

13
14 Ms. Santistevan responded that when members attend a public meeting and were
15 asked by the NNMCAB to attend the meeting then the member is a representative of
16 the NNMCAB. She noted that if the member is attending the meeting without the
17 NNMCAB having requested the member to attend, then the member is an individual not
18 a representative of the NNMCAB. Ms. Santistevan noted that the members should
19 review the By-laws for additional clarification.

20
21 Mr. Bishop added that members are welcome to identify that they are a member of
22 the NNMCAB; however, if attending the meeting as an individual they do need to clarify
23 that they are not speaking on behalf of the NNMCAB.

24
25 With no additional discussion Mr. Loya moved on to new business.

26
27 **V. New Business**

28 Mr. Loya opened the floor for discussion on new business.

29
30 Mr. Valdez reminded everyone that there were copies of the individual committee work
31 plans included in the meeting packets for the March 12, 2014 meeting. He noted that during
32 today's meeting the last 15 minutes had been set aside for committee breakout sessions.
33 Mr. Valdez asked that each committee review their plan and see where the committee
34 stands on completing the items in their FY'14 plans.

35 Mr. Valdez also noted that as of today there are no recommendations in progress, he
36 noted that there are quite a few hot topics at LANL that could be used for drafting a
37 recommendation. Additionally, he noted that he would be happy to work with any of the
38 members to compose a draft recommendation.

39
40 Mr. Loya asked what at WIPP would be considered as part of the NNMCAB scope.
41

1 Mr. Bishop responded that WIPP is within the NNMCAB scope, if it is an EM policy
2 change, or if the policy changes would affect the LANL site, but only to the extent that it
3 impacts LANL.

4
5 Ms. Santistevan noted that in the packets today a flyer for the upcoming board meeting
6 had been included. Ms. Santistevan asked if the members could assist the staff by hanging
7 the flyer in a community area in their community.

8
9 Ms. Irene Tse-Pe asked if there was anywhere that additional information on the
10 chromium plume could be obtained.

11
12 Mr. Bishop responded that at the March 26, 2014 board meeting the presentation
13 would be on the chromium plume. He noted that the data that had been collected in FY'13
14 was currently being analyzed and drafted into a report. Mr. Bishop noted that the NNMCAB
15 meeting was being used as the forum to give the New Mexico Environment Department
16 (NMED) and the public a preview of the report that will be submitted to NMED on March 27,
17 2014.

18
19 Ms. Tse-Pe noted that she would like to have any additional information that becomes
20 available provided to the NNMCAB.

21
22 Ms. Santistevan noted that Intellus is available to the public and that it hosts all of the
23 raw data from LANL sampling projects.

24
25 Mr. Gerard Martinez noted that he was interested in drafting a recommendation that
26 proposed a beta project for lining the trenches at TA-54.

27
28 Mr. Alex Puglisi noted that he would also like to participate in drafting that
29 recommendation. Additionally, he noted that at the January board meeting the Chair had
30 asked for members to assist Mr. Scott Kovac in preparing the recommendation.

31
32 With no additional business Mr. Loya moved onto the next agenda item.

33
34 **VI. Presentation on National Environmental Policy Act (NEPA) Basics**

35 a. Ms. Karen Armijo gave a presentation to the NNMCAB on "National Environmental
36 Policy Act Basics." An electronic copy of the presentation may be obtained from the
37 NNMCAB website at URL ([http://www.nnmcab.energy.gov/7-](http://www.nnmcab.energy.gov/7-presentations/presentations.htm)
38 [presentations/presentations.htm](http://www.nnmcab.energy.gov/7-presentations/presentations.htm)).

39
40 **b. Questions**

41 Mr. Valdez asked if contractors of the federal government were required to follow
42 NEPA.

1 Ms. Armijo responded that a federal contractor would be acting on behalf of the
2 government so they would be required to follow the decisions of NEPA.

3
4 Mr. Valdez asked if public hearings occur for each of the different levels.

5
6 Ms. Armijo responded that under a categorical exclusion the public input occurs
7 when the rule is put into place. For an Environmental Assessment (EA) public input
8 occurs after the draft report is issued. For an Environmental Impact Statement (EIS) the
9 public provides comment at the beginning of the process and after the draft report is
10 issued.

11
12 Dr. Girardi asked for clarification on what is meant by human environment.

13
14 Ms. Armijo responded that human environment is the physical infrastructure in
15 addition to the social and economic structure in the area. She noted that the natural
16 environment would include biological and geological resources.

17
18 Mr. Schmelling asked if the NEPA process considers both negative and positive
19 impacts equally.

20
21 Ms. Armijo stated that the positive and negative is considered equally, noting that
22 the document is supposed to be objective.

23
24 Mr. Loya asked how historic impacts are captured.

25
26 Ms. Armijo noted that the historical impacts are captured in the EIS in the effected
27 environment section.

28
29 Mr. Martinez asked if a Special Environmental Analysis (SEA) had happened at the
30 Waste Isolation Pilot Plant (WIPP)

31
32 Mr. Bishop noted that the incident at WIPP may require a SEA to be completed;
33 however, until the team is able to enter the facility and assess the impacts from the
34 incident, that would remain undetermined.

35
36 Mr. Mayfield asked if the Consent Order can dictate an EIS be completed.

37
38 Ms. Armijo noted that the answer is no, the public input formulates the NEPA
39 process, but the Consent Order does not have a direct ability to dictate an EIS be
40 conducted.

41
42 Mr. Puglisi asked if there can be a legal challenge to a NEPA document.

1 Ms. Armijo responded that yes there can be, noting that it occurs when there has
2 been a procedural breach in the process. An example of which would be a public
3 comment schedule was not adhered to.

4
5 **VII. Public Comment Period**

6 Mr. Loya opened the public comment period at 3:40 p.m.

7
8 Mr. Scott Kovac noted that WIPP may not be reopened in time to accept the last
9 shipments for the 3706 Campaign. Mr. Kovac noted that the media had reported on the
10 possibilities of shipping the waste to Idaho National Laboratory or Waste Control Specialists.
11 He stated that the local Non-Profit Organizations were getting together to see what they
12 think about temporarily storing the waste at LANL. He noted that the NNMCAB might want
13 to consider a recommendation on the issue. Mr. Kovac brought for the record the newly
14 adopted Regional Coalition of LANL Communities Environmental Mission Statement. Mr.
15 Kovac asked that the NNMCAB take into consideration the current issues when looking at
16 the FY'14 work plans. As an information point he noted that the categorical exclusions are
17 now available online, and that the NMED permit documents are now available on a cloud
18 server.

19
20 With no additional comments Mr. Loya closed the public comment period at 3:45 p.m.

21
22 **VIII. Update from DOE**

23 Mr. Bishop noted the categorical exclusions on the web are not just the exclusion but
24 also the projects that they are tied to. Mr. Bishop also noted that the Record of Decision is
25 the document that is the formal decision, not the EIS.

26 Mr. Bishop noted that DOE would continue to distribute the WIPP press releases to the
27 NNMCAB in an effort to keep the members informed. He stated that it is the intention of
28 DOE Los Alamos Field Office to complete the 3706 Campaign. Additionally, he noted that
29 leaving the waste in place is not the preferred option, and alternatives to get it off site are
30 being looked into.

31
32 Mr. Schmelling asked why the re-entry into WIPP was taking so long.

33
34 Mr. Bishop noted that the re-entry was a slow process, to ensure that the personnel
35 would be safe upon re-entry to the facility. He also stated that a number of organizations
36 are involved in the re-entry process.

37
38 Mr. Bob Villarreal noted a concern with the use of High Efficiency Particulate Air (HEPA)
39 filters in the WIPP air shaft. Noting that there are more advanced filtering systems that are
40 100% efficient and why haven't they gone to them.

1 Mr. Bishop noted that for the application that LANL uses HEPA filters, the filters work
2 well and are cost effective. Additionally, noting that HEPA filters are an industry standard.

3
4 Mr. Puglisi asked if there was any Hanford waste that was approved for disposal at
5 WIPP.

6
7 Mr. Bishop noted that Hanford has a transuranic (TRU) program that has shipped some
8 waste to WIPP; however, none of the Hanford tank waste is approved for disposal at WIPP.

9
10 IX. Adjourn

11 With no additional business to discuss, Mr. Loya adjourned the meeting at 3:55 p.m. and
12 asked the CC members to convene their subcommittees for the breakout session.

13
14 **Respectfully Submitted,**

15 **William Alexander**

16 **Technical Programs and Outreach**

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