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Northern New Mexico Citizens' Advisory Board Meeting

May 18, 2016

1:00 p.m. to 5:15 p.m.

Cities of Gold Conference Center

Pojoaque, New Mexico 87506



Minutes

Meeting Attendees

Department of Energy

1. Douglas Hintze, Department of Energy, Manager, Environmental Management Los Alamos Field Office
 2. Lee Bishop, Co-Deputy Designated Federal Officer, EM-LA
 3. Michael Gardipe, Co-Deputy Designated Federal Officer, EM-LA
 4. Ben Underwood, Environmental Management Los Alamos Field Office
 5. Peter Maggiore, National Nuclear Security Administration, Los Alamos Field Office
 6. Lisa Cummings, National Nuclear Security Administration, Los Alamos Field Office
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NNMCAB Members

1. Doug Sayre, NNMCAB Chair
 2. Gerard Martínez y Valencia, NNMCAB Vice-Chair
 3. Stephen Schmelling, Chair, Environmental Monitoring and Remediation Committee
 4. Diahann Lopez-Cordova, Vice-Chair, Environmental Monitoring & Remediation Committee
 5. Angelica Gurulé, Chair, Waste Management Committee
 6. Alex Puglisi
 7. Nona Girardi
 8. Joey Tiano
 9. Ashley Sanderson
 10. Carlos Valdez
 11. Max Baca
 12. Danny Mayfield
 13. Irene Tse-Pe
 14. Michael Valerio
 15. Mona Varela
-

Student Representatives

1. Nicole Habbit
 2. James Valerio
-

NNMCAB Excused Absences

1. Tessa Jo Mascareñas

- 1 2. Rod Sanchez

2
3 **NNMCAB Absences**

- 4 1. Angel Quintana
5 2. Joshua Madalena

6
7 **NNMCAB Staff**

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

11
12 **Guests**

- 13 1. Frazer Lockhart, Stoller Newport News Nuclear
14 2. Peter Hyde, Los Alamos National Security
15 3. Steven Horak, Project Time and Cost, LLC.
16 4. Shannon Farrell, CH2M Hill
17 5. Rodger Snodgrass, Los Alamos Daily Post/Exchange Monitor
18 6. Patrick Duran, U.S. Representative Ben Lujan's Office
19 7. Susan Musgrave, LATA, Inc.
20 8. Steven McNitt, Edgewater Technical Associates, Inc.
21 9. Scott Kovac, Nuke Watch New Mexico
22 10. Allison Majure, New Mexico Environment Department
23 11. Secretary Ryan Flynn, New Mexico Environment Department
24 12. Katie Roberts, New Mexico Environment Department
25 13. Andrea Romero, Regional Coalition of LANL Communities
26 14. Liz English, Adelante Consulting
27 15. Michele Jacquez-Ortiz, U.S. Senator Tom Udall's Office
28 16. Randy Erickson, Los Alamos National Security
29 17. Brian Bosshardt, Los Alamos County
30 18. John Stroud, Nuke Watch New Mexico
31 19. Kathryn Lynnes, Kirtland Air Force Base
32 20. Jay Coghlan, Nuke Watch New Mexico

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

1 **Minutes**

2 **I. Call to Order**

3 The meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) was held
4 on May 18, 2016 at Cities of Gold Conference Center, Pojoaque, New Mexico. Mr. Lee
5 Bishop, Co-Deputy Designated Federal Officer (CDDFO) stated that on behalf of the
6 Department of Energy (DOE) the meeting of the NNMCAB was called to order at 1:08 p.m.

7 Mr. Bishop recognized Mr. Doug Sayre, the NNMCAB Chair. Mr. Sayre presided at the
8 meeting.

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 **II. Establishment of a Quorum (11 Needed)**

12 **a. Roll Call**

13 Mr. William Alexander conducted roll call as the members arrived. At the call to
14 order 12 members were present. Mr. Alexander recorded that Mr. Alex Puglisi arrived at
15 1:12 p.m., Ms. Mona Varela arrived at 1:20 p.m., Ms. Diahann Lopez-Cordova arrived at
16 1:40 p.m., and Mr. Max Baca arrived at 1:42 p.m.

17 **b. Excused Absences**

18 Mr. Alexander recorded that the following members had excused absences: Ms.
19 Tessa Jo Mascareñas and Mr. Rod Sanchez.

20 **c. Absences**

21 Mr. Alexander recorded that the following members were absent: Mr. Joshua
22 Madalena and Ms. Angel Quintana.

23 **III. Welcome and Introductions**

24 Mr. Sayre welcomed the members and the public to the meeting. He asked for
25 introductions from the board members and attending guests.

26 **IV. Approval of Agenda**

27 The board reviewed the agenda for the May 18, 2016 meeting, Mr. Sayre opened the
28 floor for questions or comments.

29 Mr. Puglisi made a motion to amend the agenda. He asked that the Consideration and
30 Action on Draft Recommendation 2016-03 "Consent Order," be moved to discussion only.
31 Dr. Girardi seconded the motion. After discussion on the proposed change, the members
32 voted 3 in favor and 10 against. The motion to amend the agenda failed.

33 Mr. Sayre asked for a motion to approve the agenda as presented.

34 Mr. Valdez made a motion to approve the agenda as presented: Mr. Martínez y Valencia
35 seconded the motion. The motion to approve the agenda as presented was unanimously
36 passed.

1 **V. Approval of Minutes**

2 The board reviewed the minutes from the March 30, 2016 meeting. By ongoing
3 instruction from DOE Headquarters, the minutes were previously reviewed and certified by
4 the NNMCAB Chair. Mr. Sayre opened the floor for questions or comments.
5

6 Mr. Valdez made a motion to approve the minutes as presented; Mr. Tiano seconded
7 the motion. The motion to approve the minutes as presented was unanimously passed.
8

9 **VI. Old Business**

10 **a. Written Reports**

11 Mr. Sayre opened the floor for questions on the written reports, the reports are
12 provided as an attachment to the minutes. Mr. Sayre gave a brief overview of
13 activities since the last NNMCAB meeting. He stated that the tour and information
14 provided at the Chairs meeting in Oak Ridge had been interesting and helpful. Mr.
15 Sayre noted that Ms. Sanderson and he had attended the meeting. Mr. Sayre asked
16 Ms. Sanderson if she would like to add anything.
17

18 Ms. Sanderson stated that she had found the meeting very informative and helpful
19 in understating the challenges that other sites face. She noted that she would
20 encourage other members to attend future Chairs meetings if at all possible.
21

22 Mr. Sayre stated that at its March meeting, the Regional Coalition of LANL
23 Communities (RCLC) received a presentation from the New Mexico Environment
24 Department (NMED) on the revised Consent Order (CO). The information that was
25 presented was what NMED had presented to the NNMCAB. He also stated that the
26 RCLC members had recently gone to Washington D.C. and participated in budget
27 meetings with New Mexico's Congressional Delegation.
28

29 Ms. Santistevan noted that the members should review the Executive Director's
30 report for important dates of upcoming meetings and events, in addition to an update
31 on the membership and NNMCAB activities. She stated that Mr. Michael Whiting had
32 resigned from the NNMCAB on May 6, 2016. She noted that Mr. Robert Gomez of
33 Taos Pueblo would be filling the remainder of Mr. Whiting's unexpired term.
34

35 **b. Other Items**

36 Mr. Valdez asked if it would be possible to have Ms. Romero from the RCLC give an
37 overview of the RCLC's activities in Washington D.C.
38

39 Mr. Sayre invited Ms. Andrea Romero from the RCLC to address the board.
40

41 Ms. Romero stated that the RCLC had been in Washington D. C. the week of May 9,
42 2016. She noted that the RCLC met with New Mexico Congressional Leaders,
43 Department of Energy, National Nuclear Security Administration, and Appropriations
44 Committees. Ms. Romero stated that the RCLC had been told that the budget of \$199

1 Million that was approved, was the budget that was available at this time.
2 Additionally, she noted that the RCLC was told that better preparation and project
3 information by LANL and DOE, would be a great help in obtaining additional monies in
4 future budget cycles.

5
6 **VII. New Business**

7 Mr. Sayre opened the floor for Consideration and Action on the Draft Recommendations
8 that had been approved at the Spring Chairs Meeting. He stated that the NNM CAB would be
9 voting yes or no on the approval of the draft recommendations, stating that changes to the
10 drafts are not permitted. Mr. Sayre provided a brief overview of the Environmental
11 Management (EM) Site Specific Advisory Board (SSAB) Funding recommendation. He noted
12 that the intent of the Draft Chairs recommendation was to ensure that each of the eight
13 boards has adequate funding to fulfill its obligations and commitments as a DOE Citizens'
14 Advisory Board.

15
16 Mr. Schmelling asked if Mr. Bishop could elaborate on how funding for the Boards are
17 determined.

18
19 Mr. Bishop responded that the boards are funded from one funding source which is
20 code AP101. He noted that Los Alamos had stopped using that funding source a number of
21 years ago and decided to fund the local board directly from the site budget. He stated that
22 the Environmental Management Los Alamos office recognizes the importance of the local
23 board and provides the necessary funding for the board to fulfill its obligations.

24
25 Dr. Girardi asked if any of the other sites are considering changing to the LANL funding
26 method.

27
28 Mr. Bishop responded that to his knowledge the other sites were not considering
29 adopting the LANL funding method. Additionally, noting that it is up to the discretion of
30 each of the local sites how to fund its board.

31
32 Mr. Sayre asked for a motion on the Draft Recommendation "EM SSAB Funding."

33
34 Mr. Valdez made a motion to not approve the draft recommendation; Mr. Martínez y
35 Valencia seconded the motion. The members voted: six in favor, five against, with four
36 abstentions. The motion to not approve the recommendation passed.

37
38 Mr. Mayfield stated that he wanted to make sure that his vote for approving the
39 recommendation was recorded correctly, stating that the current motion was confusing. He
40 asked if the vote could be taken again.

41
42 Mr. Bishop stated that as a point of clarification it may be easier to vote on a motion
43 worded as a positive "to approve" opposed to the current motion worded from the negative
44 standpoint, "to not approve." He noted that this might alleviate the confusion.

45
46 Mr. Martínez y Valencia stated that as the current motion had already been voted on
47 and approved, an individual who voted in favor of that the motion would need make a new
48 motion asking to recast the vote on the previously approved motion.

1
2 Mr. Valdez noted that he had voted in the affirmative on the approved motion. He made
3 a new motion to revote on the previously approved motion, “to not approve” draft
4 recommendation “EM SSAB Funding;” Mr. Martínez y Valencia seconded the motion. All 15
5 voting members abstained from voting. The new motion died on the floor.
6

7 Mr. Sayre asked for a new motion to approve the “EM SSAB Funding” recommendation.
8

9 Mr. Puglisi made a motion to approve the EM SSAB Funding Recommendation as
10 presented; Mr. Schmelling seconded the motion. The members voted: seven in favor, six
11 against, with two abstentions. The motion to approve Draft Recommendation “EM SSAB
12 Funding” passed.
13

14 The NNM CAB passed the Draft Chairs Recommendation “EM SSAB Funding.”
15

16 Mr. Baca noted that he wanted to explain his abstention. He noted that without
17 adequate information in the recommendation it is not possible to determine what adequate
18 funding should be. Additionally, stating that even basic funding numbers would be helpful if
19 included in the recommendation.
20

21 Due to time constraints on the agenda, the Draft Recommendation “Community
22 Investment as Factor in Contract Proposal Evaluation Process,” was moved to a later time.
23

24 **VIII. Update from the DDFO**

25 Mr. Bishop noted that for the sake of time and due to the large audience he would defer
26 the DDFO time over to Mr. Hintze, Manager, EM LA Office.
27

28 Mr. Hintze stated that he wanted to make sure that the NNM CAB members were aware
29 of the lawsuit that Nuke Watch New Mexico had filed against the Department of Energy and
30 Los Alamos National Security. He noted that the lawsuit is in regards to meeting
31 commitments in the 2005 Consent Order. Mr. Hintze noted that the lawsuit is in litigation
32 and DOE has no comment on the lawsuit at this time. Additionally, noting that the suit has
33 nothing to do with the New Mexico Environment Department.
34

35 **IX. Presentation**

36 **a. New Mexico Environment Department Consent Order**

37 Secretary Ryan Flynn, NMED and Katie Roberts, NMED; gave a presentation to the
38 NNM CAB on “Comments Received on the Revised LANL Order on Consent.” An
39 electronic copy of the presentation may be obtained from the NNM CAB website;
40 <http://www.energy.gov/em/nnmcab>. Video of the presentation is also available on the
41 NNM CAB’s YouTube Channel (NNM CAB).
42

43 **b. Questions**

44 Mr. James Valerio asked to what degree are you planning on increasing the stipulated
45 penalties.
46

1 Secretary Flynn responded that the current penalty in the 2005 CO is \$1,000 per day
2 for the 30 days and then \$3,000 per day after. Additionally, noting that at this time
3 NMED has not made a determination if fines in the new CO will be changed or stay the
4 same.

5
6 Mr. Baca asked if there was a common thread in the submitted comments that
7 identify a common issue in the revised CO.

8
9 Secretary Flynn responded that he did not feel there was a common thread; however,
10 there was a strong bias to lean towards action versus characterization.

11
12 Mr. Baca asked who would need to sign off on the revised CO for it to become an
13 enforceable document.

14
15 Secretary Flynn stated that he would need to sign the document for NMED in addition
16 to a signatory for the Department of Energy, for the revised CO to take effect.

17
18 Ms. Varela asked what is done with any money collected from assessed penalties.

19
20 Secretary Flynn responded that money from penalties is placed into the Hazardous
21 Waste Emergency Fund, which is designated by State law as the recipient of money
22 collected from penalties. Additionally, he noted that supplemental environmental
23 projects can be used in lieu of penalties.

24
25 Mr. Schmelling asked why the revised CO did not have a strong statement as to what
26 the purpose of the document is.

27
28 Secretary Flynn responded that NMED would take a look at the language and make
29 sure that it had the appropriate statements included.

30
31 Mr. Valdez stated it is important to have the document executed as soon as possible,
32 but also to have some end dates in the document. Stating that those dates help with the
33 acquisition of funding.

34
35 Dr. Girardi asked first, if there would be more accountability and access to information
36 for the public if the next contractor was from the public sector rather than the private
37 sector. Second, how do we make a more enforceable document to ensure that the
38 cleanup will be completed?

39
40 Secretary Flynn responded that yes, cleanup was supposed to be completed in
41 December 2015 under the 2005 CO. Because the cleanup was not completed on time,
42 NMED enforced the largest penalty assessment in the history of the United States.

1 Additionally noting that he doesn't want to be assessing penalties, he wants to see
2 deadlines being met. Secretary Flynn noted that in regard to the first question, NMED
3 has no part in the selection of contractors at LANL.
4

5 Mr. Hintze responded that transparency is not a factor that can be attributed to either
6 a private or public contractor but how the work itself is executed. He stated that it is
7 important to set clear expectations and that accountability is enforced. He noted that
8 whether a private or public entity was selected would be up to the DOE. Additionally,
9 stating that he would provide more information during his DOE update presentation.
10

11 Dr. Girardi asked what helped or hindered the continuity in attempting to complete
12 the 2005 CO during the transition between the Richardson Administration and the
13 Martinez Administration.
14

15 Secretary Flynn responded that we need to look short term and long term in respect
16 to prioritization of work across the site. He noted that in the past, work for the long
17 term was not well prioritized. Additionally, noting that setting a deadline for the
18 remediation to be completed, before the investigations were completed put everyone
19 at a disadvantage in completing that work on time.
20

21 Ms. Roberts stated that the purpose of the 2005 CO was different than the new CO.
22 Noting that the 2005 CO was focused on investigation and determination of nature and
23 extent, and it did not contain a risk based approach. Ms. Roberts noted that the new CO
24 will allow for better prioritization of work based on risk.
25

26 Dr. Girardi stated that she wanted to make sure that comments from members of the
27 public that look like they are cut and paste should not be discounted. She stated that
28 she felt that some individuals may not know how to word what they are trying to
29 articulate and when they see it in writing they use that because it seems well said.
30

31 Secretary Flynn responded that NMED considers all comments. Additionally, noting
32 that the public should understand that it doesn't matter how articulate the comment is,
33 NMED is open to all comments and gives them all due consideration.
34

35 Mr. Puglisi asked why the RDX interim measure and remedy were split into separate
36 campaigns.
37

38 Ms. Roberts stated that NMED had received a comment on that from the RCLC about
39 splitting the campaigns, she noted that it makes sense to split the two into separate
40 campaigns.
41

1 Mr. Puglisi asked why San Ildefonso and Los Alamos County had been included in
2 section 8 of the revised CO.

3
4 Secretary Flynn responded, that was done to give the two entities the opportunity for
5 direct government to government contact.

6
7 Mr. Puglisi asked if it would be possible to write Santa Fe County and Santa Fe City
8 into that section.

9
10 Secretary Flynn responded that could absolutely be done.

11
12 Mr. Puglisi asked what is enforceable and what is not enforceable in the document.

13
14 Secretary Flynn responded that the 2005 CO is an enforceable legal document and it
15 currently drives cleanup at LANL. Additionally, noting that the 2005 CO also has penalty
16 provisions for up to 15 stipulated penalties on 15 deliverables that are chosen each
17 year. Secretary Flynn responded that in the new document, deliverables are called
18 milestones and are absolutely enforceable.

19
20 Mr. Puglisi asked what the definition of risk analysis is.

21
22 Secretary Flynn responded that risk approach is talking about cleaning up LANL in a
23 sequence of projects that present the greatest risk to the environment first.

24
25 Mr. Puglisi asked if the key changes are incorporated will a new version of the
26 document be released.

27
28 Secretary Flynn responded that once NMED clarifies what it is proposing, then that
29 will be made available. Additionally, noting that attempting to post every change to the
30 document would not be an effective use of time.

31
32 Mr. Puglisi asked if NMED would come back and address changes to the document
33 before it is signed off on.

34
35 Secretary Flynn responded that he would be happy to provide the board with
36 additional information on the revised CO at future meetings.

37
38 Ms. Gurulé asked if NMED thought it was fair to hold DOE accountable for not being
39 able to complete all the campaigns if there is not enough money available.

40
41 Secretary Flynn responded that he did not have an answer to that, because without
42 the money you can't complete the cleanup, but the cleanup needs to be done.

1
2 Ms. Gurulé stated that she was happy that NMED had added the provision to the
3 document to hold an annual public meeting to remind the public of all of the good work
4 that is being completed. Additionally, noting that adding an end date seems to be
5 difficult due to the nature of the work that needs to be completed to finish the
6 remediation at LANL.

7
8 Mr. Puglisi asked if the Environmental Protection Agency needs to sign off on the new
9 CO.

10
11 Secretary Flynn responded that NMED has primacy and the new CO does not require
12 the signature of the Environmental Protection Agency.

13
14 Ms. Roberts noted that the Environmental Protection Agency is in support of the new
15 approach and has provided great comments to NMED on the new CO.

16
17 **X. Public Comment**

18 Mr. Sayre opened the floor for public comment at 3:59 p.m., he invited Mr. Scott Kovac
19 from Nuke Watch New Mexico (NWNM) to address the board.

20
21 Mr. Kovac stated that NWNM is having a public meeting on Tuesday May 24, 2016 in the
22 community room of the Main Santa Fe Public Library at 6:00 p.m., and the public is invited
23 to attend.

24 Mr. Kovac noted that in the NMED presentation we received a list of partial comments;
25 however, we did not get an NMED response to those comments. Mr. Kovac noted that he is
26 hoping to see a response to those comments. Mr. Kovac stated that it was said that the
27 2005 CO scheduled remediation before investigation, while that may be true the simple fact
28 is the 2005 CO could be rescheduled at any point. Additionally, noting that the option exists
29 to change it to risk or campaign based, just because the original schedule is outdated and
30 blown up, that is no reason not to adjust the schedule. He asked if there was an updated
31 revision of the new CO that shows the proposed changes that Secretary Flynn is considering.
32 Mr. Kovac noted that NWNM loves the idea of an annual public meeting. Mr. Kovac stated
33 that he had a copy of NWNM's draft comments at the table for your cutting and pasting
34 pleasure. He noted that the public deserves more time and opportunity to comment on
35 following drafts. Stating that it seems likely that revised drafts that incorporates comments
36 and negotiations, it could be substantially different and he requests that the public have the
37 opportunity to review and comment on any revised drafts. Additionally, requesting that all
38 documents relating to the new CO be made available to the public. Mr. Kovac stated that
39 NMED should respond to all of the public comments and include a redline of the document
40 that shows the incorporated changes.

41 Mr. Kovac stated that he had a comment on the NNMCABs Draft Recommendation
42 2016-03 line 10, he asked that the NNMCAB include the framework agreement and
43 numerous NMED extensions as to why the 2005 CO was behind schedule. He noted that on
44 line 31 he does not believe that all the cleanup activities in the old CO are included in the

1 new CO, so the NNMCAB should change the wording to all clean up areas rather than
2 activities.

3
4 Mr. Sayre invited Mr. Jay Coghlan from NWNM to address the board.

5
6 Mr. Coghlan stated, "NWNM's stand seems to be becoming more sharply different than
7 that of NMED." Noting however that he would like to compliment Secretary Flynn and Ms.
8 Roberts on their graciousness, professionalism, and accessibility as public officials. Mr.
9 Coghlan noted that he would like to start with underscoring the seriousness of cleanup
10 issues at Los Alamos. He stated that by NWNMs back of the envelop calculations LANL is
11 getting \$190 million per year for cleanup, with roughly only one sixth of that going to
12 cleanup. Mr. Coghlan stated that Mr. Hintze's presentation in March showed that one third
13 of the money is going to catchup payments on the pension plans, another third to
14 safeguarding the improperly treated WIPP waste, and fifty percent of the remaining third to
15 operations costs. Additionally, noting that this is why there is not much in the way of actual
16 cleanup. Mr. Coghlan stated that money is key in what he views as the most serious flaw in
17 the proposed CO. He noted that the proposed CO allows DOE/LANL to claim that it doesn't
18 have the money to fully engage in the desired cleanup and this is the direct opposite of the
19 intent of the 2005 CO. Mr. Coghlan stated that in a media interview in the last month or so,
20 Secretary Flynn acknowledged that the original intent of the 2005 CO was to make
21 DOE/LANL go out and get the money for the accelerated cleanup. He recommends that the
22 language in the proposed CO be corrected.

23 Mr. Coghlan noted that in response to the question of who signs off on the new CO, it is
24 not only NMED, DOE, LANL contractor, but also the New Mexico Attorney General in some
25 sections. Specifically on the section about not to sue. He noted that the point that he
26 wanted to make was that months before the proposed CO was released the public was
27 repeatedly informed that there would be a sixty day comment period. Additionally, stating
28 that the recent extension on the comment period only brings the comment period up to the
29 previously promised sixty days. Mr. Coghlan noted that it is NWNMs opinion that the public
30 process requirements that were incorporated into the 2005 CO are not being followed in
31 this process and are not being incorporated into the proposed CO. He noted the exception
32 to this is the public involvement that has been incorporated into the proposed CO in the
33 remedy selection section. Mr. Coghlan stated that the revised CO constitutes a major
34 revision to the 2005 CO document and therefore requires public participation requirements
35 in the document to be followed. He noted that it is not the public hearing that NWNM is
36 fixated on, but rather the public participation requirements that are in black and white in
37 the document.

38 Mr. Coghlan noted the NWNM is not in favor of an end date in the document due to the
39 possibility of unknown discoveries in the cleanup; however, NWNM is in favor of a long
40 range detailed schedule of milestones that DOE and the contractor are held accountable for.
41 He also noted that everyone should be aware of the risk based approach to the cleanup as it
42 is depended on what the future use of the land will be.

43
44 With no additional public comment, Mr. Sayre closed the comment period at 4:20 p.m.

45 **XI. Update from Environmental Management Los Alamos**

46 Doug Hintze, Manager, DOE EM LA; gave an update to the NNMCAB on "EM Los Alamos
47 Field Office Update for May 2016." An electronic copy of the presentation may be obtained
48

1 from the NNMCAB website; <http://www.energy.gov/em/nnmcab>. Video of the presentation
2 is also available on the NNMCAB's YouTube Channel (NNMCAB).

3
4 Mr. Baca asked how much money is available to be carried over from year to year.

5
6 Mr. Hintze responded that most government organizations have one year budgets so at
7 the end of September it goes away. He noted that EM has what is called no year money so it
8 can be carried over from year to year. Mr. Hintze responded that EM usually plans to have
9 three or four week's carryover so that work can continue in the event of a lapse in funding.
10 Additionally, stating that carryover is about \$10 million dollars.

11
12 Mr. Baca asked if an external entity does an annual audit on the finances for EM.

13
14 Mr. Hintze responded that there is not an external entity that audits EM. He also noted
15 that there is not an audit report that is produced for that.

16
17 Mr. Schmelling asked if absent the funding numbers, could EM share with the NNMCAB
18 what it hopes to accomplish with the FY'18 budget.

19
20 Mr. Hintze responded that the Life Cycle Baseline would have that information
21 contained in it. Additionally, noting that he would be happy to present that to the NNMCAB
22 once the Baseline is approved.

23
24 **XII. Consideration and Action on Draft Recommendation 2016-03**

25 Mr. Sayre opened the floor for consideration and action on Draft Recommendation
26 2016-03 "Consent Order." He asked Mr. Valdez to provide a brief overview of the
27 recommendation to the members.

28
29 Mr. Valdez stated that the intent of the recommendation was to voice the NNMCABs
30 comments and to take advantage of the opportunity to participate in the development of
31 the new Order on Consent, which will formulate the framework for clean-up of legacy waste
32 in and around Los Alamos.

33
34 Mr. Sayre asked for a motion to approve Recommendation 2016-03.

35
36 Mr. Puglisi asked if the recommendation could be amended at a later date to include
37 additional information.

38
39 Mr. Sayre responded that a second recommendation could be submitted at a later date.

40
41 Mr. Bishop responded that if an additional recommendation was submitted the board
42 could reference it as a follow on or a supplement to 2016-03.

43
44 After discussion on Draft Recommendation 2016-03 "Order on Consent" the NNMCAB
45 members agreed on the following changes.

- 46 1. Page one line 16, add "while maintaining its independence," will read as "while
47 maintaining its independence, has always worked closely with DOE."

2. Page one line 17, add the word “informed,” will read as “to make informed sound recommendations.”
3. Page one line 38, close the quotations at the end of the sentence.
4. Page two line 8, add period at end of sentence.
5. Page two line 11, close the quotations at the end of the sentence.
6. Page two Line 29, change March 30, 2106 to “March 30, 2016.”

Mr. Tiano made a motion to approve the recommendation with these changes; Ms. Gurulé seconded the motion. The members voted ten in favor, two abstentions. The motion to approve Recommendation 2016-03 “Consent Order” as amended, passed.

XIII. Wrap-up and Comments

Dr. Girardi thanked everyone for the detailed information and incorporation of the public comments and concerns. She encouraged everyone to tell their congressmen that we need adequate funding for the cleanup.

Mr. Tiano, Mr. Valdez, Ms. Habbit, Mr. Martínez y Valencia, Ms. Lopez-Cordova, Mr. James Valerio, Mr. Baca, Mr. Valerio, Ms. Varela, and Mr. Schmelling all thanked the NNM CAB staff for the great location and the meeting arrangements and support provided to the members. Everyone thanked the presenters for the great presentations and the information that was provided at the meeting.

XIV. Adjournment

Mr. Sayre noted that the next Combined Committee meeting would be at the NNM CAB office in Pojoaque on June 15, 2016 from 1:00 p.m. to 4:00 p.m., and the next board meeting would be at Santa Fe Community College on July 27, 2016 from 1:00 p.m. to 5:15 p.m. Additionally, he noted that the second draft Chairs Recommendation would be on that agenda for Consideration and Action. He thanked the presenters and members for attending today’s meeting.

Mr. Bishop and Mr. Gardipe thanked the members for volunteering their time. With no additional business to discuss, Mr. Gardipe adjourned the meeting at 5:45 p.m.

Respectfully Submitted,



Doug Sayre, Chair, NNM CAB

***Minutes prepared by William Alexander, Technical Programs and Outreach, NNM CAB**

Attachments

1. Final NNM CAB Meeting Agenda for 05/18/2016
2. Final NNM CAB Meeting Minutes for 03/30/2016
3. Report from the Chair, Doug Sayre
4. Report from the Executive Director, Menice Santistevan
5. Draft Chairs Recommendation “EM SSAB Funding”

- 1 **6. Draft Chairs Recommendation “Community Investment as Factor in Contract Proposal**
- 2 **Evaluation Process”**
- 3 **7. Presentation by New Mexico Environment Department, “Comments Received on Revisions to**
- 4 **the LANL Order on Consent”**
- 5 **8. New Mexico Environment Departments Response to Public Comments on the Proposed**
- 6 **Compliance Order on Consent for Los Alamos National Laboratory February 18, 2005**
- 7 **9. Presentation by EM LA, “EM Los Alamos Field Office Update for May 2016”**
- 8 **10. Draft Recommendation 2016-03 “Consent Order”**

9
10 **Public Notice:**

11 ***All NNM CAB meetings are recorded. Audio CD’s and Video DVD’s have been placed on file for review**

12 **at the NNM CAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are**

13 **intended as a synopsis of the meeting.**