

Northern New Mexico Citizens' Advisory Board
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RORA PERMITS PROGRAM

Location: State of NM Energy and Natural Resources Department
2040 South Pacheco, Santa Fe

Time: 6:00 p.m. – 9:00 p.m.

Public Comment period is 6:30 p.m. – 7:00 p.m.

Board Meeting Agenda

May 24, 2000

Board's Mission: The Office of Environmental Management Site Specific Advisory Board will provide the Assistant Secretary for Environmental Management with policy information, advice and recommendations concerning EM environmental restoration, waste management, and technology development activities.

I. Call to Order by DOE
Welcome by Chair
Approval of Agenda
Approval of Minutes for April Meeting

II. Public Comments

III. Presentations:

Burned Area Emergency Restoration (BAER) Team representatives will brief Board Members on their mission, status, schedule, and how the CAB may provide input to their activities.

Mr. James Bearzi, NM Chief, Hazardous and Radioactive Materials Bureau, NM Environment Department will brief the Board on results of data collection on air monitoring and the State's role in the restoration efforts for the Cerro Grande Fire.

Mr. Mark Sandoval, Battalion Chief, Los Alamos Fire Department will provide the Board with a briefing.

IV. Board Business

- A. Report from the Chair
 - Common Values Paper from SSAB Chairs Meeting
- B. Report from DOE
 - Update on Recommendations
 - Report from Ann DuBois
 - Report from Ray Armenta
- C. Report from Waste Management Committee
 - DOE Pollution Prevention Conference – Sara Galpin
- D. Report from Monitoring and Surveillance Committee
 - Proposed Recommendation on Water Quality
- E. Report from Environmental Restoration Committee



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General

F. Report from Community Outreach Committee

G. Report from Budget Committee

V. Board Comments

VI. Adjourn

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Hotel Loretto
Santa Fe

Board Meeting Minutes
April 26, 2000

Board Members Present:

James Alarid
John Alejandro
Anthony Armijo
Fran Berting
George Chandler
Patrick Feehan
Augustin Garcia
Janet Gerwin
Tammie Gomez
Evelyn Maruska
Elmer Torres
Angelina Valdez

Board Members Absent:

Joe Field
Tim Gallegos
Sara Galpin
Jim Johnston
James Leach
Menice S. Manzanares
Domingo Martinez

Ex-Officio Members Present:

Mike Baker, ER/LANL
James Bearzi, NMED
Joe Vozella, DOE/LAAO

Guests:

Julie Canepa, ER/LANL
Ted Taylor, DOE/LAAO
John Themelis, DOE/AL

I. OPENING

A. Call to Order

In the absence of MJ Byrne, Deputy Designated Federal Official, Joe Vozella, Assistant Area Manager of Environmental Management DOE/LAAO called the

meeting to order at 6:10 p.m. He turned the meeting over to Elmer Torres, Vice Chair who was chairing in the absence of Menice S. Manzanares, Chair. Mr. Torres asked Ann DuBois to establish the quorum. Ms. DuBois responded that a quorum was present.

James Alarid moved, seconded by George Chandler to approve the meeting agenda.

George Chandler moved, seconded by Angelina Valdez to approve by consensus the February Board minutes as amended.

II. PUBLIC COMMENT

Paul Schumann, ER/LANL distributed a written report on the Public Participation Requirements for Class 1, 2 and 3 Resource Conservation and Recovery Act Permit Modifications. The opportunity for public comments is coming soon. No date has been set yet. He said that eight sites have been proposed for "No Further Action". Paul Schumann promised to give to the Environmental Restoration Committee a list of the sites.

Elmer Torres asked if this process is new? Mr. Schumann said that two prior formal modifications to the permit were made when 102 sites were taken off the permit in 1997 and 1998. More sites will be proposed when the sites are cleaned up. Mr. Torres asked if public meetings were held in tribal communities? Mr. Schumann responded that the regulations require public meetings in those communities nearest to the facility e.g., the Los Alamos town site. LANL could decide to meet in tribal locations. James Bearzi, NMED, reported that the regulation says that the meeting must be in the closest effected community. Other meetings are optional.

Evelyn Maruska inquired if the publications announcing the meeting can reach a broader audience than Los Alamos e.g., the Monitor. Mr. Schumann said that the practice is to announce public meetings in The New Mexican, Journal North, the Rio Grande Sun, and the Monitor. The public announcement process including post cards is broader than what is required.

III. REPORTS

A. **Briefing on the Los Alamos National Laboratory Environmental Restoration Project** by Ted Taylor, DOE, Los Alamos Area Office

Mr. Taylor said that his presentation would provide background for John Themelis=s report. Mr. Taylor distributed a copy of his presentation. He described the Baseline activities for the Environmental Restoration Project. Mr.

Taylor promised to give the Board a copy of the site closure list.

B. Presentation on the Albuquerque Environmental Programs Budget Overview by John Themelis, Deputy Assistant Manager for Environmental Management Programs.

Mr. Themelis distributed a copy of his presentation on the scope of the Environmental Management program, and its budget. In 1998, Albuquerque Operations decided to shift the clean up costs to the new waste generator.

George Chandler asked about the chart showing how LANL becomes a bigger part of budget pie after the smaller sites are cleaned up. He expressed his concern about the budget assumption built into this chart. As the smaller sites are cleaned up, the congressional delegations representing these areas are more likely to drop their support rather than vote for an expansion in the budget.

Tammie Gomez asked about the chart describing the workscope managed by Albuquerque Operations. She asked which tribes are receiving the Tribal Environmental Grants and how other tribes could apply for funds. Mr. Themelis responded that the tribes are Cochiti, San Ildefonso, Santa Clara and Jemez. He said that other tribes may apply for additional funds.

Evelyn Maruska suggested that the cleanup budget shift should happen sooner than when the smaller sites are cleaned up because the need at LANL is greater.

Elmer Torres thanked John Themelis for his presentation. Mr. Torres expressed his concern about the possibility of a budget drop in the future. He suggested that operational facilities should be evaluated differently. Mr. Themelis said that the Department is committed to this plan and will work to ensure that adequate funding is available for complete cleanup. Mr. Torres requested that Mr. Themelis make another presentation to the Board at a fall meeting.

B. Chair Report

Mr. Torres described the Common Values paper drafted from input at the Site-Specific Advisory Boards Chairs meeting in Idaho. Ms. Manzanares was invited to participate in a conference call on April 27 to further refine this paper. Mr. Torres expressed his view that the Board was most interested in issues such as cultural sensitivity awareness, transportation issues and budget. After the drafting process is completed, all Boards are expected to sign this document.

Mr. Torres said that the Board should review the contract with Ray Armenta before the next Board meeting in May. He distributed a copy of Mr. Armenta's

statement of work and requested that the Board members respect the confidential nature of this information.

In response to several questions about the legal implications of these actions, Joe Vozella said that MJ Byrne coordinated the contract extension with the Los Alamos Area Office Business Office and sought legal consultation on the procurement process. The purpose of the one-month extension was so the Board could have staff support while they were considering their staffing needs. John Alejandro requested procurement and legal documentation on the contract extension.

James Alarid moved, seconded by John Alejandro to retain Ray Armenta and extend his contract. George Chandler said that a timeframe is needed in the motion. Mr. Alarid amended his motion to add the words “for one year”. John Alejandro as the seconder agreed to the amended motion.

Tammie Gomez suggestion asked Ray Armenta to speak to the Board. Mr. Armenta described what MJ Byrne and Menice Manzanares told him about his contract.

Mr. Torres requested that the budget be reviewed to see if additional budget can be found for staff.

The motion that Mr. Armenta’s contract be extended for one year passed 9 to 3. Mr. Torres requested that a letter be sent from the Board to convey this motion.

George Chandler moved, seconded by Fran Berting to establish a committee to review the staffing pattern. The motion passed 12 to 0.

James Alarid moved, seconded by John Alejandro that MJ Byrne look at the budget to come up with a half-time clerical support position but not at the cost of Mr. Armenta’s contract. The motion passed 12 to 0. Mr. Torres requested that an official letter be sent about this decision.

C. Department of Energy Report

Joe Vozella said the Board received the Department’s responses to recommendations 2000-1 and 2000-2. The Department is still working on recommendation 2000-3 and this response should be finished by the next Board meeting.

Mr. Vozella said that Anthony Armijo and the Monitoring and Surveillance

Committee requested a change in the October Board meeting to accommodate a presentation from Robert Charles, Chair of the External Advisory Group for the LANL Hydrogeologic Workplan.

Ann DuBois reported that the 800 number could take messages. Sometimes the messages can take several hours before they are available. Staff check messages several times a day. She requested that the Board be patient as the staff will respond to messages as quickly as possible. She asked Board members to give her the Direct Deposit forms if they want their travel expense checks to go directly to their bank accounts. If Board members plan to stay overnight for the May meeting in Las Vegas, please contact her as soon as possible. Ms. DuBois will make the necessary arrangements.

Ray Armenta said that a KDCE radio show invited a Board member to participate in May. John Alejandro was scheduled to make a presentation to the April Santa Fe County Commissioners. The meeting agenda did not include this presentation by mistake.

D. Committee Reports

1. Monitoring and Surveillance Committee

Anthony Armijo asked Board members if they would like to hear Robert Charles talk to the Board. Mr. Charles will be in New Mexico from October 3 to 5. Mr. Armijo requested that Charlie Nylander present to the Board before this meeting in October. Mr. Armijo moved, seconded by Janet Gerwin to reschedule a fall meeting to accommodate Mr. Charles and decide later if this meeting will replace the September or the October meeting. The motion passed 12 to 0.

2. Environmental Restoration Committee

Fran Berting distributed a written report.

IV. BOARD COMMENTS

Tammie Gomez announced that tonight would be her last Board meeting. She had to resign due to job pressures. She may be able to serve later. Mr. Torres thanked her for her contributions to the Board.

Mr. Torres said that he is considering resigning from the Board due to his workload and Pueblo responsibilities.

V. **ADJOURNMENT**

The meeting adjourned at 9:00 p.m. Mr. Torres thanked the Board members for attending the meeting.

The minutes are an accurate and complete summary of the matters discussed and conclusions reached at the Northern New Mexico Citizens' Advisory Board meeting held on April 26, 2000.

Certified by:

Elmer Torres, Vice Chair
Acting Chair

Date

Northern New Mexico Citizens' Advisory Board

Environmental Restoration Committee Report for May, 2000

Meetings:

The regular meeting was held on May 8th at the Northern New Mexico Community College in Espanola with three committee members and two resource personnel present. This was a planning meeting.

A second meeting, scheduled for May 15th, was cancelled because of the fire. The presentation by Diana Hollis on the LANL strategy for MDA's, particularly those at TA-54, will be rescheduled when the ER Project activities permit.

Meetings for June and July were planned to deal with the risk assessment of Acid Canyon. At the regular meeting on June 12, as currently scheduled, there will be a walk-through of Acid Canyon, starting at 5:30 p.m. at the parking lot of the Walkup Aquatic Center, for anyone who is interested. At the regular July 10th ER Committee meeting, members of the Risk Assessment team at LANL/ER will engage the group in a risk assessment exercise using the method used by NMED. The parameters on which the assessment is based are set by the EPA. The results will be compared to the NMED results. We hope that there will be ten or twelve members of the Board who will attend both the walk-through and the risk-assessment exercise. These plans are subject to change, depending on the availability of ER personnel.

Recommendations

Still related to Recommendation 99-1, which resulted in the "Availability Sessions", a draft letter to Mr. Gurule is appended to this report. We thank George Chandler for this draft (which has suffered only minor modifications) and ask for approval by the Board at this May meeting.

With respect to one of the basic reasons for Recommendation 99-1, Ted Taylor and Paul Schumann are working on a Communication Plan for LANL. This will be a broad LANL communication policy and procedure, which will give all groups at LANL a definite channel for instigating a press release in an official but timely way. Questions of who the audience will be for specific types of information and how to disseminate the information will be covered. Currently there is no uniform, general policy and the process is hit and miss; individual groups may not know how to get information to the public when they see the need. The current LANL news bulletin does not cover technical environmental findings.

Need for Rules Clarification

A question came up concerning the proper procedure for forwarding comments on a DOE or other agency document from an individual versus comments from the Board. Ted Taylor recommended that comments from an individual member, even though not representing the Board, should be sent at least through MJ Byrne and/or Ted Taylor, so that they are logged. It should be made quite clear that the comments do not represent the whole Board.

The result of this discussion is a request for clarification on exactly how individual comments on official DOE, EPA, and other documents should be handled.

Regulations

One of the goals of last year's Work Plan was to acquire a consolidated set of the regulations governing all LANL and DOE cleanup operations. There is now a good short, descriptive list in the Tool Kit. Anyone who wants to see the regulations in more depth can find a wealth of information on the web or can ask Paul Schumann.

Technology Question

Should the Board (can the Board afford) to provide internet connections (and related hardware) to Board members who are currently not connected? The question will be discussed with M.J. Byrne.

Draft letter to Mr. Gurule

Dear Mr. Gurule:

Last year the NNM CAB recommended that DOE and LANL arrange for regular briefings of local officials and media representatives on environmental issues. The rationale put forward for such briefings was to update officials and the public on ongoing environmental projects and provide a forum for "heads up" on new developments, to minimize the surprises that occur when they leak into the press.

The DOE and the LANL responded by organizing a series of "availability sessions" under the auspices of the ER project. While the NNM CAB is encouraged by the positive response to our recommendation, we feel it is too limited in scope to be effective. "Availability sessions" provide interaction with ER staff about ER subject matter only and do not provide an overview of all environmental activity at the Laboratory. We understand that ER comprises about one-third of the environmental activity (by budget) at LANL.

This limitation seems to be rooted in the nature of the NNM CAB, which is a creature of DOE- EM. LANL tends to treat the NNM CAB mission and recommendations as only affecting the ER project. We bring your attention to the fact that the public in general does not really understand the various organizational and funding subdivisions of LANL; it perceives a single entity. The NNM CAB is frustrated by the LANL's piecemeal approach because the ER issues for which we are chartered must compete for attention with the other environmental programs with their independent public relations efforts. If LANL wants to deal effectively with the public on environmental issues it should speak with one voice that represents all environmental activities at LANL.

To accomplish this we recommend that DOE and LANL reconstitute the availability sessions to include at a minimum ER, ES&H, and DP-funded environmental personnel and activities. Each session should be preceded by an agenda sent to the relevant entities and the media, and published for the public, with perhaps a leading or headline topic. We understand that a proposal is afoot to prepare a communication plan for the Laboratory, and suggest that these reconstituted sessions be included therein.

Thank you for your continuing attention to our recommendations. We would appreciate your reply at your earliest convenience.