

General



NNMCAB Meeting Minutes 1-27-10

Board Approved & Certified by Chair, Mr. Ralph Phelps



**Northern New Mexico Citizens' Advisory Board Meeting**

**January 27, 2010**

**1:00 p.m. to 8:00 p.m.**

**Holiday Inn, 4048 Cerrillos Road**

**Santa Fe, New Mexico**

**MINUTES**

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**Attending:**

**NNMCAB Members-**

- 1. Ralph Phelps, NNMCAB Chair**
- 2. Pam Henline, EMSR Committee Chair**
- 3. Deb Shaw, EMSR Committee Vice Chair**
- 4. Gerry Maestas, WM Committee Chair**
- 5. Mike Loya, WM Committee Vice Chair**
- 6. J.D. Campbell**
- 7. Pamela Gilchrist**
- 8. Jacqueline Gutierrez**
- 9. Lawrence Longacre**
- 10. Manuel Pacheco**
- 11. Bob Villarreal**

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**Excused Absences-**

- 1. Robert Gallegos, NNMCAB Vice Chair**
- 2. Caroline Mason**

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**Absent-**

- 1. Robert Misener**

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**NNMCAB Staff-**

**Menice Santistevan, Executive Director**  
**Lorelei Novak, Technical Programs and Outreach**  
**Grace Roybal, Office Administrator**  
**Edward Roybal, Sound Technician**

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**Also in Attendance-**

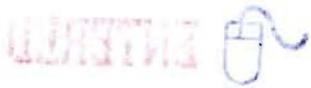
**Lee Bishop, Co-Deputy Designated Federal Officer (DDFO)**  
**Ed Worth, Co- Deputy Designated Federal Officer (DDFO)**

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**Guests-**

**Rich Mayer, EPA Region 6**  
**Fred deSousa, LANS**





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- 1 **Paul Miskimin, Winning Ways International**
  - 2 **Julian Boyance, Energy Solutions**
  - 3 **John Lujan, Public**
  - 4 **Dan Pava, LANL/ENV**
  - 5 **Bob Gilkeson, Public**
  - 6 **Hai Sherr, LASO**
  - 7 **Kay Lynnes, LANL**
  - 8 **Dave McInroy, LANS**
  - 9 **Nancy Werdel, DOE/LASO**
  - 10 **Pete Maggiore, North Wind/NC**
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**AGENDA**

- I. Call to Order**
  - II. Establishment of Quorum (8 needed)**
    - a. Roll Call**
    - b. Excused Absences**
  - III. Welcome and Introductions**
  - IV. Approval of Agenda**
  - V. Approval of Minutes of November 18, 2009**
  - VI. Public Comment Period**
  - VII. Old Business**
    - a. Written Reports**
    - b. Other Items**
  - VIII. New Business**
    - a. Matters from Deputy Designated Federal Officers**
  - IX. Open Forum for Members**
  - X. Presentation 1. Status of Corrective Actions, with Dave McInroy, LANS**
  - XI. Public Comment Period**
  - XII. Consideration of Recommendations to the Department of Energy**
    - Draft Recommendation 2010—01, Disposition of Remote Handled Waste Buried in 33 Shafts at Technical Area 54**
  - XIII. Presentation 2. Natural Resource Damage Assessment, with Nancy Werdel, DOE)**
  - XIV. Meeting Feedback and Adjournment**
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1  
2 **MINUTES**

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4 **I. Call to Order, DDFO Introductions**

5 The regular bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board  
6 (NNMCAB or CAB) meeting was held on January 27, 2010 at the Holiday Inn, 4048 Cerrillos  
7 Road in Santa Fe, New Mexico. The Chair, Ralph Phelps presided. Ed Worth, Co-Deputy  
8 Designated Federal Officer (DDFO) stated that on behalf of the Department of Energy (DOE),  
9 the regular bi-monthly meeting of the NNMCAB was called to order at 1:00 p.m. The regular  
10 meeting of the NNMCAB was open to the public and posted in ***The Federal Register*** in  
11 accordance with ***The Federal Advisory Committee Act***. Mr. Worth welcomed everyone to  
12 the meeting and thanked the members for volunteering their time. He expected the meeting to  
13 be a good one with two presentations, one on the status of corrective actions with Mr. Dave  
14 McInroy, LANS and the second on Natural Resource damage Assessment with Ms. Nancy  
15 Werdel, DOE.

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18 **II. Establishment of Quorum (8 needed)**

19 **a. Roll Call**

20 Ms. Novak conducted roll call as the members arrived. Ms. Gutierrez, Mr. Maestas and  
21 Mr. Loya arrived after the meeting was called to order, which made a quorum for conducting  
22 business with eleven members present.

23 **b. Excused Absences**

24 Mr. Casalina, DOE Federal Coordinator, had previously approved excused absences for  
25 Mr. Robert Gallegos and Ms. Caroline Mason. Mr. Robert Misener was marked absent.

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28 **III. Welcome and Introductions**

29 Mr. Ralph Phelps, NNMCAB Chair, asked the members to provide a round robin  
30 introduction. Liaison member Mr. Rich Mayer, EPA Region 6, attended the meeting. Ms.  
31 Santistevan introduced Mr. John Lujan who joined the meeting as a new CAB nominee. The  
32 Fraternal Order of Eagles nominated Mr. Lujan to the DOE for consideration.

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35 **IV. Approval of Agenda**

36 The Board reviewed the January 27, 2010 CAB meeting agenda. An amended agenda  
37 was handed out to the group that included an additional public comment period. Mr. Phelps  
38 called for any comments or additions to the modified agenda. No additional changes were  
39 brought forth. Mr. Longacre asked if the board could proceed with business without a quorum  
40 present? Mr. Phelps stated the board could proceed to follow the current agenda in good faith  
41 and that he would accept a motion for approval as soon as a quorum was counted. Thus, the  
42 group followed the current agenda until a quorum was present whereby, **Ms. Henline made a**  
43 **motion to approve the agenda as amended and Dr. Shaw seconded the motion. The**  
44 **meeting agenda was approved.**

1  
2 **V. Approval of Minutes of November 18, 2009**

3 The Board reviewed the minutes from the November 18, 2009 CAB meeting. By ongoing  
4 instructions from DOE Headquarters, the minutes were previously reviewed and certified by the  
5 NNMCAB Chair. The minutes were distributed in the mailed meeting packet and were presented  
6 at the meeting for Board approval.

7 **Mr. Pacheco made a motion to approve the minutes as presented and Mr.**  
8 **Maestas seconded the motion. The minutes were unanimously approved as**  
9 **presented.**  
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11 **VI. Public Comment Period**

12 An early public comment period was scheduled. Mr. Phelps opened the floor for public  
13 comment. No one signed up to speak.  
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16 **VII. Old Business**

17 **a. Written Reports.**

18 **➤ NNMCAB Chair's Report**

19 A printed copy of the Chairs Report was included in the meeting packet and a copy may  
20 be obtained by request from the CAB office at (505) 989-1662. Mr. Phelps asked for questions  
21 or comments on the written reports; the intent was for the reports to be submitted in writing  
22 and questions could be brought up in this section or later. Mr. Phelps briefly reviewed the main  
23 points in his Chair's report.  
24

25 Mr. Phelps attended the regular meeting of the Executive Committee that met on January  
26 13, 2010. The group discussed LANL's plans to prepare a new Baseline Change Proposal (BCP)  
27 for budgets to account for accumulated shortfalls. He would keep the board apprised of any  
28 new information, which was germane to the charge of the Budget Ad Hoc Committee.

29 Mr. Phelps participated in the Site Specific Advisory Board (SSAB) Chairs bimonthly  
30 conference call held on January 21, 2010. One significant item he wanted to relay to the board  
31 was that when two or more of the sub committees meet it was covered in the SSAB open  
32 meetings rules, and should be published in *The Federal Register*, which Ms. Santistevan has  
33 already been doing. In addition, any significant issues being discussed by the committees  
34 separately needed to be discussed with the full board. The committees can discuss issues but  
35 any action taken would need a board quorum, action here meaning primarily letters or  
36 recommendations.

37 Mr. Phelps attended the official start of American Recovery and Reinvestment Act (ARRA)  
38 funded building demolition at TA-21 site on December 1, 2009. He noted removal of buildings  
39 is necessary to proceed with soil investigations and restoration. Additionally, LANL made a  
40 presentation on the status of the Chromium contamination in the aquifer beneath LANL. This  
41 was followed by a field tour to Sandia Canyon to view the topography of the wetlands. Mr.  
42 Worth thanked members for going on the tour; he thought it was a good meeting.  
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2           ➤ **NNMCAB Executive Director's Report**

3           A printed copy of Ms. Santistevan's report was included in the meeting packet and a copy  
4 may be obtained by request from the CAB office at (505) 989-1662. Ms. Santistevan reminded  
5 the board that the May 12 and 13, 2010 Board Retreat and CAB meeting was scheduled to be  
6 held at the Ohkay Owingeh Conference Center in Espanola.

7           Ms. Santistevan announced that Mr. Matt Madrid, Mr. Paul Martinez and Mr. Peter Baston  
8 have resigned from the NNMCAB. Ms. Santistevan was currently recruiting applicants for  
9 membership to the NNMCAB. She asked if the Board knew of any Northern New Mexico citizens  
10 who may be interested in serving on the NNMCAB, and if so please let her know. She planned  
11 to submit a new nomination package by March 2010, with appointments to be expected by the  
12 end of April 2010.

13           Ms. Santistevan and Mr. Phelps agreed to serve on the planning committee for the Spring  
14 SSAB Chairs' meeting, which was scheduled for April 27-29, in Oak Ridge, Tennessee. The  
15 NNMCAB has agreed to host the fall 2010 SSAB Chairs' meeting in Santa Fe on September 14-  
16 through 16, 2010. Ms. Santistevan has contracted with Hotel La Fonda for the meeting.

17           Ms. Santistevan's report included information about CAB staff supported activities for  
18 committee meetings including travel reimbursements, preparation of notices, agendas, meeting  
19 minutes. Additionally, Ms. Novak updates the NNMCAB public web site and the CAB member's  
20 site on a weekly basis. She has been working with Headquarters staff to transfer the site from  
21 ".org" to a ".gov", which was a new SSAB requirement. HQ would be working with the SSAB to  
22 complete this process. Ms. Novak would be responsible for updating the NNMCAB website.

23           Ms. Santistevan pointed out that there was an updated CAB Directory in the mailed  
24 meeting packets. She asked the members to check the contact information and to let Ms.  
25 Roybal know if there were any changes needed.  
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27 **VIII. New Business**

28           **a. Matters from Co-DDFOs Ed Worth and Lee Bishop**

29           **Requested Presentation Topics:**

30           Mr. Ed Worth provided comments to the Board. He referred to a handout containing a  
31 list of presentation topics for the board. The list reflected board member input on priorities for  
32 presentations. Mr. Worth asked for board member feedback. The presentation topics are  
33 reprinted below:  
34

- 35           1. Status of TA-54 (CMEs for MDAs G, H, L, Groundwater, Soil Vapor Extraction Pilot  
36           Test)
- 37           2. Status of investigation at TA-49 (MDA AB), (Best for after May 2010)
- 38           3. Status of MDA C investigation
- 39           4. Status of ARRA work at TA-21
- 40           5. Status of Base program work at TA-21 (Non-ARRA work, e.g. MDA A, MDA T, DP Site  
41           Aggregate, Groundwater network evaluation)
- 42           6. How DOE performs oversight of LANS (tools, processes, requirements)
- 43           7. Legacy Waste Program overview and status
- 44           8. Waste Isolation Pilot Plant (WIPP) overview and site tour- schedule for new members

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1 Dr. Campbell asked about more information regarding soil vapor extraction test. He  
2 mentioned that the CAB had recommended a soil vapor extraction test, but Dr. Campbell  
3 considered the issue unresolved. Mr. Worth stated he would take action on checking out Dr.  
4 Campbell's requests.

5 Mr. Maestas mentioned his priority regarding staying abreast of the Corrective Measures  
6 Evaluation (CME) process at the Material Disposal Areas. He asked why the New Mexico  
7 Environment Department (NMED) had fined the Lab close to a million dollars. He was  
8 frustrated to learn that the CMEs were on hold until NMED decided the groundwater-monitoring  
9 program was adequate. From a taxpayer's standpoint, Mr. Maestas would rather see the  
10 money paid for fines go to remediation work. Mr. Worth responded that the Lab had submitted  
11 the CMEs for all the sites but NMED contends there was additional groundwater data that  
12 should have been submitted. The DOE actually went into stipulated negotiations with NMED  
13 and DOE agreed to add seven additional wells. However, they needed to have four rounds of  
14 sampling tests to satisfy NMED requirements. The new wells were in different stages with the  
15 required sampling rounds. Mr. Worth stated negotiations were continuing between the DOE  
16 Environmental Management (EM) Department and the NMED.

17 Mr. Longacre thought the board would still be discussing Material Disposal Area G (MDA-  
18 G) in 2015. He considered MDA-G to be a tremendous problem. He valued Mr. Villarreal's  
19 expertise on the waste issue at Area G. He believed in making decisions that protect the  
20 citizens' of Santa Fe. When he was a city council member, Mr. Longacre voted to authorize the  
21 Buckman Well project and he wondered if he made the right decision. He was concerned about  
22 the quality of wells at the Buckman. He wanted to hear more about the Buckman project and  
23 not just from LANS but also get more information about the Independent Peer Review for the  
24 Buckman Direct Diversion Project. Essentially, Mr. Longacre was suggesting this board take on  
25 issues other than MDA-G.

26 Mr. Phelps responded to Mr. Longacre. He stated the board has put a lot of emphasis on  
27 Area G because, as a very large and complicated site with many issues, it was a board priority  
28 and an EM program priority with enforceable milestones under the New Mexico Environment  
29 Department's Order on Consent (Order or Consent Order). With regards to the Buckman  
30 Project, Mr. Gallegos was the most knowledgeable board member on that topic. Mr. Phelps  
31 stated that if any actions come out of the Buckman, which were within the board's scope, the  
32 board could look at the issue.

33 Ms. Henline stated one of her presentation requests would be to hear more from NMED.  
34 She thought there was some unnecessary divisiveness between the two groups. Perhaps there  
35 would be an opportunity to ask question to both NMED and DOE regarding the CME process,  
36 the imposed fines and the request for more groundwater monitoring data. Additionally, Ms.  
37 Henline wanted to hear more about the groundwater at Technical Area-21. She stated that  
38 looking at TA-21 would broaden the board's focus. Mr. Worth stated that they had presentation  
39 information ready to go for TA-21 and he could provide this information to the board at an  
40 upcoming committee meeting.

41 Dr. Campbell was interested in requesting a presentation on the Baseline Change  
42 Proposal topic that was brought up at the January 13, 2010 Executive Committee meeting. He  
43 wanted the presentation to compare the Baseline Change Proposal (BCP) to the clean-up  
44 milestones contained in the Consent Order. Dr. Campbell requested this information for the

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1 CAB Ad Hoc Budget Committee. Mr. Worth explained that for four years DOE has been under  
2 budget for remaining in compliance with the Order. Headquarters has asked LASO to  
3 reorganize the work, a very complex process, for which Mr. Worth could brief the board as to  
4 the progress with a presentation as more information was received. Mr. Maestas was not  
5 convinced that a new BCP would solve the issue of remaining compliant with the milestones set  
6 up in the Order. He believed that DOE could do what they can with the budget they have to  
7 work with and that was it. For him, the issue was really about facing reality regarding the  
8 clean-up milestones in the Order and whether they were physically achievable. Mr. Worth  
9 replied whether the program gets full funding or not, that there was the intention to meet all  
10 milestones DOE could with the budget allotted. Ms. Henline stated the board has commented  
11 on an earlier BCP without much affect, and she asked would this be a similar exercise in  
12 frustration. Mr. Phelps thought the CAB could be effective with regards to the budget. LASO  
13 has a relatively small budget, by comparison to some of the other sites, and the CAB's voice as  
14 a unified presence could make a difference in getting more funding.

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16 **Updated Ad Hoc Committee Roster:**

17 Mr. Worth went over the CAB Ad Hoc Committee Roster. He asked the group to consider  
18 a new lead for the Public Outreach Ad Hoc Committee. Mr. Worth asked Ms. Henline to disband  
19 the Ad Hoc Committee on board process as its charge was completed. She agreed. Mr. Worth  
20 asked if there was any objection in renaming the FY'12 Budget Ad Hoc Committee to the  
21 Budget Ad Hoc Committee. No objections were brought forth; hence, the name was changed.  
22 Mr. Worth asked about the status of the Board Location Ad Hoc Committee. Dr. Shaw wanted  
23 to keep the committee active, and that she planned to submit a written summary of the Ad  
24 Hoc's conclusion by March 2010.

25 **Dr. Campbell made a motion to disband the Public Outreach Ad Hoc**  
26 **Committee. Ms. Henline seconded the motion.** The board discussed the motion. Ms.  
27 Henline was interested in continuing public outreach. Ms. Novak informed the board of the  
28 existing Public Outreach programs and materials in place, including a ready-to-go informational  
29 table with a three panel informational display, a three panel brochure, Press Releases, Public  
30 Service Announcements (PSAs) and a 15 Page Speaker's Bureau Presentation for board member  
31 and staff use. Ms. Santistevan recalled that the board has conducted a lot of outreach in the  
32 past for the community. The board has had several successful forums. Ms. Santistevan added  
33 the staff also needed a strong effort from the board to participate in the outreach program.

34 Mr. Phelps talked about the idea of investigating funding for a workshop. Mr. Maestas  
35 thought the board needed to define what they wanted to do for outreach, and to define the  
36 outgoing message. By disbanding this particular Outreach Ad Hoc Committee, this did not imply  
37 the board had to stop conducting outreach. The topic would continue to be discussed. We have  
38 had outreach in the past, disbanding this committee does not mean we disband the concept of  
39 outreach for the board, which was highly supported and part of the board's mission. Consider  
40 the topic was in continuing development and discussion. Dr. Campbell said his motion was to  
41 close this Ad Hoc but that a future Public Outreach Ad Hoc Committee would be welcome.

42 **Mr. Phelps called for a vote on the motion to disband the Public Outreach Ad**  
43 **Hoc Committee. The board voted seven to disband, one to carry and two abstained.**  
44 **The motion carried. The Public Outreach Ad Hoc Committee was disbanded.**

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2 **Discussed NNM CAB Top Issues:**

3 The Top Issues for the NNM CAB would be presented at the SSAB Chairs meeting in April  
4 2010. Mr. Phelps asked the board to develop their top issues for the spring meeting and to  
5 develop an accomplishment, which would be discussed and finalized at the next CAB meeting  
6 March 31, 2010. For reference, the board's current Top Issues are located on the CAB website.

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8 **Comments from Lee Bishop, co-DDFO:**

9 Mr. Bishop asked the board to look at the informational posters provided by Mr. Fred  
10 deSousa, LANS. He discussed details of how to help the CAB develop these priorities. Mr.  
11 Bishop stated there would be some scope changes including new wells and another element to  
12 consider was the disposition of the 33 shafts at MDA-G which was to be left in place, excavated  
13 or partially excavated, for which the associated costs need to be included in the budget change  
14 proposal. He suggested those interested could go back and look at FY'11 budget as the  
15 Baseline Change Proposal may go several years back. Dr. Campbell made a request to get  
16 more information for the Budget Ad Hoc Committee.  
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19 **IX. Open Forum for Board and Liaison Members**

20 Mr. Phelps announced the open forum section of the meeting. This section was where  
21 members could bring up any relevant topic that they wanted. Mr. Phelps started the session by  
22 asking if the board would like to accept an invitation to have a half hour slot at the Defense  
23 Nuclear Facility Safety Board meeting. Mr. Phelps asked for board input on whether the board  
24 wanted to accept the invitation as an official board function? Ms. Henline wanted to get more  
25 information on the board and Mr. Phelps replied he had been to their website. He explained the  
26 group is a safety review board federally authorized by the Energy Policy Act and the National  
27 Defense Authorization Act. The mission of the board is primarily safety oversight at nuclear  
28 facilities. He suggested members refer to the mission on the website at the following address:  
29 <http://www.dnfsb.gov/about/index.php>. Mr. Phelps read directly from the website:

30 *"For nearly half a century, the Department of Energy (DOE) and its predecessor agencies*  
31 *operated the nation's defense nuclear weapons complex without independent external*  
32 *oversight. In the late 1980's, it became increasingly clear to members of Congress that*  
33 *significant public health and safety issues had accumulated at many of the aging facilities*  
34 *in the weapons complex. As an outgrowth of these concerns, Congress created the*  
35 *Defense Nuclear Facilities Safety Board in 1988 as an independent oversight organization*  
36 *within the Executive Branch charged with providing advice and recommendations to the*  
37 *Secretary of Energy "to ensure adequate protection of public health and safety" at DOE's*  
38 *defense nuclear facilities.*  
39 *Broadly speaking, the Board is responsible for independent oversight of all activities*  
40 *affecting nuclear safety within DOE's nuclear weapons complex. Prior to the end of the*  
41 *nuclear arms race, the nuclear weapons complex concentrated on the design,*  
42 *manufacture, test, and maintenance of the nation's nuclear arsenal. The complex is now*  
43 *engaged in cleanup of contaminated sites and facilities, disassembly of nuclear weapons*  
44 *to achieve arms control objectives, maintenance of the smaller stockpile and storage and*  
45 *disposition of excess fissionable materials."* <http://www.dnfsb.gov>

46 Mr. Phelps interpreted their actions to be related to safety work more than environmental  
47 issues. Mr. Pacheco asked where the board was located and what was the composition of the  
48 membership. Mr. Phelps answered the board is based out of Washington, D.C. and comprised

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1 of professionals. He announced the meeting was scheduled for February 11, 2010. He left the  
2 topic open for board consideration. Later in the meeting, the board decided not to accept the  
3 offer for a 30-minute time slot.

4 **NNMCAB Liaison member, Mr. Mayer from EPA Region 6 provided a brief**  
5 **status update to the Board.** Primarily, he was working on polychlorinated biphenyls (PCB)  
6 removal project authorized under The Toxic Substances Control Act of 1976 (TSCA) at LANL.  
7 TSCA provides EPA with authority to require reporting, record-keeping and testing  
8 requirements, and restrictions relating to chemical substances and/or mixtures. Certain  
9 substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics  
10 and pesticides. TSCA addresses the production, importation, use, and disposal of specific  
11 chemicals including PCBs, asbestos, radon and lead-based paint. The first step in the removal  
12 process was to remove a septic tank and the soil underneath the tank, where contaminants  
13 were found three or four feet deep. Under TSCA, this clean up was considered a risk-based  
14 clean up, which took longer than expected. After remediation, area was covered with a topsoil  
15 aggregate cover mix. Mr. Mayer had a site tour and he stated his intention to write a letter to  
16 EPA with his findings. His department planned to continue some oversight sampling of the  
17 area.

18 Additionally, Mr. Mayer informed the Board the EPA has obtained some additional budget  
19 for sampling of federal facilities throughout the Region 6 area. The New Mexico Environment  
20 Department's DOE Oversight Bureau ([http://www.nmenv.state.nm.us/doe\\_oversight](http://www.nmenv.state.nm.us/doe_oversight)) has  
21 requested some of this funding to have some storm water and sediment samples analyzed. The  
22 DOE also want to do some verification sampling also nearer the Buckman and in the north fork  
23 of the Acid Canyon area, near the aquatic center. Mr. Mayer would consider sample requests  
24 from the CAB. Another project Mr. Mayer discussed, was pumping the West Bay Wells over a  
25 period of a week while taking samples to see if the water would sample clean to determine  
26 whether the wells had been affected by drilling additives. One other Region 6 initiative was to  
27 have a contractor help put items on the webpage for the NMED website and DOE would  
28 primarily fund this project. This was a repeat idea from a year ago and there were more  
29 documents to be added. Mr. Mayer added that the Draft National Pollution Discharge  
30 Elimination System (NPDES) Individual Stormwater Permit at LANL was still in negotiations. He  
31 explained the permit was appealed when several issues were sited including when to stop  
32 monitoring certain areas. The permit would require monitoring after storm events. Mr. Mayer  
33 stated that Los Alamos has one of the more sophisticated stormwater monitoring programs in  
34 the Region 6 area. Mr. Mayer answered questions from the board.

35 Ms. Henline asked about targeting the location of soil samples especially around  
36 Buckman Well area. Mr. Mayer replied soil sampling was a possibility in the Buckman area,  
37 although the actual wells have been sampled. The samples extracted from the wells did not  
38 reveal anything major other than naturally occurring uranium. Mr. Maestas questioned why the  
39 board was considering asking EPA to sample the Buckman area? Mr. Maestas stated that Santa  
40 Fe had employed Chemrisk Company to conduct independent sampling already. Ms. Henline  
41 replied that there was some concern about the extent of the data that Chemrisk was reviewing.  
42 Ms. Henline stated there was some concern about Chemrisk using the Water Quality Data Base  
43 for parts of their review. Dr. Shaw commented her opinion that there would always be people  
44 who think we need more sampling and she asked the members to keep this in mind.

1  
2 **X. Presentation 1. Status of Corrective Actions, with Dave McInroy, LANS**

3 Mr. Dave McInroy, LANS Program Director for the Corrective Actions Program provided  
4 the board with a subject matter presentation entitled: "Corrective Actions Program Overview,"  
5 LA-UR 10-00384.

6 Mr. McInroy introduced himself and Mr. Mayer, EPA as 20-year veterans working with  
7 Environmental Restoration (ER) Programs at LANL. He stated this presentation was meant as  
8 an overview of the Corrective Actions Program; an 'Environmental Restoration 101 course' that  
9 was meant to stimulate interest in other presentations. Primarily, the program had been  
10 reorganized into three main areas:

- 11 • Closure at TA-21
- 12 • Closure at TA-54
- 13 • Waste disposition project—all wastes leaving the Lab and looking at future generation of  
14 waste

15 Mr. McInroy's presentation provided an organizational overview, a discussion of scope,  
16 and project highlights. The Corrective Actions program was responsible for the investigation  
17 and remediation of approximately 800 out of 860 sites at the Lab. A summary of the  
18 presentation has been provided below.

19 The types of sites in the Corrective Action Program included:

- 20 • Landfills or Material Disposal Areas
- 21 • Pits, shafts, trenches, abandoned down-hole experiments
- 22 • Waste Water Management Systems
- 23 • Septic tanks, drain lines, outfalls, surface impoundments, waste water treatment plants
- 24 • Contamination from past and present operations
- 25 • Firing sites, spills/releases, historic surface disposal, leaking storage tanks

26 The Types of contaminants found at the sites:

- 27 • Radiological, chemical, heavy metals, high explosives and degradation products

28 The scope of the Corrective Actions program included:

- 29 • Surface water protection
- 30 • Monitoring
- 31 • Surface flow mitigation
- 32 • Analysis and reporting
- 33 • Groundwater protection
- 34 • Regional monitoring and reporting
- 35 • Monitoring associated with site remedies
- 36 • Natural Resource Damage Assessment support
- 37 • Technical and regulatory reviews
- 38 • Baseline and injury assessment
- 39 • Scoping and execution of restoration projects

40 The processes for the Corrective Actions program included:

- 41 • Characterization of surface, vadose zone, surface water and groundwater pathways (if  
42 applicable)
- 43 • Corrective actions
- 44 • Risk assessments

- 1 • Stabilization and monitoring
- 2 • Remediation and removals
- 3 • Continuous Improvements
- 4 • Safer and more cost effective waste management
- 5 • Regional baselines and cross-cutting applied studies
- 6 • Reassessing site conditions to current standards

7 The overview presentation also described Legacy Site contamination, which was the distribution  
8 and migration of legacy contaminants that were influenced by historic releases, current  
9 operations and natural processes. Mr. McInroy added that many of the legacy contaminant  
10 sources have been removed from the site. However, residual contamination remains in natural  
11 systems and migrates through:

- 12 • Soil sediments
- 13 • Vadose zone (unsaturated layer)
- 14 • Shallow & intermediate groundwater
- 15 • Surface topography that naturally favors migration
- 16 • Subsurface hydrogeology presents complicated characterization and remediation  
17 problems

18 The presentation went on to describe work plans and NMED deliverables. Mr. McInroy provided  
19 the group with some examples of highlights of the CA program, ones that the CAB may want to  
20 request for a more detailed presentation with a LANS Subject Matter Expert (SME).

21 Highlights:

22 Investigations of Los Alamos Canyon Aggregate Area (LA-SMA-2) were completed where  
23 polychlorinated biphenyl (PCB)-contaminated sediments were removed and the surface water  
24 flow was stabilized. The scope of the project included:

- 25 • Sediment removal
- 26 • Installation of surface water retention structures

27 Another project highlight was the 260 Outfall Surface CMI where a Permeable Reactive Barrier  
28 was installed. 260 Outfall had discharged for over 30 years, interesting work was completed  
29 with a permeable reactive barrier, these systems treat high explosives and barium, and these  
30 barriers try to minimize the movement of contaminants by reducing pathways. In addition, the  
31 program planned to install two additional wells down gradient of this site as sentinel wells. Mr.  
32 McInroy answered questions from the board.

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34  
35 **XI. Public Comment Period**

36 A public comment period was scheduled for 6:00 p.m. Mr. Phelps opened the floor for  
37 public comment. No one signed up to speak.

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39  
40 **XII. Consideration of Recommendations to the Department of Energy**

41 **a. Draft Recommendation 2010-01, Disposition of Remote Handled**  
42 **Waste Buried in 33 Shafts at Technical Area 54**

43 Mr. Villarreal, primary author, introduced draft Recommendation 2010-01 regarding the  
44 disposition of 33 shafts with mixed hazardous and radioactive waste at Technical Area 54 (TA-

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1 54). Mr. Villarreal, a retired Lab employee, proposed options for remediation of the 33 shafts in  
2 varying forms during his employment with the Lab. Mr. Villarreal provided extensive  
3 background information pertaining to the issues. The draft recommendation proposed  
4 recommendations in the form of options for the disposition of wastes from the 33 shafts. The  
5 remediation of the 33 shaft area was an extremely complex task to examine and would require  
6 a diversity of facilities, technical expertise, regulatory protocols, administrative policies,  
7 environmental concerns, industrial and radiation safety practices, and collaborative approaches  
8 that would need to come together to achieve success. There would be a large number of  
9 disciplines necessary to provide solutions to the challenges of this undertaking. Without  
10 adequately trained personnel, working in a collaborative manner, the cost of this and other  
11 challenging EM projects would be ineffective and inefficient and cost the taxpayer an  
12 unreasonable amount of money while yielding unsatisfactory results. This project could be  
13 handled as a model that could be implemented on a national basis. In order to comply with the  
14 2015 time limit established by the Consent Order, at least six methodologies were considered  
15 and summarized in the draft.

16 The intent of the draft recommendation was to remove the highly radioactive Remote  
17 Handled Transuranic (RH-TRU) wastes from TA-54 in a safe manner with a minimum of  
18 radiation exposure to workers at all levels. Accomplishing this will result in a successful closure  
19 of the site. If the "ideal" methodology was not feasible, then a secondary or "non-ideal"  
20 methodology should be considered. Equally important, this recommendation discouraged  
21 inaction to result in a final "no action" decision/non-decision for the disposition of the 33 shafts.  
22 The effect of implementing this recommendation was to help maintain public confidence in the  
23 ability of DOE/NNSA/LANS in collaboration with the EPA, State of New Mexico, and associated  
24 Pueblos to effect a complex but dynamic approach to disposition of the RH waste in the 33  
25 shafts at TA-54 leading to eventual closure of MDA-G.

26 Mr. Villarreal went over the recommendations contained in the draft in detail. He also  
27 explained that the draft that went before the board for review at the meeting had members'  
28 comments incorporated.

29 Mr. Phelps solicited input on the tone of the draft from the members. Mr. Bishop, DDFO,  
30 provided some examples of dose amount to give the members perspective when reviewing the  
31 draft.

32 **Board discussed Draft Recommendation 2010-01:**

33 The board took up the draft for discussion. Ms. Henline thought the most important part  
34 was to make a decision in that we have the technology and the money; she liked the options  
35 that were offered in the recommendation.

36 Mr. Maestas thought the CAB should recommend removal or not. How they completed  
37 the project was out of his scope and he did not feel qualified to make comment. He was  
38 concerned primarily with the risk involved in remediation of the site. Mr. Bishop responded  
39 that the offsite risk does not change for the removal or non-removal options. Dr. Shaw thanked  
40 Mr. Bishop for his dosage clarifications. She could argue to remove or leave the waste in place.  
41 However, she has a lot of respect for Mr. Villarreal and his knowledge of the site. She also  
42 understood Mr. Maestas' points. Overall, she considered this recommendation to be a thorough  
43 summary analysis of options based on the background knowledge of a well-qualified person.  
44 Mr. Longacre expressed frustration with the board's process and the responses from the DOE.

1 He looked around the board to see many talented individuals. This is one of the best  
2 recommendations he has seen come from this board. When a knowledgeable member of this  
3 board took the time to put their thoughts down on paper, Mr. Longacre thought that was a  
4 positive thing and he would consider it a job well done for the board. Mr. Longacre stated, "job  
5 well done" to Mr. Villarreal. Dr. Campbell supported the draft as an important characterization  
6 plan with a strong set of options. He stated he was ready to take action on the draft. **Mr.**  
7 **Villarreal made a motion to accept the recommendation as final with author-**  
8 **approved modifications included. Dr. Shaw seconded the motion. The board voted**  
9 **in favor by unanimous approval to accept the recommendation for submission to the**  
10 **DOE.**  
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12  
13 **XIII. Presentation 2. Natural Resource Damage Assessment, with Nancy Werdel,**  
14 **DOE**

15 Ms. Nancy Werdel, Project Manager for Environmental Operations, DOE Los Alamos Site  
16 Office provided a subject matter presentation to the board entitled, "Los Alamos National  
17 Laboratory Natural Resource Damage Assessment (NRDA) and Trustee Council Progress"  
18 Ms. Werdel provided an overview of the LANL NRDA and Trustee Council program and progress.  
19 Her PowerPoint presentation has been summarized below:

20 She described governing Regulations for the program:

- 21 • 43 CFR Part 11 – per CERCLA, which is the Comprehensive Environmental Response,  
22 Compensation, and Liability Act -- otherwise known as CERCLA or Superfund -- provided  
23 a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as  
24 well as accidents, spills, and other emergency releases of pollutants and contaminants  
25 into the environment. Through CERCLA, EPA was given power to seek out those parties  
26 responsible for any release and assure their cooperation in the cleanup.
- 27 • 33 USC Part 2602 and 2706 – per Oil Pollution Act
- 28 • New Mexico Natural Resources Trustee Act
- 29 • Department of Interior Implementing Procedures
- 30 • 2008 NRDA Final Rule – per Department of Interior
- 31 • Park Service Protection Act Guidance

32 The assessment process described in the NRDA Conceptual Framework:

- 33 • First, there was a contaminant release, which lead to a natural resource injury,  
34 culminating in a loss of service and an award of damages.

35 The goal of NRDA:

- 36 • Restore, replace, or acquire the equivalent of natural resources injured and the services  
37 those resources provided.

38 These natural resources included:

- 39 • Air, Surface Water, Groundwater, Soils/Sediments, and Biota/Vegetation, which were  
40 resources that Federal, State, or Native American Tribes may assert trusteeship

41 Ms. Werdel went on to describe the services were the beneficial outcomes, for people and their  
42 natural environment that flow from natural resources & ecosystem functions. Examples  
43 included:

- 44 • Harvesting of plants or animals

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- 1 • Habitat for wildlife
- 2 • Cultural practices
- 3 • Provision of clean water

4 Cleanup decisions were based on:

- 5 • Future land use projections – who would use the site in the future and for what purpose?
- 6 • Risk based (human and ecological) – how much contamination posed a risk?

7 Natural Resource Restoration was based on:

- 8 • An economic value of natural resources injured and lost services caused by the
- 9 contamination
- 10 • NRDA can complement remediation by going beyond cleanup to restore, replace or
- 11 acquire equivalent resources
- 12 • Reasonable costs evaluation
- 13 • Natural resource restoration was typically residual to remediation

14 Ms. Werdel informed the board who the current trustee participants are:

- 15 • Department of Energy (Trustee and Potentially Responsible Party)
- 16 • DOE Headquarters and Los Alamos Site Office
- 17 • Technical support from Los Alamos National Security (LANS)
- 18 • State of New Mexico
- 19 • NM Natural Resources Trustee Office
- 20 • NM Attorney General's Office
- 21 • Native American Tribes
- 22 • San Ildefonso Pueblo
- 23 • Santa Clara Pueblo
- 24 • Cochiti Pueblo
- 25 • Department of Interior
- 26 • Fish and Wildlife Service
- 27 • National Park Service
- 28 • Bureau of Indian Affairs
- 29 • Department of Agriculture
- 30 • US Forest Service

31 The stated benefits of cooperative assessments were listed as:

- 32 • Pooling resources, experience, and expertise
- 33 • Collaboration increases efficiency and effectiveness, and decreases duplication
- 34 • Strength in having a unified approach
- 35 • Focus on mutually beneficial outcomes at sites where the lead response agency was also
- 36 a trustee
- 37 • Damage assessment activities and remedial investigations.

38 Ms. Werdel briefly described the current status of NRDA at LANL:

- 39 • Preliminary Assessment Screen (PAS) Completed
- 40 • Trustee Council agreed to proceed with NRDA process towards full-scale assessment
- 41 • DOE is making final copies; PAS be released to the public in early February 2010
- 42 • Next Step - Assessment Plan
- 43 • Procure contract support for preparing the Assessment Plan (Summer 2010)
- 44 • Prepare Assessment Plan (2011)

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- 1 • Initiate Full-scale Assessment (2011 and beyond)
- 2 • Assessment Plan Public Involvement
- 3 • Assessment Plan includes public process – including review and comment
- 4 • Website being developed to keep public informed

5 Ms. Werdel described the Exxon Valdez oil spill, which was a famous NRDA case. First, they  
6 looked at the resource, then the services that were lost, they determined the amount of the  
7 damage, which was used to restore, replace and acquire equivalent resources. She added land  
8 use stipulations were a big part of the assessment and there were differences between  
9 industrial or residential use scenarios. Effected time also factors in and one may be liable to the  
10 damages to the economic value of the resource. In some cases, the NRDA process can restore  
11 the site and then take it further. For example: Fernald was a heavy manufacturing site and  
12 now the whole site has been restored to a wild life park. The site was gradually turned back  
13 into a natural environment beyond its original use as a farm site. NRDA can restore the use of  
14 the landscape and could be used as a tool in the clean-up process and, if provided an  
15 opportunity, the NRDA could take the restoration of the site to a higher end state. Another  
16 option was to build or restore a site as compensation for the damaged resource. Ms. Werdel  
17 answered questions from the board.

18 Dr. Campbell stated the CAB has made recommendations to get a final determination of  
19 what an engineered cap for Area G would look like. He asked if this action would be part of the  
20 NRDA scope? Ms. Werdel stated she would follow up on Dr. Campbell's question.

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22  
23 **XIV. Meeting Feedback and Adjournment.**

24 Mr. Worth asked for input from board on Mr. McInroy's presentation as to which  
25 presentations the board might be interested in hearing more from a Subject Matter Expert  
26 (SME).

27 Dr. Shaw stated the meeting time was excessive in length and that our meetings could  
28 be much shortened. Mr. Phelps stated the board could consider shorter meetings.

29 Mr. deSousa asked the board to consider reviewing the Lab's request for an update to  
30 the NMED Hazardous Waste Permit, which included ongoing waste including high explosives.  
31 NMED has issued a permit that did not include an open burning permission, as especially used  
32 in the Lab's High Explosives (HE) work because the downside concern was regarding nitrate  
33 emissions and effects on wildlife. The NMED planned to hold public hearings in April 2010. The  
34 Lab considered this permit critical to ongoing missions and Mr. deSousa encouraged the board  
35 to comment.

36 **With no further business to discuss, Mr. Bishop, Co-DDFO adjourned the**  
37 **meeting at 8:00 p.m.**

38  
39 **Respectfully submitted,**



40 **Ralph Phelps, Chair, NNMCAB**  
41

1 *\*Minutes prepared by Lorelei Novak, NNMCAB Technical Programs and Outreach*

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2  
3 **Attachments:**

- 4 1. **Final 1-27-10 CAB Meeting Agenda.**
- 5 2. **Report from Ralph Phelps, Chair, NNMCAB.**
- 6 3. **Report from Menice Santistevan, Executive Director.**
- 7 4. **Report from Gerry Maestas, Chair, WM Committee.**
- 8 5. **Report from Pam Henline, Chair, EMSR Committee.**
- 9 6. **Draft NNMCAB Recommendation 2010-01.**
- 10 7. **PowerPoint Presentation, "Corrective Actions Program Overview," LA-UR 10-**
- 11 **00384, with Dave McInroy, LANS.**
- 12 8. **PowerPoint Presentation, "Los Alamos National Laboratory Natural Resource**
- 13 **Damage Assessment and Trustee Council Progress," with Nancy Werdel, DOE**
- 14

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15  
16 **Public Notice:**

17  **\*All NNMCAB meetings are recorded in accordance with the Federal**

18 **Advisory Committee Act. Audiotapes have been placed on file at the**

19 **NNMCAB Office, 1660 Old Pecos Trail, Suite B, Santa Fe, New Mexico,**

20 **87505.**

21  **\*Reference documents listed in the Appendix section of these**

22 **minutes may be requested for review at the CAB office in Santa Fe.**

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23  
24 **\*For more information regarding audio transcription or any information**

25 **referenced to or contained here in these minutes, please call the CAB**

26 **office at (505)-989-1662.**

27