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[www.nnmcab.energy.gov](http://www.nnmcab.energy.gov)

RECEIVED

March 18, 2015

MAR 20 2015

Dear NNM CAB, Liaison, and Student Members,

NMED  
Hazardous Waste Bureau

Enclosed is the information you will need for the NNM CAB meeting scheduled for March 25, 2015 at La Fonda in Santa Fe; a map is enclosed for your use.

**You will be electing a Vice-Chair to fill Allison Majure's unexpired term through September 30, 2015. You will hear a "Stakeholder Update on FY 2017 EM Budget and Planning Integration." You will also meet Ms. Christine Gelles, the Acting Manager of the new Environmental Management Los Alamos Field Office.**

**Chairman Sayre has asked that you arrive before 1:00 p.m., so that a quorum may be established promptly. Please bring this packet of information with you to the meeting.**

If you are unable to attend the meeting, please request an excused absence from Lee Bishop, Co-DDFO at: [Lee.Bishop@nnsa.doe.gov](mailto:Lee.Bishop@nnsa.doe.gov) or Mike Gardipe, Co-DDFO at: [Mike.Gardipe@nnsa.doe.gov](mailto:Mike.Gardipe@nnsa.doe.gov)

Kindest Regards,

Menice B. Santistevan  
Executive Director  
NNMCAB Support Office



**Northern New Mexico Citizens' Advisory Board Meeting**  
**March 25, 2015**  
**1:00 p.m. to 5:15 p.m.**  
**La Fonda on the Plaza**  
**La Terraza Room**  
**100 E. San Francisco Street**  
**Santa Fe, New Mexico 87501**

**DRAFT AGENDA**

<u><b>Time</b></u>	<u><b>Action</b></u>	<u><b>Presenter</b></u>
1:00 p.m.	Call to Order	Lee Bishop, DDFO
	Establishment of a Quorum (11 needed)	
	a. Roll Call	William Alexander
	b. Excused Absences	
	Welcome and Introductions	Doug Sayre, Chair
	Welcome to Santa Fe	Mayor Javier Gonzales
	Approval of Agenda	
	Approval of Minutes of January 28, 2015	
1:15 p.m.	Old Business	
	a. Written Reports – See Packet Enclosures (5 minutes)	
	b. Report on Waste Management Symposia	Mona Varela
	c. Report on Environmental Justice Conference	Danny Mayfield and Carlos Valdez
	d. Other items	
1:30 p.m.	New Business	
	a. Election of Vice-Chair through September 30	Doug Sayre
	b. Other items	
1:45 p.m.	Update from Deputy Designated Federal Officer(s)	Lee Bishop/Michael Gardipe
2:00 p.m.	Update to DOE Stakeholders on FY 2017 EM Budget and Planning Integration	Pete Maggiore
2:30 p.m.	<b>Break</b>	
2:45 p.m.	Consideration and Action on Draft Recommendation 2015-03 "Supplemental Environmental Projects"	Doug Sayre
3:10 p.m.	Update on WIPP Recovery	J.R. Stroble
3:30 p.m.	Update from Liaisons	
	a. Update from U. S. Department of Energy	Christine Gelles
	b. Update from Los Alamos National Laboratory	Randy Erickson
	c. Update from New Mexico Environment Department	Jeff Kendall
4:45 p.m.	<b>Public Comment Period</b>	
5:00 p.m.	Wrap-up Comments from NNM CAB Members	
	a. Were your questions answered regarding the presentations?	
	b. Requests for future presentations or information	
	c. Proposed Recommendations	
5:15 p.m.	Adjourn	Lee Bishop



Albuquerque, NM

Get on I-25 N from Menaul Blvd NE and Pan American Frontage Rd N

Follow I-25 N to Santa Fe County. Take exit 282A-282B from I-25 N

Continue on US-285 N/US-84 W/S St Francis Dr. Take Cerrillos Rd to W San Francisco St in Santa Fe

7. Merge onto US-285 N/US-84 W/S St Francis Dr

8. Turn right onto Cerrillos Rd

9. Slight right to stay on Cerrillos Rd

10. Continue onto Galisteo St

11. Turn right onto W San Francisco St

La Fonda on the Plaza

100 E San Francisco St, Santa Fe, NM 87501

Los Alamos, NM

Take Orange St to Trinity Dr

Follow NM-502 and US-285 S/US-84 E to W San Francisco St in Santa Fe

3. Turn left onto Trinity Dr

4. Continue onto NM-502/E Rd

5. Take the US-285 S/US-84 S ramp to Santa Fe

6. Merge onto US-285 S/US-84 E

7. Take the exit on the left toward Museum

8. Merge onto N Guadalupe St

Turn left onto W San Francisco St

La Fonda on the Plaza

100 E San Francisco St, Santa Fe, NM 87501

Taos, NM

Head southwest on Barela Ln toward Kit Carson Rd

Follow NM-68 S and US-84 E to W San Francisco St in Santa Fe

2. Turn right onto Kit Carson Rd

3. Turn left onto NM-68 S/Paseo Del Pueblo Sur

4. Continue onto S Riverside Dr

5. Continue onto US-84 E

6. Take the exit on the left toward Museum

7. Merge onto N Guadalupe St

Turn left onto W San Francisco St

La Fonda on the Plaza

100 E San Francisco St, Santa Fe, NM 87501

Directions to the NNM CAB meeting location are included above. The directions in blue are from Albuquerque, directions in green are from Los Alamos, and directions in orange are from Taos. Parking at La Fonda is located off of East San Francisco St. and is denoted by the red stars in the street view and map below. The hotel is denoted by the yellow star.







## Northern New Mexico Citizens' Advisory Board Meeting

January 28, 2015

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

Cities of Gold Conference Center

Pojoaque, New Mexico 87506



### Minutes

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#### Meeting Attendees

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##### Department of Energy

1. Pete Maggiore, Assistant Manager, Environmental Projects Office
2. Lee Bishop, Co-Deputy Designated Federal Officer
3. Michael Gardipe, Co Deputy Designated Federal Officer
4. Jack Craig, Director, Environmental Management Consolidated Business Center
5. Jack Surash, P.E., Deputy Assistant Secretary, Acquisition and Project Management
6. J.R. Stroble, Director, National TRU Program, Carlsbad Field Office
7. Don Ami, National Nuclear Security Administration Los Alamos Field Office
8. Toni Chiri, Los Alamos Field Office

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##### NNMCAB Members

1. Doug Sayre, NNMCAB Chair
2. Allison Majure, NNMCAB Vice-Chair
3. Stephen Schmelling, Chair Environmental Monitoring & Remediation (EM&R) Committee
4. Manuel Pacheco, Chair Waste Management (WM) Committee
5. Ashley Sanderson, Vice-Chair EM&R Committee
6. Angel Quintana, Vice-Chair WM Committee
7. Gerard Martinez
8. Irene Tse-Pe
9. Danny Mayfield
10. Carlos Valdez
11. Joseph Viarrial
12. Alex Puglisi
13. Mary Friday
14. Michael Valerio

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##### NNMCAB Student Members

1. Alyssa Schreiber
2. Deidre Roybal

3. Savannah Martinez

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**NNMCAB Excused Absences**

1. Nona Girardi
2. Mona Varela
3. Tessa Mascareñas
4. Joey Tiano

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**NNMCAB Absences**

1. Bonnie Lucas

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**NNMCAB Support Staff**

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

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**Guests**

1. David French, Aspen Resources, Ltd., Inc.
2. Gilbert Torres, Sigma Science, Inc.
3. Glenn Cox, Edgewater Technical Associates
4. Patti Jones, Los Alamos National Security
5. Ken Gillespie, Portage, Inc.
6. Felicia Aguilar, The Lakeworth Group
7. Pat Dentler, Los Alamos Technical Associates
8. Ted Sherry, Los Alamos National Security
9. Scott Kovac, Nuke Watch New Mexico
10. Sean White, Kiewit New Mexico
11. Kaitlin Martinez, Los Alamos National Security
12. John McCann, Los Alamos National Security
13. Katie Richardson, U.S. Senator Martin Heinrich's Office
14. Laura Day, Project Time and Cost, LLC
15. Dick Scott, Tetra Tech
16. Myrom Koop, Banda Group International, LLC.
17. Dave McInroy, Los Alamos National Security
18. Scott Den Baars, NAVARRO
19. Patrick Longmire, NMED- DOE Oversight Bureau
20. Kim Granzow, NMED-DOE Oversight Bureau
21. Steve Yanicak, NMED-DOE Oversight Bureau
22. Mike Smith, ES
23. John Rodell, EDI
24. Michele Jacquez-Ortiz, U.S. Senator Tom Udall's Office
25. Lorrie Bonds Lopez, Los Alamos National Security

- 1 26. Floyd Archuleta, Portage, Inc./Los Alamos National Laboratory MS Consortium
- 2 27. Bob Hull, Los Alamos Technical Associates, Inc.
- 3 28. Steve Threet, Edgewater Technical Associates
- 4 29. Jeff Kendall, New Mexico Environment Department

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

**Minutes**

**I. Call to Order**

The bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) was held on January 28, 2015 at The Cities of Gold Conference Center, Pojoaque, New Mexico. Mr. Lee Bishop, Co-Deputy Designated Federal Officer (CDDFO) stated that on behalf of the Department of Energy (DOE) the meeting of the NNMCAB was called to order at 1:04 p.m.

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

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

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**II. Establishment of a Quorum (10 Needed)**

**a. Roll Call**

Mr. William Alexander conducted roll call as the members arrived. At the call to order, 13 members were present. Mr. Alexander recorded that Ms. Mary Friday arrived at 1:08 p.m.

**b. Excused Absences**

Mr. Alexander recorded that the following members had excused absences: Ms. Tessa Jo Mascareñas, Dr. Nona Girardi, Ms. Mona Varela, and Mr. Joey Tiano.

**c. Absences**

Mr. Alexander recorded that Ms. Bonnie Lucas was absent.

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**III. Welcome and Introductions**

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

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**IV. Approval of Agenda**

The board reviewed the agenda for the January 28, 2015 meeting.

Mr. Valdez asked that Mr. Stroble be given time on the agenda for a Waste Isolation Pilot Plant (WIPP) update.

Mr. Sayre proposed adding a WIPP update to the liaison section as item "D".

Mr. Puglisi asked for time to discuss a new recommendation that he was working on drafting.

Mr. Sayre proposed adding discussion on new draft recommendations under old business item "B" other business.

Mr. Valdez made a motion to approve the agenda as amended; Ms. Majure seconded the motion. The motion to approve the agenda as amended was unanimously passed.

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**V. Approval of Minutes**

The Board reviewed the minutes from the November 19, 2014 meeting. By ongoing instruction from DOE Headquarters, the minutes were previously reviewed and certified by the NNMCAB Chair.

Mr. Sayre opened the floor for comments from the Board; with no comments from the Board, Mr. Sayre asked for a motion.

Mr. Pacheco made a motion to approve the minutes for the November 19, 2014 meeting as presented; Mr. Puglisi seconded the motion. The motion to approve the minutes passed unanimously.

The Board reviewed the minutes from the December 10, 2014 meeting. By ongoing instruction from DOE Headquarters, the minutes were previously reviewed and certified by the NNMCAB Chair.

Mr. Sayre opened the floor for comments from the Board; with no comments from the Board, Mr. Sayre asked for a motion.

Ms. Tse-Pe made a motion to approve the minutes for the December 10, 2014 meeting as presented; Ms. Majure seconded the motion. The motion to approve the minutes as presented was unanimously passed.

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**VI. Old Business**

**a. Written Reports**

Mr. Sayre opened the floor for comments on the written reports.

Mr. Valdez asked how many new members were nominated in the packet that was sent to DOE Headquarters for April appointment.

Ms. Santistevan responded that the packet had two nominees included, and five existing members that had been submitted for reappointment. Ms. Santistevan noted that one of the new nominees was the recent Governor of Jemez Pueblo and the other is a young man from Santa Fe.

Mr. Sayre asked how many members the NNMCAB is allowed to have.

Ms. Santistevan stated that the bylaws allow for 27 members; however, historically the NNMCAB tries to main 21-22 members.

Ms. Santistevan noted that the Executive Director's report contained important dates for the upcoming meetings and NNMCAB activities. She advised the members that the next Combined Committee meetings would be February 18, 2015 and March 11, 2015 at





the NNM CAB office. She noted that the next Board Meeting would be March 25, 2015 at La Fonda on the Plaza.

**b. Other Items**

Mr. Sayre opened the floor for discussion on new draft recommendations.

Mr. Puglisi asked if anyone was present from DOE that could answer questions regarding who the fines and fees were being levied against.

Mr. Craig noted that Mr. Maggiore was on a call with DOE HQ and would be arriving at the NNM CAB meeting later in the afternoon.

Mr. Sayre proposed moving discussion on the proposed recommendation to later in the meeting.

Mr. Sayre asked if there were any additional old business items to discuss.

Mr. Schmelling asked what the status was on the drafting of a new recommendation regarding interim storage of TRU waste.

Mr. Sayre stated that at the January 21, 2015 Executive Committee meeting Ms. Majure had volunteered to draft that recommendation.

Ms. Majure noted that the draft recommendation was almost complete and would be ready to be distributed to the board Thursday or Friday January 29<sup>th</sup> or 30<sup>th</sup>.

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**VII. New Business**

Mr. Sayre stated that the NNM CAB needs to begin drafting the annual budget recommendation to DOE. He asked Mr. Valdez if he would be willing to chair the ad hoc committee for that recommendation.

Mr. Valdez responded that he would work on a draft budget recommendation for FY'16.

Mr. Sayre asked if there were any other members who would like to be on that ad hoc committee.

Mr. Schmelling and Mr. Sayre noted that they would help Mr. Valdez with the recommendation.

Mr. Valdez asked if the members wanted to focus on the numbers for the budget or the priorities for FY'16 clean-up or both.

Mr. Bishop noted that at the February 18, 2015 NNMCAB meeting, Mr. David Rhodes would be presenting information on the FY'15 work plan and FY'16 budget. He noted that the presentation could be sent out to the members before the meeting for review. Mr. Bishop noted that what would be the most valuable to DOE would be the priorities for the clean-up, as the NNMCAB sees it.

Mr. Puglisi asked if it would be possible to get a list of the priorities and the cost of completing each, for FY'16.

Mr. Bishop asked if the NNMCAB would like to see the list on a project basis or total cost from end to end.

Mr. Puglisi responded that he would like to see the list formatted on a project basis.

Mr. Bishop responded that DOE could provide that information to the NNMCAB before the February 18, 2015 committee meeting.

Mr. Valdez noted that in terms of timeframe a recommendation on FY'16 budget would need to be ready for a board vote by the March 25, 2015 meeting.

Mr. Schmelling asked that in addition to the budget information, would it be possible to address the risk benefit analysis for completion of each project.

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**VIII. Update from Deputy Designated Federal Officer**

Mr. Bishop stated that Mr. Michael Gardipe would be joining the federal staff that supports the NNMCAB as Co-DDFO, Mr. Bishop asked Mr. Gardipe to give a brief introduction.

Mr. Gardipe stated that he had been working for DOE for over 25 years, at multiple sites across the complex. He noted that he had joined the environment side in 1995. Mr. Gardipe stated that he was honored to be joining the NNMCAB federal support staff and noted that he was very impressed with the formality and knowledge base of the NNMCAB members.

Mr. Bishop stated that there would be one member attending the Waste Management Symposia in Phoenix, Arizona in March. He also noted that two members would be attending the Environmental Justice Conference in Washington, D.C. in March.

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**IX. Presentation on DOE Contracting**

**a. DOE Contracting 101**

Mr. Jack Surash, P.E., Deputy Assistant Secretary for Acquisition and Project Management, gave a presentation entitled "How Environmental Management Does Business." An electronic copy of the presentation may be obtained from the NNMCAB



website; <http://www.nnmcab.energy.gov/7-presentations/presentations.htm>. Video of the presentation is also available on the NNMCABs YouTube Channel (NNMCAB).

**b. Questions**

Ms. Majure asked what Environmental Management (EM) does different from the National Nuclear Security Administration (NNSA).

Mr. Surash responded that if Bob Rains from NNSA were here discussing this topic he would be talking about the same overall guidance. Additionally, noting that NNSA has more Management and Operating Contracts (M&O), while EM uses more traditional contracts and fewer M&O contracts.

Mr. Sayre asked if a contractor is found at fault, and causes fines to be levied by the regulator, is the contractor liable for a part of the fine.

Mr. Surash responded that in some cases the contractor is liable for the fines and not in others. He noted that it depends on how the contract is written.

Mr. Craig stated that it is very dependent on the type of contract and what is written into the contract. He noted that contracts can be written to include responsibility for a portion of fines as a ceiling, all fines, or no fines at all.

Mr. Valdez asked if past experience is considered in the selection process.

Mr. Surash responded that past experience is the top factor in the selection process. The technical approach is usually the second priority.

Mr. Valdez asked if the criteria are weighted in the selection process.

Mr. Surash responded that each of the factors is weighted and compared against the Request for Proposal, by the evaluation board that was put together for the contract selection process. He noted that proposals are not weighted against each other as A vs B.

Ms. Majure asked who in the federal government hits the 23% of contract awards to small business.

Mr. Surash responded that most of the other agencies in the federal government hit the 23% percent mark.

Mr. Schmelling asked if the new contract for work in Los Alamos would be an M&O contract or a traditional contract.

Mr. Surash responded that the new contract for clean-up work at LANL would not be an M&O. Additionally; he noted that it would be a separate contract between Los Alamos and EM.

Mr. Puglisi asked if under the bridge contract the local subcontractors would be able to transition over to the new bridge contractor.

Mr. Surash responded that he did not know the answer to that at this time.

**c. Update on Transition and Bridge Contract**

Mr. Jack Craig from the Consolidated Business Center provided an update on the status of the bridge contract. Mr. Craig stated that at the previous meeting he had talked about the organizational transition and the contract transition. Mr. Craig noted that the organizational plan had been approved by the DOE Secretary. Additionally, he noted the number of FTE's at the new EM field office had been increased from 22 to 26. He stated that the additional FTE's would include a new Senior Executive Position, Contracting Officer, and a Deputy Manager.

Mr. Craig noted that DOE was also looking at the possibility of additional resources that may be required for the management of the new 5 year long term contract. Mr. Craig noted the bridge contract was intended as a sole source contract with Los Alamos National Security (LANS). Additionally, he noted that the DOE had received no public comments on the bridge contract; so DOE signed a justification for other than full and open competition which allows EM to begin negotiations with LANS on the bridge contract. Mr. Craig stated that the letter contract should be completed in the next month or so, noting that the bridge contract is only intended to cover an 18 month period. Mr. Craig stated that the Request for Proposal for the long term contract would likely be out for public comment mid-summer 2015. Mr. Craig stated that the long term contract would have full and open competition.

Mr. Sayre asked what the expected date was for the bridge contract to be in place.

Mr. Craig responded that the time table for the bridge contract to be in place was the end of February 2015.

Ms. Majure asked if the Memorandum of Understanding (MOU) was available to the public.

Mr. Craig responded that the MOU is currently being drafted by Mr. Maggiore and his staff.



Mr. Maggiore noted that the MOU would be an intricate document and that he and his staff were working on all of the interface issues, and information that would need to be included to complete the MOU.

Mr. Schmelling asked if LANS would have a separate organization to handle the bridge contract.

Mr. Erickson stated that LANS is working cooperatively with DOE to have a seamless transition. He noted that how the transition will work within LANS is still under negotiation.

Mr. Valdez asked how the budget would be handled for the "guns, guards, and gates."

Mr. Craig stated that EM currently pays a portion of security through an overhead account. He noted that a majority is paid by NNSA since the majority of the work at LANL is NNSA work. He stated that EM would likely pay NNSA for the services.

Mr. Puglisi asked if a traditional contract would need a specific scope of work, i.e. work plan regarding the Consent Order.

Mr. Surash responded that with a traditional contract it works best if the work scope is defined. Additionally, he noted that there are options that can be implemented to cover the possibility of changes, such as proceeding with a 75% of scope, allowing for 25% to cover changes.

Mr. Maggiore noted that with the current contract the clean-up work is defined by a paragraph; stating that any subsequent contract would be expected to have a much more robust statement of work.

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**X. Discussion on new Draft Recommendation.**

Mr. Puglisi stated that he wanted to consider drafting a recommendation regarding fines and fees and the possibility of supplemental environmental projects (SEP) in lieu of fines.

Mr. Puglisi noted that it was his understanding that SEP can be used in lieu of fees under RCRA.

Mr. Maggiore responded that was his understanding as well, noting that the Environmental Protection Agency has a SEP policy and he believed that NMED did also.

Mr. Kendall noted that NMED does have a SEP policy.

Mr. Puglisi noted that he would draft a recommendation before the March 25, 2015 board meeting proposing that SEP that are focused on Northern New Mexico be used instead of fines and fees being assessed against DOE/LANL.

Mr. Sayre asked if there were any members who would like to help Mr. Puglisi draft the recommendation.

Mr. Martinez and Mr. Pacheco noted that they would like to assist Mr. Puglisi. An ad hoc committee consisting of Mr. Puglisi, Mr. Martinez, and Mr. Pacheco was asked to work on drafting a recommendation for the March 25, 2015 board meeting.

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**XI. Update from Liaisons**

**a. Department of Energy**

Mr. Maggiore from DOE provided the update to the board. He stated that the fines for DOE/LANL that came from the NMED totaled \$36.6 Million. Mr. Maggiore noted that on January 9, 2015 DOE submitted a legal response to NMED on the administrative compliance orders. Mr. Maggiore noted that the press may have portrayed that as DOE being adversarial. Additionally, he noted that DOE believes that a settlement is in the best interest of all parties concerned. He stated that DOE is continuing to address the underlying causes that lead to the compliance orders.

Mr. Maggiore stated that the budget outlook for FY'15, the delta that occurred between the President's request and the CROMnibus was the chromium funding. He noted that the chromium request was \$32 million and \$4.6 million was approved. Mr. Maggiore noted that for FY'15 there would be very minimal work on TRU waste and DOE would be moving to address the nitrate salts issues. He noted that there would be a significant amount of groundwater and surface water monitoring conducted in FY'15. Additionally, he stated that plans for a monitoring well on San Ildefonso Pueblo were in the process of being implemented.

Mr. Schmelling asked if there would be an 80% cut in the scope of work for chromium work or if money would be shifted to offset the budget cut.

Mr. Maggiore responded that there was likely not sufficient funding to shift money. He stated that he would look at it as a delay in the execution of the work scope.

Mr. Dave McInroy noted that the operation budget for chromium had been reduced from \$32 million to \$28 million, with \$5 million marked for the capital portion of the project. He noted that the chromium project is still in the operational portion of the implementation of the project, and he didn't feel that the budget cut would affect the project that much in FY'15.

Mr. Maggiore noted that the President's FY'16 budget was due to be rolled out on Monday February 2, 2015.

**b. Los Alamos National Laboratory**

Mr. Erickson from LANL submitted an update to the NNMCAB entitled, "Associate Directorate for Environmental Programs Update for January 28, 2015." An electronic



1 copy of the information may be obtained from the NNM CAB website;  
2 <http://www.nnmcab.energy.gov/7-presentations/presentations.htm>.

3  
4 Mr. Valdez noted that at first Material Disposal Area (MDA) L was noted as having a  
5 problem that needed to be addressed and now we are saying that it doesn't.

6  
7 Mr. Erickson responded that it was determined during the exploratory phase of the  
8 project that the vapor released by the extraction process was below regulatory  
9 standards. Additionally, he noted that because of this it was determined that the  
10 activated charcoal filter system would not be required for the extraction process.

11  
12 Mr. McInroy stated that the gases are monitored on a quarterly basis. Additionally,  
13 noting that the vapor being extracted by the soil vapor extraction process is also  
14 monitored to ensure that the levels remain below the air quality standards.

15  
16 Mr. Sayre asked when the chromium extraction would begin again.

17  
18 Mr. McInroy responded that as soon as the ground is thawed the chromium extraction  
19 would begin again. He noted that as part of the permit for the land application of the  
20 treated water, the water must be able to re-infiltrate the ground, no runoff is allowed.

21  
22 Mr. Bishop advised the members that a more detailed presentation about MDA L  
23 could be provided to the NNM CAB at a future meeting.

24  
25 **c. New Mexico Environment Department**

26 Mr. Jeff Kendall stated that Secretary Ryan Flynn was unable to attend the NNM CAB  
27 meeting as he was giving a presentation at a different meeting.

28 Mr. Kendall stated that in regards to the budget, the LANL cleanup came in at \$185  
29 million, he noted that number had justifications listed; however, NMED did not agree  
30 with those justifications. He noted that WIPP received an additional \$104 million in  
31 addition to its base budget of \$120 million.

32 Mr. Kendall stated that there had been discussion on a 2<sup>nd</sup> non-compliance order. He  
33 noted that the first order was sent on December 6, 2014, noting that where NMED goes  
34 with the possibility of a second order would largely depend on the success in the  
35 settlement discussions on the first order.

36  
37 Mr. Valdez noted that DOE had responded to the administrative orders, so what  
38 happens next.

39  
40 Mr. Kendall responded that NMED and DOE had entered into settlement discussions.  
41 He noted that if settlement discussions do not progress at an acceptable rate, NMED will  
42 move forward with having a hearing.

1  
2 Mr. Sayre asked if the settlement discussions were open to the public.

3  
4 Mr. Kendall responded that the settlement discussions are confidential and not open  
5 to the public.

6  
7 Ms. Majure asked if the hearing is scheduled, would the second order precede that.

8  
9 Mr. Kendall responded that was to be determined, and he did not want to prejudge  
10 how that was going to work out.

11  
12 **d. Waste Isolation Pilot Plant**

13 Mr. Stroble from the Carlsbad Field Office provided the WIPP update for the NNMCAB.  
14 He noted that Project Reach was underway and that if all goes according to plan the last  
15 of the mapping would conclude by the end of the week February 6, 2015. Mr. Stroble  
16 noted that the last piece of information that the Accident Investigation Board was  
17 waiting on was the mapping.

18  
19 Mr. Sayre asked Mr. Stroble if the rock bolting was being conducted.

20  
21 Mr. Stroble responded that the rock bolting has lost some ground due to the release  
22 and the inability to get into the mine. He noted that the ventilation requirements and  
23 the requirements for personnel protective equipment have slowed the process of  
24 installing the rock bolts. Mr. Stroble noted that a chunk of rock salt had fallen from the  
25 roof; however, he noted that no personnel or equipment were in the area.

26  
27 Mr. Sayre asked if the decontamination process was proceeding on schedule.

28  
29 Mr. Stroble noted that the recovery plan lays out what will be happening and in what  
30 phases. He stated that the decontaminant is coming along; however, he noted that they  
31 are behind the projected schedule, though he hopes to make that up.

32  
33 Mr. Valdez asked if the quarterly Mine Safety and Health Administration (MSHA)  
34 inspections were being conducted, and if the ventilation upgrades were a capital line  
35 item.

36  
37 Mr. Stroble responded that yes the inspections were being conducted and that there  
38 had been an increase in inspections. He also noted that WIPP had a new agreement with  
39 MSHA. Mr. Stroble noted that the procurements for the ventilation system upgrades  
40 were in the works and are laid out in the WIPP recovery plan.  
41



Mr. Valdez asked if WIPP would be reopened for full operations in FY'16 or if that had been extended an additional two years.

Mr. Stroble responded that he was not sure where the two years had come from; however, he noted that the capital acquisitions for new ventilation systems would take some time. He noted that the interim fixes are still projected to be completed by 2016, allowing for opening with limited operations.

Ms. Majure asked if Mr. Stroble could expand on what limited operations would be.

Mr. Stroble responded that before the shutdown WIPP was receiving around 20 shipments a week. The limited operations would target around 4 shipments a week. Additionally, he noted that the first priority would be to clear the waste above ground at WIPP and what is currently stored at Waste Control Specialists.

Ms. Majure asked if WIPP had conducted any layoffs due to the shutdown.

Mr. Stroble responded that they have been able to sustain the workforce, with the exception of some of the transportation employees. He also noted that with the additional funding they are working to expand the work force.

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**XII. Public Comment Period**

Mr. Sayre opened the public comment period at 4:43 p.m. He welcomed Mr. Scott Kovac from Nuke Watch New Mexico (NWNM) to the floor.

Mr. Kovac stated that the Federal Budget was going to be coming out on Monday and we would find out how much of the LANL clean-up budget would go to WIPP recovery. He noted that the Environmental Management budget is not increasing and every so often, "I like to remind us that this whole clean-up mess is from nuclear weapons production and R&D." He noted that the nuclear weapons budget would of course not go down. Mr. Kovac stated that we need to know what the life cycle cost is. He stated that we need to know what the total cost is going to be. Mr. Kovac noted that the current number is \$3 billion and is ridiculously low. He stated that in order for us to do our job which is securing clean-up funding for the laboratory, we need to know what the final number is. Mr. Kovac stated that the final number for the cost needs to include demolition and decommissioning of excess facilities.

Mr. Kovac advised the members that the final date in the Consent Order (CO) is December 15, 2015, additionally noting that once that date is reached it was his understanding that the CO would go into a Class III modification. He noted that a public hearing would be in order if that were to occur. Mr. Kovac stated that if the date is

administratively extended then the public will have the opportunity to comment on the CO or any changes to it.

Mr. Kovac asked that "in regards to the contracts he would request that as DOE can become more transparent as they are written." Mr. Kovac noted that a while back DOE removed the performance evaluation reports from the public view, with the logic that it is source selection material and should not be public. He noted that NWNM fought hard to get those put back into public view, so everyone would know how the contractors are doing. He noted that everyone should know what we are paying for, what we are getting, and what we were supposed to get. Mr. Kovac's last request was that the new contracts be tied to the CO.

With no additional public comment, Mr. Sayre closed the public comment at 4:48 p.m.

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**XIII. Wrap-up and Comments From NNM CAB Members**

Mr. Sayre opened the floor for comments from the members. He asked that the members address whether all their questions on presentations were answered and if they had any requests for future presentations.

Mr. Mayfield, Mr. Valerio, Ms. Sanderson, Ms. Friday, Mr. Schmelling, Mr. Pacheco, and Ms. Quintana noted that it was an informative meeting and thanked everyone for attending.

Mr. Valdez asked if it was possible to have Mr. Rhodes attend the meeting and give a budget update and the chromium project.

Ms. Schreiber thanked everyone for the opportunity to be a student member on the NNM CAB.

Ms. Majure thanked the staff for the seamless meeting, and the appreciation of the time that members contribute to the NNM CAB.

Ms. Tse-Pe thanked Mr. Puglisi for bringing forward the new draft recommendation concerning fines. She noted that she would like more information on how the budgeting process at the legislature works.

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**XIV. Adjournment**

With no additional business to discuss, Mr. Bishop thanked the public and members for attending and adjourned the meeting at 5:16 p.m.

Respectfully Submitted,



Doug Sayre, Chair, NNMCAB

\*Minutes prepared by William Alexander, Technical Programs and Outreach, NNMCAB

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#### Attachments

1. Final NNMCAB Meeting Agenda for 1/28/2015
  2. Final NNMCAB Meeting Minutes for 11/19/2014
  3. Final NNMCAB Meeting Minutes for 12/10/2014
  4. Report from the NNMCAB Chair, Doug Sayre
  5. Report from the Executive Director, Menice Santistevan
  6. Presentation by, Jack Surash, DOE, P.E., Deputy Assistant Secretary, Acquisition and Project Management "How EM Does Business"
  7. Update from LANL, Environmental Programs, Randy Erickson
  8. Letter from Senators Tom Udall, Martin Heinrich, and Ben Ray Lujan to DOE Acting Assistant Secretary for Environmental Management, Mark Whitney
  9. Letter from DOE Acting Assistant Secretary for Environmental Management, Mark Whitney to Senator Martin Heinrich
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#### Public Notice:

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

\*Reference documents listed in the attachments section of these minutes may be requested for review from the NNMCAB Office by calling (505)989-1662.



**Northern New Mexico Citizens' Advisory Board**  
**Executive Director's Report**  
**March 25, 2015**

**Board Membership:** The Northern New Mexico Citizens' Advisory Board (NNMCAB) currently consists of 20 members. Allison Majure resigned from the NNMCAB on February 26, 2015, to take a job with the New Mexico Environment Department. Assistant Secretary for Environmental Management Mr. Mark Whitney, appointed Governor Joshua Madalena, Michael Whiting, and Michael Valerio to the NNMCAB on March 11, 2015. He also re-appointed Alex Puglisi, Angel Quintana, Gerard Martinez, Steve Schmelling, and Joey Tiano to another two-year term. We are currently recruiting to fill Allison's unexpired term and to augment our membership in the fall.

**Executive Committee:** The Executive Committee met on February 18, 2015 and on March 11, 2015 at the NNMCAB conference room. The committee discussed the FY'16 Budget, WIPP Recovery, and reviewed and approved the agenda for this meeting. The committee also discussed board membership, future presentations, NNMCAB travel to national conferences and draft recommendations.

**EM-SSAB Chairs' Meeting:** The NNMCAB is scheduled to host the EM-SSAB Chairs' meeting in September 2015 and has scheduled the meeting for September 1-3, 2015 at La Fonda in Santa Fe. Patti Jones has prepared a draft agenda for the tour and has worked on transportation for approximately 65 individuals expected to attend. The spring EM-SSAB Chairs' Meeting will be hosted by the Savannah River Site CAB, April 21 –23, 2015, in Augusta, Georgia. The Executive Director is on the planning committee for this meeting. The Chair, Vice-Chair, CO-DDFO, and staff will attend this meeting.

**Board Meeting Preparations:** I prepared the Draft Agenda and submitted the notice to *The Federal Register*, in compliance with the Federal Advisory Committee Act. The NNMCAB staff made all arrangements at La Fonda, including meeting room set-up, catering, and reservations for overnight accommodations for NNMCAB members. Lee Bishop and I coordinated the speakers and the Liaison attendance. All meeting materials were copied and collated by Bridget Maestas and 60 meeting packets were mailed out on March 18, 2015. All Pueblo Governors in northern New Mexico were sent a meeting packet. An advertisement for the meeting was placed in *The Albuquerque Journal North*. Press Releases were sent to all newspapers for publication. Meeting time and venue were posted to the newspapers Community Calendar sections. Notices were posted on the NNMCAB website, Facebook, and Google+ by William Alexander. Flyers advertising the meeting were also posted around northern New Mexico.

**Outreach:** The bi-monthly meetings are telecast via public access channels in Santa Fe, Los Alamos, Albuquerque, and Taos and are posted on YouTube. The NNMCAB also has Facebook and Google+ pages. All presentations, recommendations, and correspondence are posted on the NNMCAB's web site: [www.nnmcab.energy.gov](http://www.nnmcab.energy.gov)

**Important Upcoming Dates:**

**April 8<sup>th</sup> Executive Committee Meeting from Noon to 1:30 p.m. at the NNMCAB Office**

**April 8<sup>th</sup> Combined Committee Meeting from 2:00 p.m. to 4:00 p.m. at the NNMCAB Office**

**April 21-23 EM SSAB Chairs Meeting hosted by the Savannah River Site CAB**

**May 13<sup>th</sup> Executive Committee Meeting from Noon to 1:30 p.m. at the NNMCAB Office**

**May 13<sup>th</sup> Combined Committee Meeting from 2:00 p.m. to 4:00 p.m. at the NNMCAB Office**

**May 20<sup>th</sup> Bi-monthly NNMCAB Meeting at Sandia Resort in Albuquerque from 1:00 p.m. to 5:15 p.m.**



## ENVIRONMENTAL JUSTICE CONFERENCE & TRAINING PROGRAM

This year's Environmental Justice Conference and Training Program was held March 11 – 13, 2015 in Washington, D.C. The title was appropriately called "*Civil Rights the Past 50 Years—Now Climate Change/Climate Justice.*" In attendance from the Northern New Mexico Citizen's Advisory Board was Daniel Mayfield and I. This was the first time I have attended this conference.

As the first day of the conference opened, I wasn't sure what to expect. I was expecting conversations, panels, and experts to be there and talk about hazardous waste. There were not more than 40-50 for the morning session, and half of them were students. For the most part of the day, these students were presenting; sharing their environmental stories from their personal experiences. These students really did an outstanding job! It was good to see these new, emerging leaders getting involved with a clean, healthy environment. Knowing that they care enough to travel from different parts of the country, to Washington, to share their stories with the rest of the attendees is astounding. It really was the highlight of the conference.

The remainder of the conference was informative and "somewhat" interesting. For the most part, presenters spoke about climate change and how it affects minorities. It was hard to realize how the change in average temperature of even one degree could impact the world in catastrophic ways. With greenhouse gases, rising coast lines, and hotter temperatures, the impacts to the less wealthy are much greater. The good news is that this country's environment is much cleaner today than it was in the 1970's and 1980's. The bad news is that we still have a long way to go to make it safer for our children and grandchildren.

For the most part, the conference seemed rushed. There were too many presenters for the time allotted for the three day conference. There were even presenters (and presentations) during the lunch breaks. Because it was so heavy on the information overload, the moderator could not allow enough time for participants to ask more questions and most had to be cut off, which was a little unfortunate.

Overall, it was a good conference to attend, even though not much of it related entirely to legacy waste and clean up. It does however, open your eyes as to how important it is to clean up the air, water, soil, and the environment as a whole. This includes cleaning up as much legacy waste as possible, as quickly as possible.

Carlos Valdez