REGIONAL COALITION of LANL COMMUNITIES

City of Española – Los Alamos County – Rio Arriba County – Santa Fe County
City of Santa Fe – Taos County – Town of Taos – Ohkay Owingeh – Pueblo of Jemez

Hernandez Community Center
19418 A US Highway 84/285, Hernandez, NM
November 13, 2015
9:00a-11:12a

Meeting Minutes

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Attendance
Chair, Commissioner Barney Trujillo, Rio Arriba County; Fabian Trujillo, proxy for City of Santa Fe; Secretary/Treasurer, Kristin Henderson, Los Alamos County; Commissioner Henry Roybal, Santa Fe County; Commissioner Mark Gallegos, Taos County.

A. Call to Order – Chair Trujillo
Chair Trujillo called the meeting to order at 9:18 a.m.

B. Confirmation of Quorum – Chair Trujillo
Executive Director Andrea Romero took attendance and Chair Trujillo confirmed there was a quorum.

C. Approval of Agenda – Chair Trujillo
Chair Trujillo asked the Board to review and approve the agenda as presented.
Councilor Kristin Henderson moved to approve the agenda.
Commissioner Henry Roybal seconded the motion to approve the agenda.
Chair Trujillo called for a vote to approve the agenda.
The Board voted unanimously in favor of approving the agenda.

D. Approval of Meeting Minutes – Chair Trujillo
Chair Trujillo asked the board to review and approve the meeting minutes as presented for the RCLC Board meeting that was held on October 9, 2015.
Fabian Trujillo moved to approve the meeting minutes.
Commissioner Henry Roybal seconded the motion to approve the meeting minutes.
Chair Trujillo called for a vote to approve the minutes.
The Board voted unanimously in favor of approving the meeting minutes.

E. Discussion/Action Items
1. Briefing from NM Congressional Delegation
Michele Jacque-Ortiz from Senator Tom Udall’s office stated that Katie Richardson from Senator Martin Heinrich’s office was in Washington DC and Patrick Duran from Congressman Ben Ray Lujan was unable to attend. At the end of October Senator Udall invited the Vice-Chair of the Senate Appropriations Committee to visit Los Alamos and they made a point to take a tour of the Los Alamos Historical Museum as well as the Manhattan Project Historical Site in order to sensitize her and groom her for any potential funding requests that might be coming down the pipeline. They also took a tour of LANL and the next day there was a Tech Transfer round table where they were joined by Senator Heinrich and Jetta Wong of the DOE Tech Transfer office. That meeting produced some good results in mid-October. Toward the end of October there was a hearing of the Senate Appropriations Energy and Water Committee that Senator Udall presided over, and that hearing specifically discussed the roles of LANL and Sandia and talked about the technology transfer potential as well as the research and development going on at the labs. This was a precursor to what happened in the NDAA that was passed on November 10. In that bill were several priorities that Senator Udall had been pushing for in appropriations. That bill does not appropriate but authorizes operations, construction, and clean up projects at federal facilities in New Mexico such as the bases and the national labs. The good news that came out of the NDAA was the amounts for New Mexico projects and LANL were at the President’s requested level. For cleanup, the amount that is written into NDAA is $188.625M for LANL. They will be shooting for higher numbers in appropriations bill that is coming up prior to December 11. Other good news that came out in the last two months for LANL is the bipartisan budget agreement. The Democrats and Republicans worked out their issues long enough to create a bill that lifts the debt ceiling for two years through March 2017 and essentially puts an end to sequestration. The bill allows for increased discretionary spending by $80B over two years, and now it’s up to Senator Udall and his colleagues in both the Senate and the House to develop an omnibus bill by December 11 and that’s when they will determine spending levels for the government.

2. Presentation by Secretary Ryan Flynn, New Mexico Environment Department
Secretary Flynn stated that the 2005 Consent Order (CO) governs the investigation and remediation of legacy waste at LANL. The CO, also known as a settlement agreement, resolved a dispute between the state of NM and LANL for the environmental contamination that had occurred up at LANL related to legacy weapons activities. That
document spells out the process by which cleanup of that contamination will take place as well as the process for investigating that contamination.

DOE recently estimated the cost of cleanup to be about $1.2B, but Secretary Flynn believes this number is far too low. It is going to cost much more money to complete the work that needs to be done at LANL. That poses challenges as well as opportunities. The big challenge for the state of NM is to get the cleanup funding that it needs for this work of protecting the environment and public health. NM receives a very small fraction of the total budget that is allocated for DOE environmental cleanup work.

Katie Roberts from the Resources Protection Division stated that there are four high level concepts that she wanted to go over. First, the 2005 CO was very milestone/deliverable driven, meaning that the due dates for documents are what drove work scope rather than factors like human health or risk to the environment. Secondly, it was very focused on the investigation and characterization of the original approximately 2,000 SWMUs. That work was necessary and valuable at the time, and it was needed to inform cleanup decisions going forward, but now they have 10 years of those investigative efforts under their belts and it’s time to change that focus to cleanup. Thirdly, the 2005 CO included very detailed deadlines for several types of documents including work plans, corrective measures evaluations, and other reports. That document didn’t allow for much flexibility or adjustments in work scope or priorities. Finally, although the current document allows for alternative sampling and analytical methods, the field methods are very restrictive. That doesn’t allow for much flexibility in the development of new analytical methods.

From these high level concepts they have derived four ways that the CO can be improved. The first change is called the campaign approach. In order to change the focus of the 2005 CO from a milestone driven document, NMED is going to utilize the campaign approach. This approach is designed to group work into distinct projects based on priorities and other criteria, for example, risk or the geographic area. The campaigns are designed to be completed from start to finish. The campaigns will contain multiple milestones and will likely span multiple years. They will run concurrently, but not with too many campaigns at once.

Since the period of investigation has been completed, the focus can now be on cleanup. The deadlines that were established in the original CO were fairly unrealistic and didn’t allow any room for adjustment or a change in priorities. The new CO will allow for annual meetings to reassess priorities and progress and make adjustments as necessary.

Katie Roberts stressed that there are several key foci in the new CO that will not change from the original CO. First, any work that was originally planned in the 2005 CO will still be included in the revised CO, in addition to any new planned work. Secondly, the public will still be consulted on the remedy treatments that are agreed upon. It is important to note that whatever LANL proposes in their corrective measures report is not necessarily what NMED will choose. The final decision lies with NMED. Public input will also be sought on all remedy treatments. There will be a public comment period of 60 days in which the public will be allowed to request a public hearing. If a hearing is requested and granted, the 60-day public comment period will be extended through the end of that hearing.

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There will also continue to be stipulated penalties, or fines applied to activities or deliverables that aren’t subject to dispute resolution or judicial actions.

Finally, the cleanup levels and standards as defined in the 2005 CO will remain the same in the revised CO. NMED has no intention of changing those standards at this time.

Secretary Flynn stressed that they have only been discussing the CO, and not the actual treatments/remedies that are going to be implemented. This document focuses on laying out a schedule of work and determining the process by which that work will be accomplished. NMED has not yet started renegotiating the revised CO because they are still trying to get the settlement agreements with DOE finalized. Secretary Flynn stated that he believes they are very close to having those settlement agreements finalized at which point the CO negotiations can finally take place. He said that NMED wants input from RCLC board members on what they believe NMED should be focusing on as they prepare to revise the schedule and work process for the revised CO. He stated that NMED would provide as much information to the RCLC as the RCLC wants, and asked board members what information he could give them. Secretary Flynn stated that DOE was in attendance to give board members more detailed information about the scope of work and the proposed remedy treatments, but that NMED would provide them any other information regarding the CO that they requested.

Finally, Secretary Flynn reminded everyone that the current CO that is in place does not have an expiration date, rather, it will remain in effect until the revised CO is in force. So even when the current schedule is no longer viable, the terms of the document remain in place. The agreement remains in place until it is updated.

Chair Trujillo requested clarification on how close is close when NMED says they are close to finalizing the settlement agreement with DOE. Secretary Flynn stated that what they are waiting on is for Congress to approve the funding that is related to that settlement agreement. The dollar amount has been agreed on, the work, the supplemental environmental projects that could be funded by the settlement dollars, none of that has changed.

Secretary Flynn reiterated that once the settlement agreements were finalized, the CO would follow. Once the CO is in place, it will be easier to request the appropriate funding to do the work. He also stated the importance of reopening WIPP.

3. Presentation by Doug Hintze, Los Alamos Environmental Management Field Office

Doug Hintze thanked Secretary Flynn for his presentation on the CO negotiations and stated that he would continue the cleanup discussion by giving an overview of the scope of work to be completed at LANL. He reminded RCLC board members that the last time he spoke to them, he stressed that EM-LA’s priorities were and continue to be safety, transparency, and efficiency. Hintze stated there was a lifecycle baseline cost of cleanup at LANL currently under review at headquarters. He said that as soon as that baseline completes the review process, he would personally come back before the RCLC and explain that baseline.

Hintze stated that EM-LA was going to focus on tangible results and basing their cleanup
plans on realistic assumptions and expectations. There simply isn’t enough funding to work on all of the cleanup campaigns at once. He stressed the importance of flexibility in the execution of the campaign approach. If multiple years pass between the creation of a work plan and the completion of said work plan, all stakeholders involved have to take new developments into consideration.

The campaign approach presentation is an overview of EM-LA’s response to NMED’s request of logical groupings of solid waste management units (SWMUs) that would roll up to major scopes of work. The campaign approach will bundle the actions necessary with an end-state in mind. EM-LA has bundled the work to be done into 14 proposed campaigns prioritized by human and environmental risk, taking into consideration geographic location to take advantage of mobilization, access, and similar SWMUs. The costs given by Mr. Hintze are the costs when you look at each campaign as a stand alone activity so that one can be compared to another.

Campaigns 1 & 2 address the Chromium plume interim measure and final remedy. From 1956 to 1972, a non-nuclear power plant at Los Alamos National Laboratory periodically flushed water with chromium out of its cooling towers into Sandia Canyon. Chromium was commonly used in the industry as a corrosion inhibitor in cooling tower systems. Flushed water with chromium flowed down Sandia Canyon as surface water, penetrated the underlying rock layers, and ultimately infiltrated the regional aquifer beneath Sandia Canyon and Mortandad Canyon. Chromium would be approached as two campaigns: Interim Measures and Final Remedy. Interim Measures campaign would include installation and operations for ~2 years to obtain data needed for a final remedy decision. The final remedy campaign would be the installation and initial operations and monitoring (final remedy will have a long-term period). The estimated cost of this campaign is $200M.

Campaign 3 focuses on the Royal Demolition Explosive (RDX) interim measures and final remedy. Past lab operations to test explosives in TA-16 and adjacent areas resulted in legacy contamination of RDX. Investigation and cleanup activities were separated into: 1) surface/alluvial groundwater and, 2) intermediate/regional groundwater. Cleanup activities for the surface and alluvial groundwater have been completed. Further characterization of the intermediate/regional groundwater is needed to support completion of the evaluation and implementation of a final remedy. The current approach is to install an additional well, conduct tracer studies, and if data continues as expected, propose Monitored Natural Attenuation as the final remedy (MNA long-term remedy). The estimated cost of this campaign is $35-40M.

Campaign 4 is the TA-21 major acceleration campaign. TA-21 is the second generation buildings of the Manhattan Project, and the mesa top is adjacent to the Los Alamos County Airport. This area is approximately 250 acres and a land transfer priority for industrial space for the Los Alamos County. An aggregate of 14 SWMUs remain and will be addressed as a single project along with the remaining structures made up of buildings and floor slabs/footers. The approach to completing the remaining SWMUs and demolition of the remaining facilities is to execute them in parallel optimizing required resources. TA-21 no longer has a DOE/NNSA mission. The remaining cleanup scope is in the eastern end of the mesa. The estimated cost of this campaign is $25M.
Campaign 5 will focus on the General’s Tanks, or MDA-A. MDA-A is one of the first landfills constructed for disposal of operational waste during the Manhattan Project. Within the footprint of the landfill two 50,000 gallon tanks were placed underground to collect excess plutonium for future use. These tanks, also known as the General’s Tanks, contain a heel of hazardous and radioactive material. The tanks are planned to be exhumed and disposed of. This work will be conducted under strict safety requirements because of the radiological component (MDA-A is considered a nuclear facility). The two 50,000 gallon tanks will be exhumed and dispose of a heel of plutonium contamination from inside the tank. The tanks themselves are expected to be low level waste. The estimated cost of this campaign is $100M.

Campaign 6 will cleanup the various historical sites around LANL. The Historical Properties includes middle and upper Los Alamos Canyon, Fenton Hill, and sites located in Los Alamos County. Investigation and cleanup of these sites have a priority focus and in some cases require access agreements to government and private land. Certificate of Completion (CoC) have been received for 57 sites and have been requested for 31 more sites. CoCs will be requested for 8 additional sites for which corrective actions have been completed. Establish a team that understands and works collaborative with land owners to coordinate cleanup activities. These sites will require access agreements from the owners prior to performing the necessary cleanup work. The estimated cost of this campaign is $10M.

Campaign 7 will focus on MDAs A and T. These MDAs are the last two landfills that remain at TA-21. MDA-A is approximately 1.25 acres, while MDA-T is approximately 3 acres. MDA-A contains radiological waste and hazardous constituents at approximately 25 ft. in depth. MDA-T contains predominantly radiological contamination in absorption beds and deep shafts. This campaign will require a Radiological Risk Assessment to ensure the radiological contamination is adequately analyzed. The final remedy is anticipated to be an engineered cover that would take advantage of economy of scales in terms of materials, engineering, and equipment. The MDAs are within 50 yards of each other and the combined acreage is less than 5 acres making the overall construction activities very executable as one integrated project. If an engineered cover is selected as the final remedy, these portions of TA-21 would be maintained by DOE-NNSA under institutional controls. The estimated cost of this campaign is over $125M.

Campaign 8 will look at the Pajarito Canyon Watershed. A watershed is an area that contains more than one SWMU within a distinct delineation of the geographical area. These SWMUs can be investigated as an aggregate for overall impacts. This watershed will likely require some hot spot remediation and final risk analysis to close out the cleanup requirements. Bundle the aggregate investigation and remediation (as necessary) of SWMUs and carry out the necessary cleanup from cradle to grave to take advantage of contractor execution efficiencies. Investigating and remediating as a single phase will optimize resources and schedule. The estimated cost of this campaign is $15M.

Campaign 9 will move over to the Ancho & Chaquehui Watershed. This watershed contains both hazardous and radiological contamination (types of sites include: firing sites, high explosives production areas, laboratories, etc.) The estimated cost of this campaign is $15M.
Campaign 10 will clean up the Water Canyon Watershed. The estimated cost of this campaign is $15M.

Campaign 11 will address the remaining SWMUs. The remaining SWMUs are in locations that can be approached as a geographical area. These SWMUs can be investigated as an aggregate for overall impacts. This bundle of SWMUs will likely require some hot spot remediation and final risk analysis to close out the cleanup requirements. Bundle the aggregate of SWMUs and perform the necessary investigation and remediation from start to end to while taking advantage of contractor resources. Investigating and remediating as a single phase will optimize resources and schedule. Hintze clarified that this campaign is to complete actions on sites that were begun under other projects and not included in other campaigns. The estimated cost of this campaign is $25-30M.

Campaign 12 will focus on MDA-C, a 12.3 acre site that contains predominantly volatile organic compounds vapors. The site is adjacent to the TA-50 facilities in the heart of the Pajarito corridor. This is a large landfill with VOCs and tritium vapors migrating off MDAC footprint. The TRU Waste Facility was required to drill monitoring wells to monitor for VOC vapors from MDA-C. This will be one of the largest landfills that is anticipated to have an engineered cover. Strict safety requirements and a congested Pajarito corridor present challenges to construct the cover, however the cover itself is not expected to be difficult to construct. The estimated cost of this campaign is $50M.

Campaign 13 will clean up MDA-AB located in TA-49, includes test shafts (hydro-nuclear experiments) that contain uranium and plutonium, with lead (hazardous component). This MDA is relatively small at approximately 0.5 acres. However, the contaminants of concern are radiological. Investigations to date have not shown migration outside the shafts. MDA-AB contains shaft fields that may be capped individually (~4 Shaft Fields) to include a buffer area. The anticipated remedy is an engineered cover as contamination has not migrated and excavating radiological contamination would be high risk to the worker. The estimated cost of this campaign is $50M.

The 14th and final campaign will see the closure of Area G and MDAs G, H, & L. Upon completion of all TRU waste retrieval, processing and shipment, Area G will be structured as a closure site, and the remaining cleanup and demolition would be bundled as a package. The SWMU corrective actions are presumed to be an engineered cover for the three remaining MDAs, with Long Term Surveillance and Maintenance requirements from the regulator. Establish a closure contract to complete investigations, demolition of remaining facilities, and install the final remedy (anticipated to be engineered covers).

MDA-G is the largest MDA at about 65 acres and obtaining and transporting the necessary material will be challenging. The transportation of the material will require road work/repair and traffic flow management through the Pajarito corridor. The final remedy will incorporate the on-going vapor extraction system and the necessary long-term maintenance and surveillance requirements. The estimated cost of this final campaign is $225M.

Hintze stated that this is a very preliminary approach that has not yet been finalized by NMED but it was EM-LA’s recommendation that the campaign approach be rolled into the
revised CO. He also said that, realistically, EM-LA should be operating and creating a revised baseline every year.

Councilor Kristin Henderson stated that she was unaware that there was still contamination in town at the historical sites, and she asked if property owners were aware of that fact. Manager Hintze said he would get the information on the location of the contaminated sites in town and deliver it to the RCLC.

3. Board Member Action Items

a. 2016 Meeting Schedule Approval
Chair Trujillo asked the board to review the proposed 2016 meeting location schedule contained in their meeting packets.
Commissioner Mark Gallegos moved to approve the 2016 meeting locations.
Commissioner Henry Roybal seconded the motion to approve the meeting locations.
Chair Trujillo called for a vote to approve the meeting locations.
The Board voted unanimously in favor of approving the proposed 2016 meeting locations.

b. Proposed change of Coalition meeting times
Chair Trujillo stated that at the previous RCLC board meeting several board members had inquired about changing the time of the monthly board meetings. Chair Trujillo recommended 1:30 - 3:30 p.m.
Commissioner Henry Roybal moved to temporarily change the monthly board meeting time to 1:30 - 3:30 p.m.
Commissioner Mark Gallegos seconded the motion to temporarily change the monthly board meeting time to 1:30 - 3:30 p.m.
Chair Trujillo called for a vote to change the meeting time.
The Board voted unanimously in favor of temporarily changing the monthly board meeting time to 1:30 - 3:30 p.m.

c. JLH Media Contract Amendment
Brian Bosshardt presented the board with the drafted amendment to the JLH Media Executive Director Services contract. The amendment changes the duration of the contract to run until May 12, 2016. That six month extension would allow the board time to put the RFP out and select a new contractor.
Chair Trujillo asked the board to review the amendment to the JLH Media Executive Director Services contract.
Councilor Kristin Henderson moved to approve the amendment.
Commissioner Henry Roybal seconded the motion to approve the contract amendment.
Chair Trujillo called for a vote to approve the JLH contract amendment.
The Board voted unanimously in favor of approving the amendment extending the JLH Media Executive Director Services contract until May 12, 2016.

d. Executive Director Services RFP Review and Approval
Brian Bosshardt presented to the Board a draft RFP requesting Executive Director Services. He stated that the RFP is pretty much identical to the RFP that was issued two years ago. The scope of work and cost sections are the same. The due date for proposals is December 11 to Los Alamos County. Received proposals will be distributed to board members for review and then the board will likely conduct formal interviews.
Chair Trujillo asked the board to review the drafted RFP for the Executive Director Services contract.
Commissioner Mark Gallegos moved to approve the drafted RFP for the Executive Director Services contract.
Councilor Kristin Henderson seconded the motion to approve the drafted RFP for the Executive Director Services contract.
Chair Trujillo called for a vote to approve the RFP.
The Board voted unanimously in favor of approving the drafted RFP for the Executive Director Services contract.

5. Updates

a. Budget Update from Brian Bosshardt
Brian stated that the November budget update reflects the Coalition member communities invoices for FY16 and shows which communities have and have not paid. Brian stated that he would be reaching out to those communities who had not yet paid. The only expense going out was for Executive Director services and the sponsorship of the Regional Development Corporation’s REDI State of the Region Summit.

b. Executive Director Update
Executive Director Andrea Romero reported on her attendance with Mayor Javier Gonzales and Councilor Kristin Henderson to the Energy Communities Alliance (ECA) meeting representing the Coalition as they spoke with the Energy Facility Contractors Group (EFCOG) about aligned interests in DOE negotiations.
Director Romero also attended the DOE National Cleanup Workshop in Washington DC that provided insight into the broad work of EM throughout the DOE complexes, including those sites that are decommissioned and are solely functioning as cleanup sites.
Director Romero presented to the Mora County Commission and invited them to join the RCLC Board. Mora County is included in the counties that LANL has committed to working with through their Community Commitment Plan. She explained to the Mora County Commission what the RCLC does. They were thankful for her presentation, sent their regards to the RCLC board, and Romero will follow up with their interest in joining the RCLC.
Director Romero gave the board a recap of the Northern New Mexico Regional Economic Development Initiative (REDI) Summit. Town of Taos Councilor and RCLC board member Andrew Gonzales attended and presented on Taos’ economic development efforts as they pertain to the Kit Carson Electric co-op. The REDI initiative is the RDC’s overall economic development initiative that reflects the various communities of northern New Mexico. There were presentations from these communities as well as a rehashing of the original goals from 2008 and a review of the current state of affairs from various development perspectives to review what new possibilities could be initiated.
Director Romero directed the board to several news items included in their meeting packets related to the security forces changeover from SOC to Centerra at LANL. That protective forces contract affects all of the security at LANL. An issue brief highlighting the details of this changeover was given to all board members. Director Romero informed the
board that a letter was drafted to NNSA’s General Klotz to discuss ensuring that the
changeover happens without sacrificing employment levels, benefit levels, or community
involvement.

F. Meetings at a Glance
Director Romero stated that the December board meeting would take place at the Jemez
Pueblo Community Resource Center from 1:30 - 3:30 p.m.

G. Public Comment
Scott Kovac from Nuclear Watch New Mexico stated that a question everyone should be
asking themselves is “How much money do we actually save by completing the cleanup
sooner?” He stated that the ten years of investigation done at LANL was absolutely
necessary to the overall cleanup process. Much progress was made under the original CO.

Joni Arends from Concerned Citizens for Nuclear Safety stated that she has been working
on the issues at hand for about 20 years and remembered the concern of the citizens as
nuclear waste from LANL was being transported through Santa Fe down St. Francis Drive.
She spoke about the Chromium Plume and stated that NMED and DOE speaking to a
board of elected officials is distinctly different from them presenting to the general public.
Arends talked about a perchlorate plume on LANL property and how exposure to
perchlorate affects prenatal health. She stated that neither NMED or DOE had addressed
the issue of the perchlorate plume. She also stated that the Chromium plume is about fifty
times greater than the NM acceptable level.

G. Adjournment
Chair Trujillo thanked the public commenters and adjourned the meeting at 11:24 a.m.

Attest:

___________________________________
Commissioner Barney Trujillo, Chair

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Andrea Romero, Executive Director