

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

Meeting Minutes

May 10, 2012

**Taos County – Commission Chambers
105 Albright Street, Taos, NM 87571**

Facilitator David Abelson called the meeting to order at 9:07 a.m. and welcomed everyone.

Introductions were made and Mr. Abelson asked for a motion to approve the minutes from March 23, 2012. Mayor Coss motioned to approve seconded by Councilor Chair Sharon Stover, motion approved with minor changes.

1. Welcome Town of Taos Membership

Mr. Abelson commented that since the last meeting the Town of Taos had joined the Coalition.

Newly Elected Councilor Andrew Gonzales welcomed everyone to the Town of Taos and commented that the reasons he wanted to join the Coalition were because he would like to see where LANL is headed. In addition, because Taos is downwind from LANL he wants to be engaged in what is going on with clean-up.

Town Councilor Mike Silva commented that he feels that it is important to know what is going on at LANL – many times he is presented with questions as to what is happening at LANL and he hopes that by being part of the Coalition he will become well informed and he can be part of a voice for his community up on the hill.

Commissioner Andrew Chavez commented that since he started participating in the coalition he invited the Lab to come to Taos and discuss cleanup related issues. It became evident to Commissioner Chavez how important the Coalition was and how the communities needed to remain together to put forth the efforts to support the cleanup of the Lab. .

Mr. Abelson then introduced New Mexico Environmental Department Cabinet Secretary David Martin and Resource Protection Division Chief Jim Davis

2. Consent Order Presentation

Secretary Martin thanked everyone for being at the meeting.

Secretary Martin commented that he attended a meeting with the Federal Facilities Task Force, which consists of individuals from around the country that regulate federal facilities. He indicated that there were 13 states represented at this meeting in addition to the Department of Energy (DOE). The Secretary shared that he asked DOE how many facilities were not going to meet their Consent Order. The number given to him was 13 out of 15. Therefore, the situation in New Mexico is not that different from a lot of other States throughout the country. Funding in past years was not adequate nor is it currently in terms of accomplishing what is required within the Consent Order especially when considering the unanticipated problems that come up during clean-up.

What came out of the meeting was the fact that it is better if clean-up is done correctly, properly and efficiently rather than within the exact time frame identified. They recognize the work needed to be done cannot be completed with the present funding and they will have to eventually renegotiate the timeline.

In December, the Department of Environment entered a framework agreement with the Department of Energy in Los Alamos whereby they recognized there is some high priority work that needed to be done. This includes the transuranic-waste that needs to be shipped to the WIPP. During the Las Conchas fire, Governor Martinez was in Los Alamos daily and one of the concerns she had was the fact that the transuranic-waste had not been removed from the site. Another concern Governor Martinez voiced was the ground water and the surface water run-off that goes down to Santa Fe.

In order to get some of the high priority work done they had to move some of the other activity back. Secretary Martin commented that Jim Davis and John Kieling would speak about the current actives and their future plans to meet with Los Alamos to determine what is going to get done in the future.

Secretary Martin continued stating that they cannot take a prescriptive approach that says that things will get done by a certain time. They will have to look at what is being appropriated by Congress on an annual basis in order to determine if schedules need to change.

Jim Davis commented that John Kieling would be going through a summary of the Consent Order and talk specifically to the reprioritization of activities. Mr. Davis continued stating that they have in place the 3706 Campaign that says LANL has 3706 cubic meters of above ground transuranic waste to remove by June 30th, 2014. This is high risk material that is either disposable or combustible and it stored above ground. NMED feels that this material should get moved as soon as possible to the WIPP.

Mr. Davis commented that as Secretary Martin said they see this as an adaptive process not something set in stone. They do not want to imply that everything will happen on a fixed schedule because that is unrealistic. They want to recognize that as conditions change they will adapt and respond in an appropriate way to accomplish the clean-up.

Mr. Davis then introduced Mr. Keiling.

Mr. Kieling introduced himself as the Chief of the Hazardous Waste Bureau. He has been at the Bureau for 17 years. The Consent Order was signed on March 1, 2005 by all parties. The Consent Order establishes process and schedules for cleanup of solid waste various sites of concern. The process goes from investigation and identifying the elements that the environment has accepted, through risk assessment and final disposition.

The Order has very prescriptive requirements as to how to proceed through those steps, which is not uncommon. The Order is available on the NMED website and if anyone has any questions they can email either Mr. Davis or Mr. Kieling.

The last portion of the order was negotiated by the NMED, DOE and the University of California (before the LANS contract). It established a schedule of work for investigation and in some cases the remedy for completion at various sites. There is approximately 1650 sites in Los Alamos that need to be addressed or there were that amount at the time the order was signed. There is approximately 200 plus sites that have been addressed and completed with approximately 1400 additional sites.

There were discussions about extending a number of work items scheduled in the Consent Order when negotiating the framework agreement ultimately finalized on January 5th, 2012. This would allow the allocation of the budget dollars to moving the true-waste off the hill. As of April 30th, 2012, NMED has granted 32 extensions with 21 being granted for two years. Eleven of the thirty-two were extended for 1 to 3 months. Mr. Kieling then went through some of the extensions and asked if there were any questions.

Mayor Coss thanked NMED for the work they have done, then he asked if the Consent Agreement is legally enforceable?

Secretary Martin answered that yes it was. He stated that when the framework agreement was negotiated DOE wanted to renegotiate the Consent Order. NMED did not want to do that because they felt that it was the only leverage they had - not only with the site but also with Congress. If they start renegotiating Congress will say they don't need the funding because they are going to extend for x-number of years. NMED recognizes that they will have to extend at some point they just don't want to do it right now. If you look at the language that came out recently Congress wants to see renegotiation not only with New Mexico but will other states. NMED wants to see progress which they feel that they are seeing. Once NMED is comfortable that the funding is there and the effort is there they will consider renegotiating the Consent Order.

Mr. Kieling added that if you look at parts 2 and 3 of the Consent Order there is language that talks about the enforceability of the Order.

Mayor Coss commented that he is regulated as a City by NMED and if he had an issue at the Waste Water Treatment Plant that contaminates the Santa Fe River NMED would require the City to remedy the issue. While the City might not get fined as long as they fix the problem, they don't have the same luxury to claim they don't have the

money to fix the problem. It doesn't work that way for the City. It doesn't work that way for any other regulated entity other than the Laboratory it seems. Mayor Coss stated he is ready to go to Washington and lobby Congress to keep their commitment to the American people.

Councilor Andrew Gonzales stated that he keeps hearing there is no impact on water. What are the processes in place, which guarantee this?

Mr. Kieling commented that in the last two years the Laboratory has put in a number of monitored wells across the sites.

An attendee from the audience asked how the budget works. Mr. Abelson commented that this would be a subject for a future meeting.

3. LANL 101 – Briefing on Lab Mission and Operations – Kevin Smith, DOE/NNSA Los Alamos Site Office Manager

Kevin Smith commented that the communication between NMED and DOE has really improved. He shared that the 1000th WIPP shipment event will be celebrated on June 26th, 2012. They are about 40% higher in their rate of shipment than what was budgeted; therefore, Los Alamos is shipping a lot more for the same amount of money.

Mr. Smith then spoke to how the Los Alamos Performance Evaluation Plan works and the results that were made public. The DOE Los Alamos site office administers the management and operations contract and also conducts oversight of the performance of the contractor. This includes site stewardship and on a daily basis ensuring that operations are conducted safely, securely and ethically and environmentally sound. Mr. Smith shared that he has a site office that includes employees dedicated to the clean-up effort and also employs nuclear engineers and other that understand the operations of the Laboratory.

The available fee is split in two pieces with 30% for overhead of operations and a 70% for at risk, performance based fee. The fee cannot be diverted for other activities.

Guidance for the plan is provided by NNSA headquarters with specific goals or requirements for the year provided by the Administration or Congress. They then get together with the Laboratory and go through a lengthy negotiation process, which takes three to four months. Mr. Smith continued stating that he then works with the Laboratory Director to sign the plan, which outlines the work they will accomplish in the fiscal year. They monitor the plan on a regular basis, which includes performance measures as well as monthly sessions where they review individual items with senior staff at the Lab. At the end of the year, DOE provides an evaluation. Evaluation input comes from various Laboratory customers, Los Alamos County, NMED and others.

The plan is broken down into four base categories: programs, operations, business and multi-site. Measures can be both subjective and objective. He shared that an objective would include that 3706 cubic liters be shipped off the hill.

The presentation was then opened for questions.

Mayor Coss inquired about the size of fees paid out in the last few years. Mr. Smith responding stating that the subjective fee was about 83% and Los Alamos was in the range of about 88.9% last year, roughly about 78 million.

Mr. Smith clarified that clean-up funding comes through the DOE Environmental Management Program, which also defines what work has to be done. Funds cannot be changed without Congressional approval.

Mayor Coss shared that because of budget cuts he had two good friends lose their jobs and he knows that there are employees from his community losing jobs at the Laboratory as well. He stated that he feels the clean-up jobs are good jobs and he hopes to see more of them. He ended by stating he looks forward to the summer Coalition meetings and the work that they are doing.

Chair Sharon Stover asked Mr. Smith how he saw the Laboratory's performance for FY12. Mr. Smith responded stating the Laboratory is on a much improved performance schedule and they are addressing the things that DOE feels are very important including cleanup in a very challenging budget year.

An attendee from the audience asked who was responsible for the clean-up in Los Alamos. Mr. Smith answered that he was personally responsible for clean-up and the contract at Los Alamos.

4. Coalition Update

Mr. Abelson provided an update on the Coalition funding that Los Alamos County has been actively securing. To date the only Coalition participant that has sent in their funds is the City of Española. He asked the other participants if they would send in their funding as soon as possible.

Chair Stover reported that a letter for operational funding of the Coalition was sent to Tom D'Agostino, DOE/NNSA. She continued stating she has not heard anything back. Chair Stover has asked Mayor Coss and Secretary Martin to participate in a conference call with Mr. D'Agostino's office. Mr. Smith has also offered to participate in the conference call.

Mr. Elmer Torres, San Ildefonso Pueblo, commented that he had been contacted by Governor Ron Lovato from Ohkay Owingeh and he is very anxious to join the Coalition. Jemez Pueblo is also interested in joining. Governor Lovato is also the Vice-Chair of the Eight Northern Indian Pueblos and he is going to put the subject of the Coalition on the agenda for their next meeting.

Mr. Harry Burgess, Los Alamos County Administrator, reported that the RFP for the Executive Director will close the end of May. He asked the Coalition members to be prepared to discuss the process of hiring the Executive Director. Chair Stover suggested establishing a committee for the hiring process.

Mr. Abelson clarified that the Coalition was not an anti-nuclear group and that its focus is clean-up at the Laboratory in addition to the role of Los Alamos in the form of jobs involving the surrounding communities.

Mr. Juan Torres asked about the possibility of the Coalition having a web-site where the public could go for updates. Mr. Abelson clarified that once an Executive Director is hired and as the Coalition goes forward they will be looking at creating a web-site.

Chair Stover reported that a meeting was held on April 30th, 2012 at the request of some of the business community, in particular the Española and Los Alamos Chambers. Taos was invited as well. Businesses are feeling the economic impact. She shared that they are contemplating a possible trip to DC with members of these businesses to discuss with the delegation the impact the Laboratory has on the surrounding communities.

Mr. Abelson reported that the CMR tour on June 8th, 2012 was not going to happen. He also reported that the Coalition would be sending out a thank you letter to the New Mexico Delegation on their recent efforts for Environmental Management funding.

5. Wrap Up/Next Steps

Mr. Abelson asked the attendees to review the Issues to Watch, on the back of the agenda. He also stated they would tackle the topic of engaging the business leaders that have worked with the Laboratory.

Chair Stover asked if they could vote on a chair and a vice-chair for the Coalition. In addition, she shared that the Community Commitment Plan is coming up for renewal and she would like for the Coalition to send letters from the various communities in support.

Commissioner Chavez asked where the Coalition is going to advertise their meetings. Mr. Abelson commented that they would be looking at the Open Meeting Act and would decide on the advertisement.

June 8, 2012 meeting will be in Los Alamos, and subjects to discuss will include:

- Update on Executive Director hire
- Begin scoping Regional coalition role on economic development issues
- LANL 101 – Briefing and LANL Tour

Commissioner Mayfield asked that if future agendas could include time for public comment.

Meeting adjourned at 11:06 a.m.