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Site-Specific Advisory Board*

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April 17, 2019

Mr. Doug Hintze, Manager
Environmental Management Los Alamos Field Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Dear Mr. Hintze,

I am pleased to enclose Recommendation 2019-01 "Recommendation Regarding DOE EM-LA Monthly/Quarterly Reporting of Legacy Waste Management Activities," which was approved by the Northern New Mexico Citizens' Advisory Board during its meeting on April 10, 2019.

Please contact me if you have questions regarding this recommendation. We look forward to the response from the Department of Energy.

Sincerely,

Stanley Riveles
Chair, NNMCAB

Enclosure: a/s

Cc w/encl:

U. S. Senator Tom Udall

U. S. Senator Martin Heinrich

U. S. Congressman Ben R. Lujan

Cabinet Secretary, James C. Kenney NMED

David Borak, DFO (via e-mail)

David Rhodes, DDFO (via e-mail)

David Nickless, EM-LA (via e-mail)

Gil L. Vigil, Executive Director Eight Northern Indian Pueblos

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NNMCAB File

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1 **NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD**
2 **Recommendation to the Department of Energy**
3 **No. 2019-01**
4 **Title: DOE EM-LA Monthly/Quarterly Reporting of**
5 **Legacy Waste Management Activities**
6 **Drafted by: Robert W. Hull**
7

8 **Background**
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10 The Northern New Mexico Citizens' Advisory Board (NNMCAB or the Board) was established and
11 governed by DOE under authority of the Federal Advisory Committee Act as a Site-Specific Advisory
12 Board (EM SSAB) as a means "to involve stakeholders more directly in DOE EM cleanup decisions."
13 According to the EM SSAB Charter, the Board exists to provide DOE EM "with information, advice,
14 and recommendations concerning issues affecting the EM program." The Board may provide "advice
15 and recommendations" concerning: "cleanup standards and environmental restoration; waste
16 management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess
17 facilities; future land use and long-term stewardship; risk assessment and management; and cleanup
18 science and technology activities." The Board provides advice and recommendation to DOE EM-LA on
19 both hazardous and radioactive legacy waste management issues.
20

21 A vital document on which the NNMCAB focuses its attention and efforts is the Consent Order (CO)
22 between the Department of Energy (DOE) and the New Mexico Environment Department (NMED).
23 Since the initial agreement was signed between DOE and NMED in March 2005, the CO (See Reference
24 #1) has been modified and updated periodically (i.e. in 2016, 2017, and 2018). The CO undergoes
25 annual review to reflect new priorities and applications, negotiated and determined between DOE and
26 NMED. The CO modifications are necessary to address results of on-going environmental management
27 studies, investigations, and cleanup activities as well as DOE EM-LA funding availability. These
28 modifications, for example, re-prioritize the execution of activities, add new clean-up activities, or close
29 existing activities at LANL for the current and future fiscal years. The Board has participated in reviews
30 of the CO in the past and provided advice and recommendations on changes to the CO.
31

32 In addition, the NNMCAB follows and provides input and recommendations on budgeted EM activities
33 carried out outside of the CO. These include such issues as the remediation of radioactive wastes
34 delivered to the WIPP, the Individual Permitting process, environmental sampling and risk assessments,
35 National Environmental Policy Act (NEPA) assessments, contractor activities (outreach, education,
36 support), and community involvement.
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38 **Observations**
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40 While maintaining our independence, the CAB directly interacts with DOE EM-LA to make informed
41 advice and recommendations to DOE EM-LA concerning LANL's legacy waste clean-up activities for
42 the protection of the environment, and health and safety of our citizens. The Board also works to keep
43 the citizens of NM aware of the progress of these activities through public announcements and meetings.
44

45 Key to the effectiveness and constructive participation of NNMCAB is access to information and full
46 understanding of the issues. In order for the Board to provide informed advice and recommendations to
47 DOE EM-LA, the Board must be provided with accurate and sufficiently detailed information about the

48 status of CO compliance and on-going and future planned activities regarding hazardous, mixed and
49 radioactive legacy waste environmental management issues in Northern New Mexico. Our principal
50 means of obtaining information and understanding of issues is via formal briefings by, and informal
51 interactions with DOE/EM at monthly CAB meetings. At these meetings, members have the
52 opportunity to engage on specific issues, pose questions, and debate alternatives with EM
53 representatives. Typically, issue briefings take several months to prepare and are only addressed at
54 intervals. Given the variety of issues and problems, there is a sense of lack of continuity and
55 intermittent attention. Currently, the CAB has no mechanism to follow the range of issues on an
56 ongoing basis; no means to continuously record status changes; and no record keeping mechanism to
57 ensure updates and compliance.

58 **Recommendations**

- 59 1. The Board recommends that the DOE EM-LA provide written work-status updates for all DOE
60 EM-LA and their legacy waste contractor actions (i.e. for hazardous, mixed and radioactive
61 legacy waste) at Los Alamos during the previous month and projected actions for the following
62 month. These updates should be provided to Board members at least one week prior to the
63 Board's meetings each month. These updates should provide discussions of the status of, for
64 example: active campaigns, aggregate area investigations, groundwater well installation and
65 operability, remedial actions/investigations, and other current activities of the legacy waste
66 clean-up program. An example of the level of detail and content is provided as Reference #2
67 from the Nevada Site-Specific Advisory Board website.
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- 69 2. The Board recommends that the DOE EM-LA provide a written quarterly report for addressing
70 CO actions completed or in progress, status of Individual Permits (IPs), Memoranda of
71 Understanding (MOUs), Memoranda of Agreement (MOAs), Risk Assessments, and National
72 Environmental Policy Act (NEPA) analyses. These reports should address all actions taken
73 during the previous quarter, projected actions for the following quarter, and updates on any
74 actions projected for the rest of the fiscal year. These written quarterly reports should be
75 provided to the Board at least one week prior to the last Board meeting of each quarter,
76 respectively, for each fiscal year. An example of the level of detail and some of the content is
77 provided as Reference #3 from the Nevada Department of Environmental Protection (NDEP)
78 website.
79
- 80 3. The Board recommends that formats (e.g. topics, length, content) for such periodic reports
81 would be developed and agreed. Reports would be archived in searchable form and made
82 available to members on a routine basis. Reports would also be posted and made available to the
83 public through the CAB website no more than two weeks following Board meetings. In this
84 context the CAB website should be brought current by posting minutes, reports, and briefings.
85
- 86 4. The Board also recommends that DOE EM-LA engage the Board more effectively and in a
87 timely manner in setting annual priorities for campaigns related to the CO, their timelines and
88 resource allocation. A schedule should be set forth for such engagement, with appropriate
89 information.
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93 **Intent**

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95 It is the intent of the Board to participate more effectively and constructively in carrying out its role to
96 provide “advice and recommendations” on the broad range of clean-up issues. Recently, the lack of an
97 information archive maintained on an ongoing basis and the lack of updates has been felt by Members to
98 restrict the Board’s ability to do its work. Periodic work reports, monthly and quarterly, based on agreed
99 formats, would help remedy the sense of information deficiency and improve overall understanding of
100 ongoing issues.

101

102 Implementing these recommendations would ensure that needed information on legacy waste
103 management and clean-up activities at Los Alamos is provided in a timely manner for Board members to
104 be better able to advise and recommend actions to DOE EM-LA and have meaningful discussions at
105 Board meetings. This will better position the Board to provide meaningful advice and recommendations
106 to DOE EM-LA for each CO annual review cycle and on other clean-up issues.

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108 **References**

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1. LANL Compliance Order on Consent, updated November 2018,
[<https://www.env.nm.gov/hazardous-waste/lanl/>]
2. Nevada Site-Specific Advisory Board (NSSAB), EM Monthly Report, December 2018
[https://www.nss.gov/nssab/docs/MonthlyReports/Rpt_FY19/NSSAB%20Report%2012-18%20FINAL.pdf]
3. Nevada Department of Environmental Protection (NDEP), 2019 1st Quarterly Report,
[https://ndep.nv.gov/uploads/land-doe-ffaco-docs/2019_1st_Quarter_Report.pdf]