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AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, SEPTEMBER 1, 2011
4:00 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 Lincoln Avenue

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES FOR THE AUGUST 4, 2011 BUCKMAN DIRECT DIVERSION BOARD MEETING**
5. **APPROVAL OF CONSENT AGENDA**
6. **MATTERS FROM STAFF**
7. **FISCAL SERVICES AND AUDIT COMMITTEE REPORT**

CONSENT AGENDA

8. Project Manager's Report on Staffing and Training Program Progress. (Bob Mulvey)
9. BDD Public Relations Report. (Lynn Komer)
10. BDD Project Manager's Monthly Project Exception Report. (Bob Mulvey)

DISCUSSION AND ACTION ITEMS

NONE

INFORMATIONAL ITEMS

11. Presentation of LEEDS Certification Plaque Presented to the Buckman Direct Diversion Board by Joint Venture of CH2MHill/Western Summit Constructors. (Rick Carpenter) **VERBAL**

12. Status Update From LANL/DOE Following the Las Conchas Fire. (Rick Carpenter & George Rael) **HANDOUT**

MATTERS FROM THE PUBLIC
MATTERS FROM THE BOARD
NEXT MEETING: THURSDAY, OCTOBER 6, 2011 @ 4:00 P.M.
ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

MINUTES OF THE

THE CITY OF SANTA FE & SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

September 1, 2011

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Virginia Vigil, Chair, at approximately 4:00 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:
Commissioner Virginia Vigil
Councilor Rebecca Wurzburger
Ms. Consuelo Bokum
Councilor Chris Calvert
Commissioner Liz Stefanics

Member(s) Excused:
None

Others Present:
Robert Mulvey, Facility Manager
Rick Carpenter, BDD Project Manager
Nancy Long, BDDB Consulting Attorney
Stephanie Lopez, City Staff
Gary Durrant, BDD Staff
Ray Salvy, CH2M Hill
Erika Schwender, BDD Compliance officer
Pego Guerrerortiz, County Utilities Director
George Rael, LANL
Joni Arends, Concerned Citizens for Nuclear Safety
David Bacon, Citizen

3. APPROVAL OF AGENDA

[*Exhibit 1: Agenda*]

Upon motion by Councilor Wurzburger, seconded by Board Member Bokum the agenda was unanimously approved.

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4. APROVAL OF MINUTES: August 4, 2011

Mr. Mulvey noted on page one that David Bacon was erroneously listed as a member of the Burned Area Emergency Response Team Councilor rather than a citizen.

Councilor Calvert moved approval as amended. His motion was seconded by Chair Vigil and passed unanimously.

5. APPROVAL OF CONSENT AGENDA

8. Project Manager's Report on Staffing and Training Program [removed]
9. **BDD Public Relations Report**
10. BDD Project Manager's Monthly Project Exception Report [removed]

Commissioner Stefanics requested that item eight and Councilor Calvert item ten be removed from the consent agenda.

Commissioner Stefanics moved to approve the consent agenda as amended. Councilor Wurzburger seconded and the motion passed by unanimous voice vote.

6. MATTERS FROM STAFF

None were presented.

7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

MR. MULVEY: Madam Chair, there was no meeting this week so there is no report.

CHAIR VIGIL: Okay, let's move on to item eight.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I just wanted to in advance say that on the next one October 4th, I'm not available. So if your calendar permits it – well, I just wanted to let people know already.

8. PROJECT MANAGER'S REPORT on Staffing and Training Program

CHAIR VIGIL: What's your question, Commissioner Stefanics?

COMMISSIONER STEFANICS: Thank you very much, Madam Chair. Basically, I'd like to know about vacancies and any openings and how we are doing with recruitment or how we are recruiting?

MR. MULVEY: Madam Chair, Commissioner Stefanics, currently we have two vacancies at the BDD. They are advanced water treatment operator positions. We've done a recruitment to fill those positions. We have a list of candidates and currently they are going through the work-keys process to validate their qualifications.

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We have elected to take one of those AWT positions and reclassify it to an administrative assistant. The reason for that is to assist our finance officer in his duties. We're finding that there's a lot of work that needs to be done in order to bill the partners, reconcile the invoices and all of the other work that needs to be done. So that action is in the process as well.

COMMISSIONER STEFANICS: Well, thank you, but would diverting one of these positions, the water treatment operators, is that going to in any way overload the work schedule for others or leave us in a lurch at any time?

MR. MULVEY: Through the Chair, Commissioner Stefanics, we don't believe so. The original budget contains nine AWT positions. Two of those positions were what we call attrition positions. So those were people that we were going to hire in the event that somebody left we wouldn't be left shorthanded. We have some operating experience now and we're doing very well with what we have. We could use one more operator which is the position that we're trying to hire. But we have looked at that very carefully and we believe that we won't be compromising our ability to cover the operator shifts if we do this.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Madam Chair.

CHAIR VIGIL: Any other questions on this item? The pleasure of the Board?

COMMISSIONER STEFANICS: I move that we accept the report.

COUNCILOR WURZBURGER: Second.

The motion by passed by unanimous [5-0] voice vote.

10. BDD PROJECT MANAGER'S MONTHLY PROJECT EXCEPTION REPORT

COUNCILOR CALVERT: Thank you, Chair. I think the only item that is still outstanding is the matter of the easement over the prior property so I guess the question is; the update was that we're still in communication with a possible resolution. What is – do we have any more definitive of what the problem is or what the sticking point is or by when we hope to have this resolved?

NANCY LONG (BDD Board Counsel): Madam Chair, Councilor Calvert, I can address that. The proposal now from the interest holders is that there be a purchase of the parcels that are involved – there are two parcels, approximately 25 acres – rather than an easement.

COUNCILOR CALVERT: For the entire parcels?

MS. LONG: Yes. The entire parcels because of the situation of these parcels and the lack of access and easements, and existing infrastructure that is already running through them. But we believe that there will be a favorable resolution and everyone in terms of the interest holders are all agreeing now that they want to move forward with this.

A survey has been finished and an appraisal I think is about finished. We should have more details to come to the Board next month and that should be if everyone stays with the course we should be very close to a final resolution of it. We don't believe that

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the price of the appraisal will be that much greater than for an easement because of the restrictions on these parcels.

COUNCILOR CALVERT: And I don't have a problem discussing it openly, but I wondered if at some point that is going to be executive session matter just because it might involve appraisals and evaluations and stuff like that?

MS. LONG: That is correct. That is what we're anticipating that it will be in executive session next month with the final details.

COUNCILOR CALVERT: Thank you. So I'll move for approval of the report.

COMMISSIONER STEFANICS: Second.

The motion passed by unanimous [5-0] voice vote.

INFORMATIONAL ITEMS

11. Presentation of LEED Certification Plaque – to the Buckman Direct Diversion Board by joint venture of CH2M Hill Western Summit Contractors

RICK CARPENTER (Project Manager): Thank you, Madam Chair and members of the Board, good afternoon. We decided early on in the design of this project that we wanted it to have some LEED certification facilities associated with it. We decided on the administration building and worked with the joint venture to accomplish that. I'm happy to announce the Ray Salvy with the joint venture, CH2M Hill Western Summit otherwise known as the Design-Build contractor, is here tonight to say a little bit about that and to present the Board with a little something.

CHAIR VIGIL: Thank you. Welcome, Mr. Salvy.

RAY SALVY (CH2M Hill): Thank you. Madam Chair, Board members on behalf of the CH2Hill Western Summit Joint Venture we want to present to you with a LEED certification plaque which can be hung wherever you like. It's pretty heavy so it has to be hung substantially, but this certifies to the LEED certification of your operations building at the water treatment plant which is an indication of the environmental stewardship and it classifies it as being LEED certified and that's something to be proud of. Other than that, I just wanted to thank you on behalf of our joint venture for the opportunity to be your design-builder. Your project is complete now and it is quite a success and we appreciated being a part of it.

CHAIR VIGIL: Thank you very much, Mr. Salvy.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I'd like to thank Mr. Carpenter and everyone who has been involved in getting this up and going. It's a very impressive facility and for any member of the public who has not been out there to visit and to see what is being done – but it's very – it's great that the City and the County were able to accomplish this together and also to get to that green building. We thank you very, very much for keeping us on track so that this all could happen. Thank you.

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CHAIR VIGIL: Yes, thank you. Does anyone have any suggestions as to where that plaque should be placed?

COUNCILOR CALVERT: Right on the building.

CHAIR VIGIL: On the building is the consensus and highly visible. Thank you very much for presenting that, Mr. Salvy.

12. STATUS UPDATE from LANL/DOE following the Las Conchas Fire

MR. CARPENTER: Madam Chair, members of the Board as you know we've been dealing with the consequences and aftermath of the Las Conchas Fire. It has been very challenging for everybody. We have been working lately with members from Mr. Rael's team. In fact, we had a meeting yesterday on the subject and Mr. Rael is here this evening to give you a briefing.

CHAIR VIGIL: Welcome, Mr. Rael.

GEORGE RAEL (LANL): Madam Chair, members of the Board, thank you. I didn't bring any handouts today. I thought I could communicate to you what we've been doing and as Rick said we met with him yesterday and actually we do have a lot of communications even if we don't meet face to face.

First let me tell you what we've done based on what's happened up there with what I call "post fire" activity. I reported to you last time we met that we did a lot of cleaning out of the canyons. A lot of the material that we had in the canyon systems that we were concerned with we have removed. We have beefed up a lot of the grade control structure, jersey barriers the concrete structures that we put to protect some of the control measures that we already have in place based on the Cerro Grande fire. I'll tell you for the Los Alamos Canyon and the Pueblo Canyon systems that empty into the Rio Grande upstream of Buckman, all of the grade control structures are holding.

We have had only one flow that we recorded past Los Alamos Canyon that actually has gone through the E-109 station and onto the Rio Grande. And all of the sediment, because you know or maybe you don't know, that all of the Los Alamos Canyon watershed upstream did burn severely but we did not have any ash flow through the Los Alamos Canyon as it passed through the [inaudible] station on through E109 to the Rio Grande. But we have had a lot of ash flow through Guaje Canyon which is outside the Los Alamos Laboratory property. And so we have had higher challenges with that ash coming into that E109 station. We have ports in there to draw samples, they're not very big 2.5", 3" diameters and they're pretty long. So the ash gets packed in there almost concrete-like so we've had a couple of times, I think we've stayed to our MOU memorandum of understanding requirement but there has been at least once where we've been challenged. We have figured out that a higher pressured hose is the best thing to clean out those ports and so we implement that at the last event. So now we have that on standby so if we get that again that's the first thing that is going to go down there so that we can clean it out. It takes us about three to four hours to get it cleaned out but now we know how to do it and to get it done quickly.

The camera is working. We also have in our quest to get the camera up and running very quickly we didn't do the best job to design the infrareds so that we could see the flume in the nighttime. So we met with Rick Carpenter and his team yesterday

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and we have the company coming out here September 12th and hopefully to put the infrareds picture back on at night so you can actually see the flow at nighttime.

The BAER team, the Burned Area Emergency Response, this is something that the Forest Service does after a fire. They have actually done their work and left on August 1st. They did create the severity maps that shows you how hot the fire burnt. One of the things that they normally is the hydrology analysis, a modeling, so that you can predict if an inch of rain comes how much flow will come down a canyon system. My understanding is that they didn't get that completely done. There is a draft report that I will get to Rick and his folks so they can see what the draft looks like right now. We in the Los Alamos area are working on what those kinds of hydrology will look like. We're also going to provide those things that are still draft and we'll provide those to Rick and his team.

As far as lessons learned, because this is not over yet, during the Cerro Grande fire we did something called a supplemental environmental analysis. It's about half an inch thick of documentation of all the work we did because of the fire and the predictions of what the flows would do and how much ask would still come down the canyon system. That is published and I will also get that to the team so that they can see and maybe predict what is in front of them. And, again, we with them to communicate those lessons learned.

One of the elementary questions that you might have of me is are we recording the data that we're seeing as those samples are being pulled into what we normally call RACER. Now RACER is going to evolve into something a little different, hopefully more user friendly, in the web communications something called the cloud system. We have a couple sets of data that has come back, we don't have all the data, even though we expedite some of these samples it still takes a little bit of time to get through the laboratory and ultimately onto the website. The first set of data is getting on there right now as we speak. Hopefully, you'll start seeing it early next week. So we've been a little slow in getting that out.

Ash we learned in the Cerro Grande fire is such a difficult matrix. It's got so many things in it that it is difficult for a laboratory to analyze and we've run into that. So it does take a while to get the analysis done. So I just wanted to let you know that that is coming and hopefully we'll be provided that on the RACER but also an email to you so you won't have to go through the website and you can actually see the data.

That's all I was going to communicate and I'm ready to take any questions if you have.

CHAIR VIGIL: Councilor Calvert, Councilor Wurzburger and then Commissioner Stefanics and I have a question too but it may be asked. Please.

COUNCILOR CALVERT: Thank you. Thank you, Mr. Rael. You mentioned and I may butcher the name, you mentioned the Guaje Canyon; is that what you mentioned?

MR. RAEL: Guaje Canyon.

COUNCILOR CALVERT: Okay, and who is – I'm not as familiar with this as you are – whose jurisdiction or on whose land is that predominantly?

MR. RAEL: The Guaje Canyon does come from way up in what I call the Valle Caldera upstream. It is on the very northern end of the Los Alamos County and so it doesn't touch the Lab property. It just comes all the way around and comes through

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Santa Ildefonso land. Ultimately it joins up with the Los Alamos Canyon and discharges into the Rio Grande.

COUNCILOR CALVERT: All right, thank you.

CHAIR VIGIL: Councilor Wurzburger.

COUNCILOR WURZBURGER: Mr. Rael, I just want to thank you for listening to those of us who were on the tour of the area, Commissioner Vigil and myself, with respect to making the information available by email so that we don't have to go and spend a lot of time learning how to use the RACER site, which I know many people do. But I think it's a much quicker way for us to have the information we need to discuss with staff what is happening. So thank you for that.

MR. RAEL: You're welcome.

CHAIR VIGIL: Ms. Bokum.

BOARD MEMBER BOKUM: Actually, I have a question for Rick. Are we doing other sampling of Rio Grande water when it comes down?

MR. CARPENTER: Madam Chair, Board member Bokum, yes. We're doing a lot of sampling both in the canyons and in the main stream of the Rio Grande. I don't have the details of that. Mr. Mulvey or perhaps the compliance officer Erika Schwender could give you more details if you'd like.

BOARD MEMBER BOKUM: Yes, I think we probably would.

CHAIR VIGIL: Okay. Erika, maybe you could give us a comprehensive statement or Mr. Mulvey if you feel comfortable doing that I'll let you team tag which one would like to.

MR. MULVEY: Madam Chair, I'll try to start it off.

CHAIR VIGIL: Okay, and if there's anything he misses maybe you could catch us up.

MR. MULVEY: First of all, Madam Chair, we intend to bring Erika back next month to give a comprehensive report on all of the analysis to date related to fires. But we have done approximately 12 sampling events related to ash flow and stormwater flow into the river. Those are above and beyond the ENS system reporting and we started to get results back on that.

We've implemented a very strict protocol. When we see turbidity in the river rise above 300 NTUs or VOCs in the river rise above 2, we shut down. Typically those storm events can produce flows in the river with turbidity values up above 2,000 so we're being extremely conservative and not bringing any water up into the plant that is influenced by stormwater events.

In terms of the specifics, we're analyzing these samples for gross alpha, gross beta, VOCs, alkalinity, all the Safe Drinking Water Act parameters which will include your heavy metals and volatile organic compounds and we're compiling a database of all that material and putting it onto the web, putting the results onto the web when we receive those, or summarizes of those results onto the web. And if you have anymore questions I am sure Erika can give you many more details on that.

CHAIR VIGIL: Okay. Is that all of the sampling that is being done?

MR. MULVEY: All of the sampling? No. In addition to these river samples we're also taking samples of the finished water reservoir and testing those for the Safe Drinking Water Act parameters and radiochemicals just to make sure. We have high confidence that the plant will take material out but we want to especially before we start

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it back up again to test the finished water reservoir so we knew exactly what was going into the system.

CHAIR VIGIL: And I think one of the things that I learned was that there is sampling going on that is not part of an agreement or an arrangement that we have with the Department of Environment that they actually are doing independent samplings themselves. Sometimes their samples come from the samples that we acquire but they actual create their own sampling too and their report to us was that the drinking quality water was just fine and I actually appreciated the opportunity to do the tour, although I was impressed with how much ash actually drove itself down the Los Alamos Canyon and I'm not sure whether there's going to be more or not, but everyone that was a part of that tour was there to answer the questions that we had and I know that we had quite a few, particularly for what is tested and what isn't and whether there's an emission and is that something we can pick up on. And my questions were answered very, very appropriately so I was really pleased with the opportunity to have that tour.

But more importantly I'm learning how intensive the sampling is with regard to that. I know that we're focused on the sampling that we contract with but there's actually sampling that is being done outside of what we contract and I think it's important that that kind of information be put out there.

I think Councilor Wurzburger that you requested that that – that the Department of Environment do a presentation on that at our next meeting. So one of the things that would benefit I think us and the community as a whole is for them to really present a focus for the kind of sampling that they do independent of what entered into an agreement with them.

COUNCILOR CALVERT: Point of clarification. Are you talking about NMED?

CHAIR VIGIL: Yes, the State Department of Environment, yes. What they explained is that they have a separate agreement with LANL. They have an agreement with Sandia Labs and they have an agreement WIPP and those are the three major areas of agreement. Those agreements are complied with in accordance with the language that's in the agreement but they also as a separate entity create subjective testing that isn't part of that so that they can have some sample comparisons and I was really impressed with that. I hope to and maybe Mr. Mulvey you can remember to include them on the agenda for our next BDD meeting.

MR. MULVEY: Madam Chair, we've got that down.

CHAIR VIGIL: Okay. Any other questions?

MATTERS FROM THE PUBLIC

CHAIR VIGIL: Is there anyone from the public that would like to address us? Please step forward and state your name for the record.

JONI ARENDS: Good afternoon, I'm Joni Arends from Concerned Citizens for Nuclear Safety. I have some issues with what Mr. Rael said and specifically that there still remains 30 high priority sites, dump sites, in LA Pueblo Canyon that have the potential to release contaminants when it snows or when stormwater runs over. They haven't touched those. There's a 78 acre area a little bit east of the Los Alamos Bridge and the concern is that if there's a storm event similar to those at Cochiti Canyon that

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could, right to the west of the bridge where there was so much devastation in terms of the fire, if there's a storm burst right there it's going to wipe out the dam and all that mud from that earthen dam is going to cover up and move those contaminants over that old reactor site and towards the Buckman. And, I'm not sure that we are prepared for that. Just this morning I got a link of the storm in Cochiti Canyon on August 22nd that was what Ralph said it was, Ralph Ford-Schmid, said it was 16,000 cubic feet per second – 19,000 cfps. There is anticipating of 20,000 cubic feet per second, which is 20 times what the Rio Grande runs normally. We're very concerned about what's going to come out of LA Pueblo Canyon and I don't think that we're prepared for what's going to come when it does come. We've been very lucky for the last two months.

So I disagree with a lot of what Mr. Rael said. They had a chance to clean that up, clean those sites up with the stimulus money and they chose not to. They chose to clean up one site with the PCBs. That's one comment that I have.

The other comment that I have and I want to read into the record Dr. Bernstein's piece from physicians for Social Responsibility with the New Mexico Chapter that was in the *Albuquerque Journal*. I also want to add that most people I've talked to whether it's with the burn team, the burn area restoration – emergency response team or people with the Environment Department or people even with the Buckman who have said they have never seen anything like this. That the storms out of Cochiti Canyon have resulted in – and there was a photo in the paper the other day where they showed that truck in the Cochiti Canyon – where they said boulders half the size of the truck are ending up in trees. There's so much material that is coming out of these canyons because it has been so devastating -- increased flooding, erosion, runoff. So Dr. Bernstein is with the New Mexico Physicians for Social Responsibility and part of his piece renews our request from last meeting that there be independent, community-based sampling and that that be paid out of the 7 percent per year increase in fees for the water in Santa Fe.

Dr. Bernstein said:

> "Water from the Rio Grande is again pumping into faucets of Albuquerque homes soon to be followed by Santa Fe. Unfortunately, questions remain about whether pollutants from Los Alamos National Laboratory are being flushed into the river by runoff from recent storms, following the Las Conchas Fire. Because these contaminants are so toxic, it's essential that the water be carefully tested by an independent contractor. And we acknowledge the work that everybody is doing to sample but we also acknowledge that for the radionuclides and some of the contaminants it takes two weeks to get the sampling results back while the Buckman is still diverting water.
>
> "While there is plenty of publicity about the danger to some 20,000 containers of transuranic waste stored under fabric tents in Area G, little was said about the 21 million cubic feet of radioactive and chemical waste on site – 21 million cubic feet is three times the amount that the Waste Isolation Pilot Plant is designed to hold at capacity. This waste began during World War, and much was buried on the mesas and canyon bottoms in unlined pits, trenches and shafts. Radioactive liquid wastes were discharged directly to the canyons, especially Acid Canyon, an offshoot of Los Alamos Canyon which flows to the Rio Grande.

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"Although the fire burned only one acre at LANL, preventative burnouts were also conducted burning 132 acres in Los Alamos Canyon and possibly releasing some of those toxic contaminants into our air and water.

"The lab's director confirmed the existence of toxic materials outside the lab's perimeters, as reported in Energy New on July 7, 2011, and I quote, 'Los Alamos National Laboratory Director Charles McMillan said they really don't know what's in the ground around the nuclear facility, admitting that old contamination could be a big question mark when it comes to the long-term effects of the fire.'

"Residues of radioactive isotopes have been found in the canyons and also in the sediments of the Rio Grande River. The isotopes do not necessarily remain where they have been deposited; they can migrate. They travel in water, through fractures in the porous volcanic tuff that characterizes most of the soil throughout the area; they travel in the air, borne by the winds; and they are picked up by animals and insects migrating through the lab's property to surrounding regions, where trees and other plants may have absorbed strontium-90 or cesium-137, which have been found in vegetation on the lab property.

"Ash from the incineration of those plants in the high temperatures of the wildfire is now clogging the pipes of our drinking water supply and polluting the waters of the acequias used by farmers and ranchers for irrigation of fields and livestock. Whatever toxins are in the water can also show up in New Mexico's food. Ionizing radiation causes cancer. New Mexicans are already exposed, on a daily basis, to releases from the Sandia and Los Alamos labs. The mixed-waste landfill in Albuquerque, with its many uncategorized wastes, sits over the aquifer that remains the metro area's chief water supply. Radioactive releases from the Fukushima nuclear plants continue, and they travel around the world. These exposures are cumulative, and they may be synergistic with other toxins to which we are exposed.

"Chronic exposure to low-level radioactive materials may be more dangerous to health than a single exposure to high-level materials. The National Academy of Sciences, in their Biological Effects of Ionizing Radiation report, concluded that there is no safe level of exposure to ionizing radiation, especially for pregnant women, young children, the elderly and people whose immune systems are already compromised by other conditions.

"On behalf of Physicians for Social Responsibility, and on behalf of the people of New Mexico, I urge the water diversion projects to hire independent contractors to collect daily samples at the diversion sites on the Rio Grande, and at the point of distribution into the water systems. These samples should then be tested at an independent laboratory, and the results made public as soon as possible. This process should begin immediately."

Thank you for listening. And with that I would like to find out how do we proceed to obtain funding or a grant to be able to do independent sampling. We are very concerned about this thing that wasn't analyzed in the Environment Impact Statement. Ash was not analyzed for and how do we address these issues and how do we set up an independent team to be able to do this sampling?

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CHAIR VIGIL: Commissioner Stefanics

COMMISSIONER STEFANICS: Thank you, Joni for coming forward. I'm going to not answer your question but talk about some things related to this. Before we asked Mr. Rael to come up and talk about the area, I think that the response – this newspaper article is not the only thing that we're hearing about. We're hearing about this from many members of the public. So I think that I would recommend, Madam Chair, and open for discussion with my colleagues is that we have our plan and what we are doing made available in a marketing sense so that we have some way of putting it out constantly to the public. I think many members of the public are wondering what it is we're doing, number one. And, whether or not it's enough I can't speak because I'm not the scientist here but we probably could be putting out more information whether it's newspaper, whether it's media ads, but some method to do something to let the public know what our emergency plan is and what our ongoing testing is. And what is – what the consequences or what the actions will be when something will be determined. And I would just throw that out for recommendation, comments or conversation. Thank you, Madam Chair.

CHAIR VIGIL: Okay, does anyone want to comment on that in particular or any other comments on this? Mr. Rael do you have any response that you'd like to state with regards to this? Please feel free to address any issues that you feel need to be addressed.

MR. RAEL: Madam Chair, members of the Board, what I'd like to recommend and I know that you're going to set up a conversation in the next Board meeting with the New Mexico Environment Department in terms of how they take sample and what they do for sampling, I would also recommend that we could come in and as well dovetail into that discussion and share with you what we do in sampling and also discuss – because I know that Ms. Arends has concerns with what's called the high priority sites in the Los Alamos and Pueblo Canyon. We've met with her several times to communicate that and maybe the thing to do is come back and share with you where we believe – although they are called high priority sites on a permit we got from the Environmental Protection Agency – we work with the New Mexico Environment Department and we believe that those are not necessarily sites that we have to go in and invest to remediate them. Most of those sites have lower than – lower standards than are generated for cleanup and so maybe the thing to do is come back and visit with you on that and demonstrate and show you photos and things of those nature.

Now, the dam; were you talking about the county dam? Yeah, the county dam is upstream of Los Alamos Canyon. It's on county property. It's not our dam it's the county's dam. It is my understanding that we didn't have any activities in that area, fallout may actually have some in there – of course it has it all over the country. So I don't think there is anything in the dam. If it was to fill up and then break it would bring sediment down but I don't believe that is anything from what we did in the past operations.

Now we did work with the State Engineer and the county to see if there was something that we could do in case it did get filled up but again it's not our lead, it's the county's lead as it is their reservoir.

And as far as the Recovery Act dollars, we did get Recovery Act dollars and we put Recovery Act dollars into what was called shovel ready projects and for the most part

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those were at technical area 21 which is right across the airport. So we invested our dollars in that regard because they were ready – they were shovel ready and that's why we went where we went.

Again, I would recommend that we can come back and give a more detailed presentation along those lines.

CHAIR VIGIL: I think this Board will be better prepared to address some of the requests once we hear from the Department of Environment and I appreciate you dovetailing and let's include that in the next agenda item.

Two things I want to mention. When we had our tour, you might want to add to this too, one of the things that was brought out was the kind of reporting that is done through the RACER and we actually made recommendation that that be more user friendly and I think most of the staff that was there was looking in that. I don't know if that was brought to your attention. One of the comments that was made is that it is really difficult to access in general and it might need to be brought down more to less technical terms and maybe just be able to identify what was being tested and what the outcome was type thing and more in lay terms I think. Most of the people that were there responded to that very positively and said that their IT department would be able to look into that and I think that would be able to benefit the public as a whole because that's easily accessible to get the results of the testing that is done through the RACER system.

The other thing that we worked on that I think is going to be beneficial to this particular project and that is that Representative Hall in particular is interested in taking a leadership with the Santa Fe delegation to start doing some testing upriver so that there can be comparative analysis if there is any differences in any contaminants or readings at all that that could be identified and perhaps a source could be identified. His concern of course was for what is happening up river and I think he feels very strongly about providing a leadership role to make that kind of testing available which I think will benefit the project as a whole because you'll have some kind of comparative analysis. That's the kind of discussions that we've been having with the state legislature with regard to that. I think we're moving as diligently as we possibly can in terms of getting the best possible readings there and I think that this authority will better be able to understand that once we get the presentation from NMED next week.

I hope at that point in time, and Joni you probably will be here, and you might be able to listen to some of that and we can move forward but I do believe that that presentation needs to be a part of any discussion in terms of testing.

MR. RAEL: We can do that.

CHAIR VIGIL: Thank you very much.

MS. ARENDS: Members of the Board I would just like to respond that we were out at the Buckman on Tuesday and Ralph Ford-Schmid just happened to be out there. His tube isn't even long enough to collect samples in the river at the level that it was at about 600 cfs. So, you know, while you're relying on the sampling there's fundamental problems that some samples are not being collected by the Environment Department because they don't have the right equipment there. Ralph was going to ask – we're two months out from the fire. These kinds of situations present a lack of – the public has a lack of confidence in terms of some of these things and to be out there and to see the tube isn't in the water and that he's unable to collect samples because he needs 20 more feet of tubes in order to go into the river – that's really a problem. I've gone

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through this thing with the RACER database. I've gone to try and look for data. I've been overseen looking at the RACER database since it began in 2003 and basically the comments that you all have made, with all due respect, are the same comments that year after year have been made to the laboratory. They don't want the public to know this information and that's why there are delays. You have the world's greatest science protecting America, that's there motto and they can't even figure out how to post data in a form that the public can have access to. I mean this is a fundamental problem of living downstream and sucking our water in below a nuclear weapons waste dump. This is going to become a bigger issue and as soon as stuff starts flowing out of LA Pueblo Canyon, it's not going to be pretty.

I'm here as the canary in the coal mine and I have been, CCNS has been the canary in the coal mine all along. This is very, very serious. This is very, very serious.

CHAIR VIGIL: Thank you, Joni. We really do appreciate it. Are there any other matters from the Board – oh, is there more public? Please step forward.

JUDITH LAWSON: Madam Chair and members of the Board, my name is Judith Lawson. I'm a citizen and I'm speaking as a concerned citizen. I am also an investigative journalist. I would like to corroborate what Joni Arends has just said. This is a very serious matter. In my personal acquaints to two MDs visiting the city following the fires, knowing enough about the Buckman Diversion, have asked is that radioactive water flowing from your tap? There is a lot of public concern and I'd like to propose a very simple way of dealing with until such time as independent studies and corroborations of those studies can be brought forward. This is a very complex matter and the simplest way to deal with it is if the Board would request both daily newspapers to incorporate into their weather section just a little two-line box saying that the Buckman Diversion is open or not open. That will reassure people who are concerned about nano particles which clearly the present filtration system is not prepared to deal with to the best of my knowledge.

I'd also like to suggest that that little notification of open or closed be incorporated into the website. Thank you.

CHAIR VIGIL: Thank you, Ms. Lawson. David.

DAVID BACON: The reason Ralph couldn't add that 20 feet of suction pipe is he doesn't have any money and he was going to ask LANL for money to simply extend his pipe into the river. He doesn't have money to do sampling and he's running out of money. He is stealing from other parts of the Environment Department's coffers to even get the basic sampling done. That's one major issue right there. He's a good guy. I like Ralph a lot. I hadn't met him until the other day. But his sampling pipe doesn't hit the water that's how bad it is at NMED.

He also told us that when he was sampling in 2007 his buddy Dave reached into the flow, it was a huge flood, to reconnect their sampler and that's when they got major plutonium sampling in 2007. So the ask from Guaje Canyon which we brought samples of the other day, Mr. Rael says that has nothing to do with the labs. Well, they were four times background radiation levels so they have something to do with the lab. The stuff doesn't stay there. It's up taken by trees, by air, by all sorts of natural events. The river right now if you got out and look at it, it's a tiny river. Los Alamos wants to withdraw 1,200 acre-feet to send from Buckman into White Rock that they own. There's only and I don't think it's running at 600 cfs right now, and Ralph's sample bottles were full of

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sediment, full. Now that was straight sediment. That wasn't ash it was mud but the overall situation like Judith said, when does it shut off and when does it come back on? What happens to the waste? What happens to the stuff they filter out? If it's full of plutonium and full heavy metals and full of all the radioactive daughters and sons of plutonium; where does that go? We know the sediment gets dumped back into the river where does the waste go? Who treats it? We were told by the county manager that the Los Alamos dam will overtop and fail in a five-year one-hour rain event. That was his word. He said it will fail. Ralph told us that they've routed around it so they don't have to catch water because that sedimentation or that catching of water is where you get the sedimentation that you can sample and that Los Alamos doesn't want anything to catch anywhere. They want it to keep going down stream.

Los Alamos Canyon, and we can send you a picture that Scott Kovac from NukeWatch took, it has no upstream protection. It has no upstream trees anymore or grasses. It's completely a bare canyon for acres and acres and acres. Again, the rain event that occurred, the flooding event that occurred in Cochiti Canyon exceeded the wildest estimation by nearly four times. The USGS guy who was talking to Ralph who's been there 20 years or more, said it'll never flow above 5,200 acre-feet: it flowed at 19,000. And, like Joni said, it took giant boulders down the canyon with it. We're seeing rain events and flood events that exceed anything that anyone has ever seen in the Jemez and will continue to.

The KUNM call-in show this morning was all about the situation on the Rio Grande and the upcoming increased drought. You're going to have a much smaller river, a much smaller river flowing. You're going to have much bigger flooding events coming down both sides of the river and as far as I know no one is ready for this. No one at all. No one even thought it would reach this level. There's a lot of work to be done. Thanks.

CHAIR VIGIL: Thank you, David. Our early warning system sort of presumes that once the water is at a certain level we just shut down; correct?

MR. MULVEY: Madam Chair, that is correct. When we see above 5 cfs in the flumes of the Los Alamos Canyon we shut down. But we did shut down several times over the last six weeks due to runoff that is not related to the NS system. When we detect high turbidities in the river we shut down anyway.

CHAIR VIGIL: I have that question and the other question, Mr. Mulvey, would it difficult to contact the *New Mexican* or the *Journal* just to see if they could put Buckman shutdown when we shutdown? They may or may not be willing to do this and they may request an inordinate amount of amount for it.

COUNCILOR CALVERT: I don't have a problem with that but I don't know how useful that will be because I assume that the question was asked so that if people wanted the choice of not using tap water for whatever reason they would look at that. But the day that the water is taken in or is taking in water and the day that actual water ends up coming out of the tap is not going to be a one-to-one correlation because some of it stored on site and some of it is sent to tanks for storage. So I'm just wondering if that is really going to fulfill the intent of the person that requested it.

CHAIR VIGIL: All right. If the public trust is responsive to the information that we are shut down or that we are not, and I think it would be, we could look into that possibility. That doesn't look to be too task intensive.

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MR. MULVEY: Madam Chair, that's correct. We can do that. We need look at other avenues of communication. We can certainly do what you're asking but I don't think it tells the whole story because many days we will only divert for an hour or two as opposed to 12 or 13 hours. The plant is still running but just putting that in the box wouldn't necessarily let people know that we've curtailed diversions extensively even though we're still up and running. It would probably need to be a little more elaborate than a simple on or off statement. But we can look at all of the options.

CHAIR VIGIL: I think that promoting the public trust is necessary to do something that Commissioner Stefanics referenced and that is getting more information out there in terms of the readings that we're getting and how aggressive we've been in addressing some of the issues that we're concerned about as a result of the fires. And I'm not sure that we're doing as much as we possibly can to educate the public with regard to that. So I sort of agree with that if we could –

MR. MULVEY: Madam Chair, just real briefly. I agree with you, transparency is critically important in this and we do need to do better in getting our messages out.

CHAIR VIGIL: Is Lynn Komer still on contract with us? I think she is.

MR. MULVEY: Madam Chair, yes, she is.

CHAIR VIGIL: Maybe we could move forward in that direction. Conci.

BOARD MEMBER BOKUM: Thank you, Madam Chair. It seems to me that the place to start is our website. That it needs to have information on it that deals with the kinds of things that have been talked about. Maybe just a little thing in the paper saying on or off is not nearly enough. There are all kinds of issues like pollution, what's happening in the river, is the shutting off in response to what and how long has it been coming down. It just seems to me that you need more information than just shut off to be valuable and to educate you about what we're trying to do to protect public health.

I think the first place to start is the website and maybe that kind of detailed information is more than the *New Mexican* is willing to do or maybe they just need to have a statement in there that runs saying if you're interested in the status of a storm event and response to a storm event and whether the plant is running or not and for more of these details go to the website. I think we need more information not a simple on/off statement.

And that would be my comment.

CHAIR VIGIL: Okay, that makes sense. Okay, if there is no one else from the public.

MATTERS FROM THE BOARD

None were presented.

NEXT MEETING: Thursday, October 6, 2011 @4:00 P.M.

EXHIBIT 25 OF RECORD 9/27/11 BDD

ADJOURN

Having completed the agenda, this meeting was declared adjourned at approximately 5:00 p.m.

Approved by:

Virginia Vigil, Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

ATTEST TO:

YOLANDA VIGIL
SANTA FE CITY CLERK

COUNTY CLERK SANTA FE COUNTY NEW MEXICO VALERIE ESPINOZA

COUNTY CLERK SANTA FE COUNTY NEW MEXICO

BUCKMAN DIRECT DIV MIN
PAGES: 19

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STATE OF NEW MEXICO) ss

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Deputy

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NewMexico

AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, SEPTEMBER 1, 2011
4:00 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 Lincoln Avenue

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES FOR THE AUGUST 4, 2011 BUCKMAN DIRECT DIVERSION BOARD MEETING**
5. **APPROVAL OF CONSENT AGENDA**
6. **MATTERS FROM STAFF**
7. **FISCAL SERVICES AND AUDIT COMMITTEE REPORT**

CONSENT AGENDA

8. Project Manager's Report on Staffing and Training Program Progress. (Bob Mulvey)
9. BDD Public Relations Report. (Lynn Komer)
10. BDD Project Manager's Monthly Project Exception Report. (Bob Mulvey)

DISCUSSION AND ACTION ITEMS

NONE

INFORMATIONAL ITEMS

11. Presentation of LEEDS Certification Plaque Presented to the Buckman Direct Diversion Board by Joint Venture of CH2MHill/Western Summit Constructors. (Rick Carpenter) **VERBAL**

12. Status Update From LANL/DOE Following the Las Conchas Fire. (Rick Carpenter & George Rael) **HANDOUT**

MATTERS FROM THE PUBLIC
MATTERS FROM THE BOARD
NEXT MEETING: THURSDAY, OCTOBER 6, 2011 @ 4:00 P.M.
ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

How Safe Is Rio Grande Water?

By Dr. Robert M. Bernstein / Physicians for Social Responsibility, New Mexico Chapter on Thu, Aug 25, 2011

Like 7 0

Water from the Rio Grande is again pumping into faucets of Albuquerque homes (soon to be followed by Santa Fe). Unfortunately, questions remain about whether pollutants from Los Alamos National Laboratory are being flushed into the river by runoff from recent storms, following the Las Conchas Fire. Because these contaminants are so toxic, it's essential that the water be carefully tested by an independent contractor.

While there was much publicity about the danger to some 20,000 containers of transuranic waste stored under fabric tents in Area G, little was said about the 21 million cubic feet of radioactive and chemical waste on-site (21 million cubic feet is three times the amount that the Waste Isolation Pilot Plant is designed to hold at capacity). This waste began during World War II, and much was buried on the mesas and canyon bottoms in unlined pits, trenches and shafts. Radioactive liquid wastes were discharged directly to the canyons, especially Acid Canyon, an offshoot of Los Alamos Canyon, which flows to the Rio Grande.

Although the fire burned only one acre at LANL, preventive burn-outs were also conducted, burning 132 acres in Los Alamos Canyon and possibly releasing some of those toxic contaminants into our air and water.

The lab's director confirmed the existence of toxic materials outside the lab's perimeters, as reported in Energy News on July 7, 2011: "Los Alamos National Laboratory Director Charles McMillan said they really don't know what's in the ground around the nuclear facility, admitting that old contamination could be a big question mark when it comes to the long-term effects of the fire."

Residues of radioactive isotopes have been found in the canyons and also in the sediments of the Rio Grande River. The isotopes do not necessarily remain where they have been deposited; they can migrate. They travel in water, through fractures in the porous volcanic tuff that characterizes most of the soil throughout the area; they travel in the air, borne by the winds; and they are picked up by animals and insects migrating through the lab's property to surrounding regions, where trees and other plants may have absorbed strontium-90 or cesium-137, which have been found in vegetation on the lab property.

Ash from the incineration of those plants in the high temperatures of the wildfire is now clogging the pipes of our drinking water supply and polluting the waters of the acequias used by farmers and ranchers for irrigation of fields and livestock. Whatever toxins are in the water can also show up in New Mexico's food.

Ionizing radiation causes cancer. New Mexicans are already exposed, on a daily basis, to releases from the Sandia and Los Alamos labs. The mixed-waste landfill in Albuquerque, with its many uncategorized wastes, sits over the aquifer that remains the metro area's chief water supply. Radioactive releases from the Fukushima nuclear plants continue, and they travel around the world. These exposures are cumulative, and they may be synergistic with other toxins to which we are exposed.

Chronic exposure to low-level radioactive materials may be more dangerous to health than a single exposure to high-level materials. The National Academy of Sciences, in their Biological Effects of Ionizing Radiation report, concluded that there is no safe level of exposure to ionizing radiation, especially for pregnant women, young children, the elderly and people whose immune systems are already compromised by other conditions.

On behalf of Physicians for Social Responsibility, and on behalf of the people of New Mexico, I urge the water diversion projects to hire independent contractors to collect daily samples at the diversion sites on the Rio Grande, and at the point of distribution into the water systems. These samples should then be tested at an independent laboratory, and the results made public as soon as possible. This process should begin immediately.

Related Content

- Ash From Las Conchas Fire Contaminates Runoff Water *07/19/2011*
- Ash Contaminates Runoff Water *07/19/2011*
- UPDATED: LANL Prepares for Possible Flooding After Wildfire *07/12/2011*
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