



Kerry Howe, *Chair*
Steve Glass, *Vice-Chair*
Suzanne Busch
Camilla Feibelman
Julia Maccini

Roland Penttila
John Pietz
Roberto Roibal
Caroline Scruggs

Water Protection Advisory Board
c/o ABCWUA
P.O. Box 568
Albuquerque, NM 87103

Minutes: June 21, 2019 – Special Meeting
Location: Bernalillo County Public Works Division, 2400 Broadway SE, Bldg. N Conf. Room
Time: 9:00 to 10:00 a.m.

Board Members Present: Chair Kerry Howe, Vice-chair Steve Glass, Suzanne Busch, Julia Maccini, Roland Penttila, John Pietz, Roberto Roibal, and Camilla Feibelman (phone)

Board Members Absent (excused): Caroline Scruggs

PIC Members Present: Diane Agnew, Kali Bronson, and Kate Mendoza.

Guests: Dave McCoy and Eric Nuttall (Citizen Action New Mexico)

I. Call to Order

Chair Dr. Kerry Howe called the meeting to order at 9:05 a.m.

II. Approval of Agenda

Chair Howe requested a motion to approve the agenda. Vice-chair Steve Glass motioned to approve the agenda and Mr. Roland Penttila seconded the motion. Motion to approve the agenda carried unanimously.

III. Board Business

Chair Howe reminded board members for the record that this special meeting was being held to vote on approval of a letter from the board to Sandia National Laboratories (SNL) and the New Mexico Environment Department (NMED) regarding SNL's Mixed Waste Landfill (MWL) Five-Year Review Report. Chair Howe told board members that based on discussions from the June 14, 2019 board meeting, the letter had been drafted and distributed to board members for review prior to the special meeting. No electronic comments were received by Ms. Diane Agnew (Water Authority) from board members prior to the meeting. Chair Howe proceeded to read the drafted letter aloud for final board review.

Ms. Diane Agnew, PIC member and board staff, presented the letter on a large screen so board members could provide edits to the letter if necessary. Minor changes were

requested, such as fixing pronouns, typos, and other small grammatical changes. Chair Howe asked if the letter was ready for approval and Ms. Feibelman suggested asking if there was any public comment strictly about the letter prior to the vote. Mr. Dave McCoy, Citizen Action New Mexico, said that he strongly disliked that public comment periods for the Mixed Waste Landfill are during the summer when people tend to be on vacation. He voiced his support for the letter.

Dr. Eric Nuttall, Citizen Action New Mexico, suggested that when SNL makes its presentation to the board regarding the MWL that it should present technical information separate from any NMED presentation. Chair Howe said the order of presentations, should SNL and NMED be available to present, would depend upon the agencies' respective availabilities and was not directly related to the letter itself.

Vice-chair Glass asked if the board should request a specific deadline for extension of the public comment period for the SNL MWL Five-Year Review report. Chair Howe said the letter requests presentations from SNL and NMED prior to the end of the public comment period on July 23, 2019. The board requested that the public comment period be extended if SNL and NMED are not be available to present prior to the July 23, 2019 comment period deadline.

Ms. Suzanne Busch asked if the letter obligates the board to provide comment on the SNL MWL 5-Year Review Report. Further discussion clarified that the letter does not state that the board would like to comment on the report but does not rule out the possibility of future comment.

Mr. Penttila asked if there were additional people or agencies that the letter should be copied to and board members agreed it should be copied to the WPAB's appointing agencies. Therefore, the Chair of the Bernalillo County Commission, City of Albuquerque Council President, and Albuquerque Bernalillo County Water Utility Authority Board Chair were added as recipients of the letter.

Chair Howe asked for a motion to approve the letter with the minor changes incorporated during the meeting. Vice-chair Glass motioned to approve the letter and Mr. Penttila seconded the motion. Motion to approve the letter carried unanimously.

IV. Other Board Business

None.

V. Public Comment Period

Dr. Nuttall told board members that the SNL MWL 5-Year Review report is overdue and it has been 14 years since the last report on the site, well beyond the stipulated five-year requirement. He said that SNL included a detailed discussion about excavating the landfill and SNL suggested in the report that now is an optimum time to excavate the landfill to remove the harmful waste because the toxicity of the waste has degraded over time. Dr. Nuttall said that SNL reviewed alternatives to landfill excavation (off-site disposal) including on-site disposal but determined that on-site disposal was not a feasible option. He said that

the MWL is the last landfill on the SNL property and it is a good time to move the waste safely. Dr. Nuttall said that SNL has removed waste from other landfills and have a safe track record in waste removal. He indicated that SNL could begin the excavation process only if the NMED issues an order for SNL to proceed with off-site disposal.

Ms. Feibelman asked Dr. Nuttall why building a properly lined landfill on-site (on-site disposal) was not feasible but transporting the waste elsewhere was a better option. Dr. Nuttall said the 5-Year Review report explains the issue in further detail, but SNL said that on-site disposal requires monitoring of the waste indefinitely which was less favorable than moving the waste off-site for storage in a facility designed for long-term monitoring.

Mr. McCoy asked board members to consider a long-term scenario where waste is left in place for over 100 years. He said that landfill regulations assume institutional controls cannot last longer than 100 years and landfill closure requires additional long-term maintenance. Mr. McCoy said landfill covers, similar to what is currently in place on the MWL, only last 50 years and need constant maintenance. Mr. McCoy electronically delivered a document to board members that he authored describing all regulatory actions and technical aspects of the MWL that may be of interest to the board and suggested board members review his document for more information about the MWL. Ms. Feibelman shared that she remains skeptical of transporting hazardous waste and she wants to understand more about how the proposed transportation of MWL contents would occur.

VI. Adjourn

Chair Howe asked for a motion to adjourn the meeting. Vice-chair Glass motioned to adjourn and Mr. Roibal seconded the motion. The meeting was adjourned at 9:34 a.m.