

# **DRAFT MEETING SUMMARY**

## **Community Environmental Working Group**

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### ***"Striving for Continuous Environmental Improvements at Intel"***

**Date:** January 17, 2007  
**Time:** 5:00-7:00 p.m.  
**Location:** Your Place Or Mine

#### **Members Attending**

John Bartlit, Acting Chair  
Frank Gallegos, Intel Environmental Mgr  
Hugh Church, American Lung Association

Teresa Fleming, Intel Corporate Affairs  
Mike Williams, NM Citizens for Clean Air & Water

#### **Technical Support Staff**

Andrew Moen, Intel  
Sarah Chavez, Intel

Jami Grindatto, Intel Corporate Affairs

#### **Public**

Roberta King, Corrales resident

#### **Facilitator**

Stephen Littlejohn, Domenici Littlejohn, Inc.

David Bergeron, recorder

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#### **HANDOUTS**

- Draft Agenda
- Draft December 13, 2006 Meeting Summary
- Action Item Progress Report
- EHS Activity Report
- Draft Citizen Protocol
- Report from Citizen Protocol ad hoc committee
- This month's newspaper ad
- Continued email dialogue
- Facilitator's reflections on email dialogue
- Inherent Dilemmas that Impact CEWG Effectiveness
- Bartlit column "Labels Send Ideas to the Trash Heap"
- Memo from NMED on new citizen feedback tracking system
- Edward Pineda's "Notes on CEWG—Effectiveness and Trustworthiness"
- CEWG Discussion of Purpose and Organization (August 2004)

#### **WELCOME AND INTRODUCTIONS:**

John Bartlit reminded everyone of the mission statement and asked the group to introduce themselves. He then asked for suggested changes to the agenda or meeting summary and hearing no requests for change, he asked for comments from the public.

#### **Public Comment**

- Roberta King requested #12 font on as many documents as possible in order to make them easier to read. The group agreed that readability was more important than saving a few pieces of paper.

## CEWG EFFECTIVENESS AND TRUSTWORTHINESS

Stephen Littlejohn started the discussion by pointing out the pertinent handouts—Edward Pineda's memo "Notes on CEWG Effectiveness and Trustworthiness", the Facilitator's reflections on email dialogue, CEWG Discussion of Purpose and Organization (August 2004), and John Bartlit's "Inherent Dilemmas that Impact CEWG Effectiveness".

- John Bartlit began by reviewing the dilemmas the CEWG faces in attempting to make substantive progress. (see attached)
- Mr. Littlejohn pointed out that whatever choices the group makes, there are tradeoffs and these tradeoffs should be considered before making judgments.
- Roberta King questioned Mr. Bartlit about dilemmas #9 and #10 from his list. She asked what was meant by "the CEWG's value by an ultimate success by some single standard"
- Mr. Bartlit explained that term *value* could be replaced by *effectiveness*, *accomplishments*, or *achievements*, etc. One way of judging the group's value or effectiveness would be the accomplishment of one or two big things (e.g., permit change or implementation of supercritical CO<sub>2</sub>). An alternative way of judging the groups value or effectiveness would be to evaluate the rates of improvement in reducing emissions over a period of years. He further suggested the word *forces* be changed to *interests*. He explained that dilemma #10 was whether it was more effective to give credit for change to all the interests who over time contributed to the change or to give credit to a few interests that were seen as the primary force behind the change. According to Mr. Bartlit, this was a concern expressed in some of the emails over the past few months. The example he gave for giving credit to the larger community were the changes in maintenance schedules for the thermal oxidizers. Those changes came about because a number of different interests discussed what might be possible if Intel changed its maintenance practices. The result was a 2/3rds decrease in emissions due to scheduled maintenance of the thermal oxidizers. To him, it is not important what fraction of credit should be given to each of the groups or individuals involved. What is important is that the improvement occurred because many interests throughout the community were concerned and involved and that progress could not have happened if the community had not been involved. The concerned interests include those in the room, the Intel officials and technicians who made the change, and all those whose interest resulted in there being a Working Group, such as CRCAW and the media.
- Ms King and Mr. Bartlit agreed that actual substantive reduction in emissions are desired, not calculated emissions factors.
- In response to the request that meeting materials be distributed earlier so that people could better prepare for the meetings, Mr. Littlejohn agreed to try to send out material earlier and said that it would actually be easier to send it out piecemeal rather than compiling it all into one big package just before the meeting. He also agreed with requests to eliminate the distribution of paper copies of email traffic. After some discussion, the Group agreed to discontinue distributing copies of the emails.
- Discussion continued on the subject of what constitutes consensus. Mr. Bartlit felt that if the group decides by consensus, the public should be included in that consensus, saying that the group should respond to the public. Ms King felt that Intel and the CEWG were always trying to convince the public that they were being responsive to the public's wishes. She



suggested that Intel and the CEWG should just do what they think is the right thing to do and take responsibility for their actions.

- Mr. Littlejohn asked, "If this group were as trustworthy as you would like us to be, how would we do it differently"? Ms. King said that each person in the group is doing what they honestly believe they should be doing, but she thinks everyone is being used by Intel. Intel wants the credibility of the individuals on the CEWG in order to convince the public that the company is really concerned about the environment and that the only way to gain trust would be to reopen the permit issue. She stated a major source permit would make Intel more accountable for the emissions that are coming out of their stacks. Ms King suggested that having a major source permit would go a long way to bringing credibility to Intel emissions.
- Mr. Bartlit pointed out a dilemma with the major source permit. Intel would still do additional monitoring, they pay for the data collection, analysis, and reporting, and the public would still not believe the results. Mr. Littlejohn took this opportunity to refocus the group on thinking about how to make the CEWG more effective. One possible mission for the CEWG is to be an advocacy group by establishing specific goals that it needs to accomplish and pushing to get those specific goals. An example of a specific goal could be Intel's changing from minor source to major source permit. The other view is that the group should be dialogue oriented which allows numerous views to be aired and those views to be used to improve the environment where possible.
- Mr. Bartlit views the group as an advocate for environmental improvement. Ms King did not believe that the CEWG was an advocacy group at all. Mr. Littlejohn pointed out that the discussion was about what the group could be, not necessarily what it was currently. He said the group currently strives for environmental improvement and promote dialogue about how to accomplish environmental improvement.
- Mike Williams stated that he did not believe Intel getting a major source permit would improve the environment. A major source permit would allow Intel to emit more pollutants, not less. Major source permits are for companies that emit more than 100 tons per year. The minor source permit limits Intel emissions to 100 tons. Advocacy should be for environmental improvement, not for changing the type permit. Mr. Williams asked for more information on the implications of switching from a major source to a minor source permit.
- Hugh Church felt that the group had a problem with communications. The public is not getting the information from the group that it needs and should not be seen as a cheerleader for Intel. Mr. Littlejohn asked Mr. Church what the group should do. Mr. Church agreed that striving for continuous improvement in reducing emissions was a good mission, but was concerned that the public wanted an instantaneous fix to the problems. He believed that the public thinks that changing from a minor source permit to a major source permit would provide that instantaneous fix, which it wouldn't.
- Mr. Bartlit suggested that the group write a letter to the EPA to get their perspective on the differences between minor source and major source permits. The group needs this information before it discusses the issue.
- Ms King responded by saying people who have been involved with Intel for years knows that when Intel had a major source permit, they (Intel) had to report emissions on an hourly basis.
- Sarah Chavez pointed out that under the old major source permit Intel had to report more hourly emissions than what they have to do under their new permit, but the reason Intel requested the hourly monitoring be removed was because there was no regulatory basis for



the reporting. Under a new major source permit, NMED could not impose new hourly emissions reporting, because there is no regulatory requirement for Intel to do that.

- Ms King asked why hourly limits were in the old permit. Ms Chavez responded that she thought NMED imposed limits in the 1970s and 1980s, but that they backed away from them because of pressure from companies all over New Mexico and it was not supported by the EPA regulations. For example, there is no regulation that requires an hourly limit on VOCs.
- Jami Grindatto raised the point that by focusing on the permit, the community was doing itself a disservice by limiting avenues of change. The concern by the community is that Intel emits pollutants in large volumes for small increments of time. The group should focus on fixing that problem, rather than being distracted by changing the permit, which may or may not solve the problem.
- Ms King responded that all Intel had done was to show reductions in emissions by using emission factors, some of which are reduced to zero and the public knows that there are not zero emissions. Mr. Bartlit stated that there are two types of emissions: calculated emissions and actual emissions. The group is only concerned with the actual emissions, and only takes credit for actual reductions in emissions.
- Mr. Grindatto asked the group if there were other, better avenues to explore in reducing emissions than changing the permit.
- Mr. Williams pointed out that typically the way NMED would set the level of acceptable hourly emissions would be to base them on operations when the thermal oxidizers were off-line. The methodology for establishing hourly emissions levels would actually increase the allowable emissions.
- Mr. Grindatto suggested that the task for the public was to determine what was coming out of the Intel stacks and go to the EPA and get regulations putting limits on those compounds.
- Ms King said that there was already documented evidence of what is coming out of Intel stacks. She agreed to provide FTIR data to Mr. Bartlit.
- Mr. Littlejohn summarized the discussion of effectiveness and the mission of the CEWG and pointed out that there were no significant changes in mission, organization, or funding discussed during the hour. He asked whether there were any concerns about mission, organization and funding – none were expressed.

#### **ACTION ITEMS FROM THE DISCUSSION:**

- 1. John Bartlit will write a letter to EPA requesting information on differences between major and minor source permits.**
- 2. Roberta King will provide FTIR data to John Bartlit.**

#### **CITIZEN PROTOCOL REPORT:**

Mike Williams provided the report on the Citizen Protocol. Changes from the last meeting included a description of the contracting process and what was required from vendors and how to get a legal review of the protocol. The CEWG cannot contract for management services or receive grant funding because it has no legal standing. Currently the subcommittee is exploring possible fiscal agents with legal status.

- Teresa Fleming asked who was present at the last committee meeting. Mr. Williams, Mr. Pineda, Ms. Wrage, Mr. Littlejohn, and Mr. Bartlit were in attendance.

- Mr. Williams said they discussed getting the New Mexico Environmental Law Center to review the document or the Public Law Institute.
- The document is as complete as the committee can make it at this time. Now it is time to get additional feedback. All feedback to date has been accepted and the necessary changes have been made.
- Mr. Church requested a change in the wording on page three of the progress report, last paragraph. He asked what was meant by the term *misappropriated* as applied to reporting results. The group agreed that a better word would be *misrepresented*.
- Ms Fleming asked about the process to finish the Protocol? Mr. Williams said the committee agreed the document was ready and would pass it to the CEWG where the CEWG would try to get feedback from as large an audience as possible. Once the CEWG was satisfied they have received as much input as they are going to get, they will approve the document by consensus.
- Mr. Bartlit asked whether Intel was on board with the Protocol. Mr. Grindatto said Frank Gallegos had been coordinating with people at Intel and that by the time the document is approved by the CEWG, Intel will be on board and support it.
- Hugh Church asked whether Intel's legal group had reviewed the Protocol. Mr. Grindatto responded that they might not want that much help from the lawyers. The lawyers had been given some insight, but a formal review might not be useful.
- Mr. Grindatto pointed out Intel's dilemma was that whatever they touch raises a flag with some of the critics, but if they do not participate it raises other flags with other interest groups. He could save a significant portion of his budget if he did not have to pay for these efforts, but he felt it was important work and should be supported. There needs to be a balance as to how much Intel can do to support the Protocol. He asked for guidance on whether people thought Intel was supporting the effort too much or too little.

#### **ACTION ITEMS FROM THE DISCUSSION:**

3. Stephen Littlejohn will improve the wording of the last paragraph on p. 3 of the progress report.
4. Stephen will also seek a legal review through the New Mexico Environmental Law Center.

#### **EHS REPORT**

Mr. Gallegos gave a quick update.

- Plant status was at 76 percent, reduced because of soft demand.
- Q4'06 VOC monitoring is complete and the report has been submitted to NMED. Ms King asked if the report could be put on the website. There was some concern that the file was too large, but Mr. Moen will evaluate whether the file might be compressed.
- NMED conducted a joint hazardous waste inspection June 26-29, 2006. During that inspection they found a mistake on one of the LRD forms that identified mop water that contained potential residual arsenic as non-wastewater but should have been identified as wastewater. The mop water was disposed of properly, but the form was incorrectly labeled. Intel corrected the label, but NMED filed a Notice of Violation. The EPA Region 6 participated in the hazardous waste inspection, but they have not completed their inspection report.
- Mr. Grindatto asked how often the inspections were accomplished. Mr. Gallegos responded that the inspections were done every 3 to 4 years.



- Ms King asked when the inspection took place and why there was such a delay in getting the report. Mr. Bartlit pointed out that the delay highlighted another dilemma. If the public wants NMED and the EPA to perform oversight of Intel emissions, neither organization has the staff to respond quickly to anything. The CEWG is in a position to exert more influence than either the NMED or the EPA because it has numerous concerned people who will raise the issue in a more timely manner.
- Mr. Williams asked whether the Ultra Violet Flame Detector replacement on the January 9th unscheduled downtime was the same cause as previous unscheduled maintenance events. Mr. Gallegos said that it was not. He went on to say that the maintenance technicians were reviewing their procedures and evaluating their troubleshooting guides to standardize their efforts so that everyone would use the same procedures. This was working to reduce unscheduled downtimes and was in part an outcome of questions raised by the CEWG.
- Mr. Bartlit asked how valuable the EHS report was to the community. Mr. Grindatto said they would continue to publish the report and the CEWG could use the report how they see fit. The consensus of the group was that the reports were a valuable source of information.
- Ms King asked about the scheduled downtime on the 17th to the 18th of January and why there was not more detail. The scheduled downtime started at 3 AM on the morning of the 17th and the units were still down. More information would be made available in the next month's EHS report.
- Ms Fleming pointed out that during the December 29 and 30 power outages the numbers might not accurately reflect the emissions. Because of the inclement weather, operations and maintenance personnel could not get to the plant, so the plant was shut down during those times meaning actual emissions would be less than those reported.

#### **ACTION ITEMS FROM THE DISCUSSION:**

- 5. Intel will put the Q4'06 VOC monitoring report available on the website.**

#### **ADDITIONAL DISCUSSIONS:**

Ms. Chavez gave an update on what she found in her research of Title V (major source) requirements.

- Title V requires a semi annual report and an annual compliance certification whereas the minor source permit does not. Those are the only regulatory reporting differences.
- Intel has more reporting requirements under the minor source permit to show compliance than it would have under a major source permit. The reporting under the minor source permit must show that Intel emissions are below the major source thresholds.
- Both NMED and the EPA must review Title V permits. Minor source permits do not require an EPA review, but the EPA reviewed Intel's permit. Mr. Bartlit requested the report from that review.
- Major source permits do not have limits on HAPS and VOC emissions.

#### **NEXT MEETING**

- Wednesday, February 21, 2007

#### **Future Topics:**

- Revisiting the permit issue
- PNM presentation (30 minutes at next month's meeting)
- Presentation by Larry Webb, Rio Rancho Utilities
- Ongoing discussion of Citizen Protocol

- Noise issues
- Panel on epidemiology & report from USATSDR
- Water quality/quantity
- Continued cooling tower discussion
- ISO 14,000
- Emergency response