

## **DRAFT MEETING SUMMARY**

### **Community Environmental Working Group**

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#### *“Striving for Continuous Environmental Improvements at Intel”*

**Date:** September 18, 2013  
**Time:** 5:00–7:00 p.m.  
**Location:** Corrales Senior Center

#### **Members Attending**

John Bartlit, NM Citizens for Clean Air & Water	Sarah Chavez, Intel
Hugh Church, American Lung Assc. in NM	

#### **Non-Members Attending**

Lynne Kinis, Corrales resident	Dennis O’Mara, Corrales resident
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#### **Facilitator**

Stephen Littlejohn, Facilitator	CJ Ondek, Recorder
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#### **HANDOUTS**

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| ▪ Draft Agenda                             | ▪ CEWG Planning Update           |
| ▪ Draft Meeting Summary August 2013        | ▪ CEWG Accomplishments           |
| ▪ Action-Item Progress Report              | ▪ HF Preliminary Progress Report |
| ▪ EHS Activity Reports                     | ▪ Code Red Report                |
| ▪ Media reports and articles, as available |                                  |

#### **PROPOSED AGENDA**

- |   |                        |
|---|------------------------|
| ▪ Welcome, Introductions, Announcements and Brief Items | ▪ Code Red Report      |
| ▪ EHS Report, EPA 114 and Permit Updates                | ▪ CEWG Accomplishments |
| ▪ Permit Process  | ▪ Additional Business  |
|   | ▪ Adjourn              |

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## **WELCOME, INTRODUCTIONS, ANNOUNCEMENTS, AND BRIEF ITEMS**

John Bartlit opened the meeting by stating the CEWG mission, which was to work towards continuous environmental improvements at Intel and improved community dialogue. Introductions were made.

### Agenda—Revisions and Approval

Stephen Littlejohn said there was a change in tonight's meeting agenda. The Code Red report was not yet ready but would be so in October. Dennis O'Mara said that a Code Red alert was issued recently for a missing child with autism. The alert asked recipients to look out for the child and gave a description of both the child and situation. When the child was found, Code Red sent a message saying he was found. The child wandered from Sage Brush and Loma Larga in Corrales to Guadalupe and Alameda, where he was found.

### Meeting Summaries—Revisions and Approval

No comments.

### HF Modeling Update

John Bartlit said Mike Williams was traveling internationally. He said Mr. Williams wrote a preliminary HF progress report, which was included with the meeting handouts. This preliminary report was not for publication, but the point was to make people aware of his progress.

### Facilitator Recruitment Update

Stephen Littlejohn said a handful of excellent candidates had applied for the facilitator position. Interviews would occur in October, with November and December listed as orientation and training. The screening committee consisted of Intel staff: Sarah Chavez, Natasha Martell, and Liz Shipley. Stephen Littlejohn would not be on the screening committee since he knew many of the applicants.

### Other announcements

- John Bartlit reported on his conversation with Peter Kowalski of ATSDR, which occurred on Friday, September 13. Mr. Bartlit said Mr. Kowalski had proposed to his supervisors to be relieved of his other duties so he could work on the Intel report until it was completed. No one had objected to his proposal, and he did not give a timeline on when he would complete it. After the report was finished it would go to the EPA, the NMED, and the NM Department of Health simultaneously, and they would have three weeks to comment. The final report would not be discussed with Intel or local citizens before it was issued. No one had told Mr. Kowalski what to write in the report. He would call Mr. Bartlit on Friday, October 11 to give him an update on the report's progress. Mr. Bartlit said Mr. Kowalski was serious about completing the report. Why it wasn't done before, Mr. Bartlit said he didn't know.

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Prepared or presented by: CJ Ondek & Stephen Littlejohn

Prepared for: CEWG

Date prepared or presented: October 7, 2013

- John Bartlit said Robi Shields was travelling but had been doing Internet research for the CEWG on different chemical sensors that might be of interest for different kinds of monitoring. He was researching a category of monitors typically not used for regulatory or environment purposes but to warn workers or communities about excessive levels of a particular substance. These devices measured specific compounds and included an alarm to alert workers to evacuate the workspace when the reading went above a designated level. Sarah Chavez said it sounded like devices Intel looked at previously to detect system leaks.
- Dennis O'Mara said he would accept the offer to join the CEWG effective October 2013.

#### Public Comment

- Hugh Church said his *Physics Today* magazine had an article about nanotechnology and wondered what the potential was for monitoring.
- John Bartlit said Roberta King had emailed him to say she was going to miss today's meeting because she was having cataracts surgery. He believed it was the first time she had missed a meeting since 2004.

#### **EHS REPORT, EPA 114 UPDATE**

Sarah Chavez said it was a quiet month at Intel. There were no inspections or meetings and no calls. The construction cranes would be on site until November 8, doing the repair of the general exhaust ductwork. However, since the report was written, several things had happened. There was an odor complaint at Zone 2 on September 11; this person said they had smelled the same odor every day for 10 years at 7:00 am and/or 2:00 am. Zone 2 was located immediately below Intel. The odor varied but was mostly ammonia-like. Symptoms included headache and burning eyes. It was the first time this person called. Ms. Chavez said she had followed up with onsite activities and did not find anything amiss. She said she hoped Lane Kirkpatrick would investigate, and she would send him an email asking him to do so. She had the person's name, and they wanted to keep it secret so she would respect their privacy; but she could share the cross street where the odor occurred. Ms. Chavez said the wind did not blow the same direction every day at a specific time, so she thought the complaint was interesting. She said she would put the complaint call on next month's report.

**ACTION ITEM:** Sarah Chavez will email Lane Kirkpatrick asking him to investigate an area in Zone 2 at 7 am for odors.

- Sarah Chavez said on Saturday, September 14 three Munters units failed and went into bypass for 30 hours due to rain and moisture in the system. It occurred during a period of extreme rain. Two units actually went down, but the one left standing couldn't handle the load. Ms. Chavez said she would put the details into next month's report. There were no

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odor complaints during that period. The equipment failure was due to rain and moisture. Technicians will now have to figure out how to keep moisture from getting into the system.

- Dennis O'Mara said he had his own odor incident at 2:00 am on September 16, and it smelled like burnt coffee, skunk and old cigar smoke. The incident lasted about 2 hours. The swamp cooler was not on, but the windows were open. He did not investigate the weather.
- John Bartlit asked if Ms. Chavez had heard anything about the Chandler, Arizona, incident. Ms. Chavez said she hadn't heard anything but would follow up.
- Lynne Kinis asked for the command hotline number. Ms. Chavez said it was 893-9904. Ms. Kinis said that the water flow down Intel's hill from the weekend storms devastated her neighborhood even worse than on July 27. The person from Pueblo Luceros dedicated to looking into it had not done so yet.
- Ms. Kinis added that she recently became aware of information that she did not see on any EHS report, and this information was that in the last two or three months, Intel's factory was shut down for a 24-hour period because the exhaust fans were not working due to acid erosion. She asked why it was not on a report. Ms. Chavez asked if perhaps she was referring to the general exhaust failure in February, when something similar happened. Acid had leaked on to a duct, and the factory shut own for the day. Ms. Kinis replied that Intel did not deal with this issue until people started to get sick, so it was shut down for a day. Ms. Kinis asked in which factory the February incident had occurred. Ms. Chavez said there was only one factory on site: Fab 11 X, also referred to as North X, Bridge or Fab. Ms. Chavez said in February, Intel evacuated people from area were the exhaust system served, which was the North X area, and limited production until it was resolved. The discussion about this incident was most likely on the March Meeting Summary, and she had given a verbal update in the February meeting. Ms. Chavez said she would follow up about it. Ms. Kinis said she would follow up as well.
- Lynne Kinis also inquired about Intel's downsizing, which was reported in a few news outlets. Stephen Littlejohn asked if the downsizing would affect production level. Ms. Chavez said no. The downsizing would be 400 people from across the board.
- Sarah Chavez said there were two calls about the rain, and these calls would be included on the EHS report next month. It was the same person calling about the July event and another person.

- Ms. Kinis said the Village's front loader was working all day Sunday to dump the dirt were the water was supposed to drain. People could not get out of their driveways. Ms. Kinis asked if there was anyone her condo could call about the rain damage. Ms. Chavez said that she and Natasha Martell usually dealt with these kinds of calls, but calling the command center first would document the call, and they would forward the information to Ms. Chavez to handle.

### **INTEL PERMIT UPDATE**

Sarah Chavez revisited the issue of Intel's Title 5 permit. Because Intel was now considered a major source for greenhouse gases, they were required to get a Title 5 permit. In a Title 5 permit, all requirements were put into a single document. A Title 5 permit was also referred to as an "operating permit." NMED used a template for this permit that was broken into three parts: Part A contained the facility requirements for each type of equipment including applicable regulations, regulated sources and control equipment, allowable emissions, and reporting schedule; Part B contained general conditions, report submittal time, general monitoring, recordkeeping and reporting requirements, and general testing requirements; and Part C listed miscellaneous definitions and acronyms. Ms. Chavez said NMED was very strict about sticking with the way things were written in the template as a way to control consistency. Also, state rules copied federal rules.

- John Bartlit asked who dictated the terms of the permit—did Intel say what they were going to do or did the EPA tell them what they would do. Sarah Chavez said it was a little bit of both. The process started first with Intel's existing NSR permit, which was put into a Title 5 template for review to see if it met Title 5 requirements for monitoring, recordkeeping, reporting, etc.
- Sarah Chavez said what was different about Title 5 was that Intel exceeded the major source threshold only for greenhouse gases, and all other pollutants were considered at minor source levels. However, all pollutants would be regulated as if they were above major source thresholds. The Title 5 permit contained additional requirements, with the key one being an annual certification that Intel was in compliance with all permit requirements. The Title 5 permit was renewed every five years. The other difference was that the current NSR (New Source Review) or construction permit did not expire, so Intel would eventually have two permits: the new Title 5 permit, and their existing permit NSR/construction permit. If Intel had to add new equipment, they would have to modify both permits.
- John Bartlit asked if there were lawsuits around the greenhouse gas rules. Sarah Chavez said there were already rules in place on the books, and Intel was obligated to comply as a major source for greenhouse gases.

- Lynne Kinis asked for clarification on minor source pollutants being regulated at major source thresholds. Intel had one permit that was minor source, and then another that said major source threshold and she asked which permit applied. Ms. Chavez showed a slide with Intel's annual permit emission limits for pollutants at the minor and major source levels. The minor source limits were below 100 (except for greenhouse gases) and would remain the same—at minor source levels—in both the Title 5 and NSR permits. The major source threshold was higher than 100 and a nationally delegated number. Ms. Chavez said that if Intel wanted to raise these emissions numbers, it would require a permit change.
- Ms. Kinis said what she understood was that Intel could go over the minor source number up to 100 and still be ok. Ms. Chavez said no, that was not the case. What she was trying to convey was that regardless of what the permit limit was, the Title 5 permit conditions would treat all emissions as if they were a major source even if the numbers were below the 100 threshold, and that this applied to how the information was reported and how Intel demonstrated compliance. In actuality, Intel's emissions were much lower than the numbers allowed for in the permits. Actual Intel emissions numbers for some pollutants were in the 30s (the highest) and some pollutants were even less. Ms. Chavez said that the highest emissions numbers Intel had reached was in the 50s and 60s. Intel had worked to reduce the actual emissions over the years. Ms. Chavez clarified that these emissions levels were after abatement. For greenhouse gases, Intel had exceeded the major source threshold, which was 100,000 tonnes. The Title 5 permit allowed Intel to exceed above the 100,000 tonnes for greenhouse gases.
- Ms. Kinis said she found it interesting that Intel could have no abatement for several days in a row and not go over the designated abatement level. Hugh Church said it was based on annual average. Ms. Kinis said she was under the impression that the EPA would be fining Intel for going over the greenhouse gas limits. Mr. Bartlit said most industries were over this threshold, which was why there were so many lawsuits.
- Stephen Littlejohn asked if the permits were to design or just to report and perform, because it seemed that there were no consequences for going over the limits. Ms. Chavez said there were consequences. If Intel went over what they had listed on the permit, they would be fined. She also pointed out that thresholds were different than limits. Ms. Chavez said the greenhouse gases was a brand new category, and Title 5 was a fairly new permit process as well, established sometime in 1994 or 1995. Intel had made a conscious decision at that time to set lower thresholds in which to keep emissions below, which was why they did not have a Title 5 permit over the years. With greenhouse gases, it was not possible for Intel to apply abatement techniques to reduce greenhouse gas emissions. She

said that Intel's greenhouse gas emissions were a small percentage compared to what power plants and other industries emitted.

- Stephen Littlejohn asked if Intel would have to monitor more frequently as a major source permit holder. Sarah Chavez said that was not necessarily true. In fact, there was more monitoring required as a minor source to show that they did not exceed threshold. Mr. Littlejohn asked if Intel would be given credits for offsets, such as applying solar panels. Ms. Chavez said that offsets did not apply in this area.
- Lynne Kinis commented how did anyone really know what Intel emitted because Intel submitted their own emissions numbers, and that this process was asinine. Ms. Chavez replied that was the way everyone else did it. John Bartlit added that there wasn't enough money for a third party to monitor all of industry.
- Sarah Chavez explained the Plantwide Applicability Limit (PAL) option with Title 5, which was to set a cap limit for greenhouse gases. EPA set the PAL requirements as well as the 10-year permit that went along with it. EPA had default emission factors set for certain industries, and those emission factors were based on the same type of testing Intel and other semi-conductor corporations used to test emission factors for HAPs and VOCs. This PAL option would be included in Intel's Title 5 permit.
- Sarah Chavez discussed the Title 5 timeline. Intel's Title 5 permit submittal due date was July 1, 2012. Intel then submitted the PAL option application in January 2013, which modified the permit request. Now NMED will issue the draft permit for 30-day public comment period, which will most likely happen in the next two or three weeks. NMED has until December 2013 to issue the Title 5 permit. The EPA also has 45 days to comment on Intel's Title 5 permit. Dennis O'Mara asked if the issuance of the draft permit also went out to interested organizations. Ms. Chavez responded that she thought the NMED's standard process was to place a notice in newspaper legal sections, and she wasn't aware if NMED was required to place an advertisement as well for people who did not read the legal sections. She also clarified that the 30-day public comment and 45-day EPA comments periods could overlap. Mr. O'Mara pressed on whether interested organizations would have the opportunity to learn about this timeline. He said he could see a scenario where the 30-days passed and no one commented because they were unaware of the opportunity. Ms. Chavez said the regulatory process drove the timeline, and there was no formalized process that she was aware of where NMED notified stakeholder organizations; interested parties followed NMED's communication process. Intel brought the issue to the CEWG as a way to communicate about the process. John Bartlit said the CEWG had a budget and could help publicize the issue through placing ads, and the CEWG represented the closest thing to a stakeholder group for Intel.

- Stephen Littlejohn said that last year at a CEWG meeting NMED's representative said he would plan a public meeting about the Title 5 permit in conjunction with a CEWG meeting. He suggested these options for the CEWG to communicate about the public comment period: 1. Place an ad, and 2. Send out a newsletter that went to 70 of the most interested people. Sarah Chavez said she would notify Mr. Littlejohn when NMED sends the notice that opens the 30-day comment period. He asked if there was any objection to sending the newsletter announcing the 30-day comment period. No one objected.

**DECISION:** All present agreed to Stephen Littlejohn sending out a CEWG newsletter announcing the 30-day comment period.

**ACTION ITEM:** Sarah Chavez will send Stephen Littlejohn the NMED 30-day comment period notice when it is released.

- John Bartlit said the bottom line was that Intel emission limits for the things CEWG cared about would not change. Intel had decreased emissions well below the limits, and he would like to see that continue. The new permit would not affect these issues.
- Sarah Chavez said that with greenhouse gas emissions under the federal PAL program, the EPA had specific ways to calculate the greenhouse gas emissions numbers. The monitoring and record keeping are well defined in federal regulations. John Bartlit said the best way to reduce greenhouse gases is reducing fuel use and using alternative fuels. He asked how much of Intel's greenhouse gas emissions were from fuel burning versus process. Ms. Chavez said she'd have to check, but the fuel was less than the process. Intel as a company had a policy around and agreed to reduce greenhouse gas use. She suggested looking at the Intel Corporate Responsibility Report that outlined Intel's steps to reduce greenhouse gases as a corporation.
- Stephen Littlejohn asked the group if there was anything else they wanted to do around the public comment period. Lynne Kinis suggested inviting NMED for a public comment during the meeting or on their own time. Stephen Littlejohn asked the group for their feedback on that idea. Hugh Church suggested having NMED tell the CEWG how they looked at implementing public comments—would they actually take the public response into account? Sarah Chavez reminded that NMED was taking the existing permit and looking at it in terms of Title 5 format. Intel expected little or no changes to monitoring or reporting as it was because the NSR permit was designed to have it in place.
- Stephen Littlejohn said the question was whether it was valuable to invite NMED and would it have a positive impact as part of public input; it was a question of how the CEWG wanted to use their time. John Bartlit said he did not think it would change anything. The greenhouse gas issue was much bigger than Intel, and everything was

going to stay the same. Dennis O'Mara said it was an opportunity to tell NMED about ways to revise their communication process to be less stealthy and more transparent. Rather than encourage comments, it almost looked like NMED was trying to avoid comments. Mr. Bartlit said that NMED staff attending the meetings meant accruing overtime, NMED's budget was constrained, their job was to meet the federal EPA rules of which they had no control over, and he felt the CEWG accomplished more through talking rather than through the regulatory process. Also, forces want permitting, inspection and enforcement to be inefficient because of their self-interests, and these were powerful lobbying forces, so nothing happened in terms of change. Regulatory engineering, which streamlined the regulatory process, would make the system more efficient. Viewed as a system, the rules and inspections naturally were tied together but never looked at that way. Too many lawyers, rather than engineers, were involved and wrote rules separately and disconnected rendering the regulatory process inefficient and cumbersome.

- Stephen Littlejohn said individuals could write their own comments to NMED. He said he would put the information in the CEWG's October monthly newspaper ads as well. Everyone agreed. Sarah Chavez said the name of the new NMED Intel permit writer was Daren Digich.

**ACTION ITEM:** Sarah Chavez will send Stephen Littlejohn the PowerPoint to place on the CEWG Web site.

### **CEWG ACCOMPLISHMENTS**

- Stephen Littlejohn said he had compiled all the CEWG accomplishments over the years into a report, and he did not include softer accomplishments that were not environmentally related. He listed the accomplishments chronologically to help the new facilitator learn the group's history. Also, the list included qualifications such as who deserved credit for an action. The CEWG had approved the list of accomplishments. The two issues the group needed to discuss were: 1. Were there any changes to the document and 2. What did they want to do with the list? The listed accomplishments ended in 2011, because all actions after that were still in progress.
- Lynne Kinis asked who would receive the newsletters. Mr. Littlejohn said about 70 people were on the list, and the newsletter was sent electronically. Ms. Kinis said she thought it was a good idea to send the list through the newsletter.
- Sarah Chavez referred to comment 15, "Intel automated its biocide use." She said it was related to the CUB cooling towers. Comment 15 needed clarification. She also said she was not sure about why comment 16 was listed, because Intel had always used recycled water in its cooling towers as a way to reduce water use. Stephen Littlejohn said he would go back and check, and they could cut comment 16 if it no longer applied.

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- Sarah Chavez said comments 6 and 7 were tied to comment 11, which was tied to comment 15. These comments had to do with reducing odors, which were connected to biocide use.
- Dennis O'Mara asked if there were any interim accomplishments for 2012-13 or actions in progress. John Bartlit said they could include the HF study, Code Red report, and communicating with Peter Kowalski. These were not accomplishments but works in process. Sarah Chavez said ATSDR should be left out of it since the CEWG wasn't actually doing anything with the ATSDR to make changes. Stephen Littlejohn said the ATSDR impacted CEWG work, such as the crystalline silica and HF studies.
- John Bartlit said they could send the list to the ATSDR, EPA, NMED, Intel management, local and elsewhere.
- Dennis O'Mara suggested sending the list to Corrales Village Council, City of Rio Rancho, Sandoval and Bernalillo Counties, and City of Albuquerque.

**DECISION:** All agreed to send the list of accomplishments to various locations, and to include a section that lists "actions in progress."

- John Bartlit said sending the accomplishments list to Intel management furthered the chances of increasing progress with Intel. Lynne Kinis agreed.
- Hugh Church asked for clarification on Intel staff duties. Sarah Chavez said Natasha Martell was handling media and public relations, whereas Liz Shipley was doing more government and school relations.
- John Bartlit said he wrote an Op-ed piece about CEWG progress that was published in the *Albuquerque Journal* in 2011, and he would send this out for historical interests.

### **CEWG PLANNING**

Stephen Littlejohn summarized the progress the group made around CEWG planning for 2014. They had identified three focus areas: 1. Completing current projects; 2. Scoping the information environment; and 3. Scoping the community by sponsoring focus groups.

- John Bartlit asked if there was an RFP posted for the facilitator job. Stephen Littlejohn said he posted it in the newsletter and sent it to NM Mediation Association and UNM mediation list servs.

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- Stephen Littlejohn asked if there was anything else to discuss for next year. For example, did they want to keep the current meeting structure, what about creating task groups or smaller committees that met independently? What were the possibilities?
- John Bartlit said it might be more convenient for some people to meet in smaller committees.
- Mr. Littlejohn said he reserved this meeting space through 2014. The time available to the CEWG on the third Wednesday is 5:00 – 8:00, and this time can be used as the group wishes.
- John Bartlit asked if the CEWG had spent all the money in its 2013 budget. Mr. Littlejohn said once Class One billed them for the HF study, there would not be that much money left.
- Dennis O’Mara asked if the defined focus areas were limited. Stephen Littlejohn said no, new things would come up. Also, he said that they could have focus group sessions in the senior center. They could schedule several in one evening. Mr. Littlejohn said the facilitator could organize and lead the focus groups. There were a variety of possibilities.
- John Bartlit asked Mr. Littlejohn to what extent he was available for consultations. Mr. Littlejohn said he was always available for consultations, since he was not going anywhere as well as be available to the new facilitator should he or she need support.

## **MEETING ADJOURNED**

## **DECISION SUMMARY**

1. The CEWG newsletter will be sent announcing NMED’s 30-day comment period on Intel Title 5 permit.
2. The CEWG list of accomplishments will be sent to various locations and include a section that lists “actions in progress.”

## **NEXT MEETING**

October 16, 2013, 5 to 7 p.m., Corrales Senior Center

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