

General



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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OCT 04 2002

Mr. Theodore Taylor  
Program Manager  
Department of Energy  
Los Alamos Area Office, MS A316  
Environmental Restoration Program  
Los Alamos, NM 87544

2002

RE: Comments on the LANL Land Tracts (with Supporting Documents) to be transferred to Los Alamos County, the Pueblo of San Ildefonso and the New Mexico Highway Department

Dear Mr. Taylor:

EPA has completed its review of the above mentioned documents from the Department of Energy (DOE). DOE proposes to transfer ten parcels of property to the following parties: Los Alamos County (7 parcels); the Department of Interior (DOI) to be held in trust for the Pueblo of San Ildefonso (2 parcels); and, the New Mexico Highway Department (1 parcel).

The tracts to be transferred consist of the following: Tract A-3, part of the Airport Tract (to Los Alamos County); Tract A-12, part of Los Alamos Area Office Tract (to Los Alamos County); Tract A-19, part of the White Rock Tract (to Los Alamos County); Tract B-2, part of the TA-74 Tract (to San Ildefonso Pueblo); Tract B-4, part of the White Rock "Y" Tract (to San Ildefonso Pueblo); Tract C-1, part of the White Rock Tract (to the New Mexico Highway Department); Tract A-17, part of the TA-74 Tract (to Los Alamos County); Tract A-6, part of the Airport Tract (to Los Alamos County); and, Tract A-9, part of the DP Road Tract (to Los Alamos County). Enclosed are EPA's comments pertaining to the transfer of the parcels identified.



Should you have any questions regarding the comments, please feel free to contact Mr. Rich Mayer at (214) 665-7442.

Sincerely,



Laurie King, Chief  
New Mexico and Federal  
Facilities Section

Enclosure

cc/James Bearzi, NMED  
John Gonzales, Governor, San Ildefonso Pueblo  
Rob Barker, Bureau of Indian Affairs  
Neil Weber, San Ildefonso Pueblo  
Fred Bruggeman, Los Alamos County

## **Comments Regarding the Proposed Transfer of Ten Tracts at LANL**

**General Comment:** For each tract of land being transferred, a deed (or agreement in the case of transfer to the Department of Interior) needs to be included in a revised transfer package which contains the proper CERCLA Language and/or any deed restrictions to the property. For example, if a site was cleaned to industrial standards, then the deed would need to restrict the land from residential use (houses, day care, etc.). Note: Current NMED policy only allows for residential cleanup.

**General Comment:** Were public participation procedures implemented for each tract?

**Informational Comment:** For all tracts, there will need to be a RCRA permit modification to change the boundaries of the facility. For tracts which contain SWMU's in the RCRA permit, LANL will need to propose a remedy selection for each SWMU to NMED. In other words, each SWMU will require either: no further action, cleanup, monitoring, or combination thereof. Remedy selection is a Class III permit modification, which includes public participation. The timing on when to initiate the permit modification process, before land transfer or after, is NMED's decision.

### **Tract A-3**

No major comments regarding this tract. The property is acceptable for transfer. The State will need to concur that the property does not have environmental contamination as defined by CERCLA 120 (h) (4).

### **Tract A-12, LAAO-1 (East)**

DOE needs to include the sampling data in a revised transfer document so that EPA can determine if the voluntary cleanup performed on the Potential Release Site is adequate and acceptable for transfer.

### **Tract A-19, White Rock-1 Tract**

The document mentions that this tract has been sampled in an investigation conducted by the Environmental Restoration Project. According to the document, the sampling found no contaminants in the sediments sampled. Please include those results in a revised transfer document so that a determination can be made by EPA.

### **A-17, TA 74-1 West Tract**

From reading the document, it is unclear whether the human health risk screen for all contaminants (chemicals and radionuclides) were less than 10<sup>-5</sup> for residential land use. If the risk is greater than 10<sup>-5</sup>, a restriction should be placed in the deed prohibiting residential land

use. Please clarify in a revised transfer document so that EPA can make a determination.

**Tract B-2, TA 74 and B-4, White Rock Tract**

For these tracts, please see comments from the August, 28<sup>th</sup> 2002 letter from Laurie King to Ted Taylor regarding the draft Covenant Deferral Package. It should be noted that EPA is not legally required under CERCLA 120 (h) to concur on land transfers from one federal agency to another. EPA's comments on these tracts were made as a courtesy to the interested parties.

**Tract A-6, Airport Tract**

No major comments regarding this tract. The tract is acceptable for transfer. The State will need to concur that the property does not have environmental contamination as defined by CERCLA 120 (h) (4).

**Tract A-9, DP Road Tract**

DOE needs to include the sampling results in a revised transfer document so that EPA can make a determination. Also, please include the land use designation (industrial, residential, etc.) and whether any restrictions need to be placed in the deed.

**C-1, White Rock Tract**

The document mentions an investigation was performed and that no contaminants were found in the sediments. Please include the results in a revised transfer document so that EPA can determine the suitability of this parcel for transfer.