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December 10, 1996

Dean Triebel, Document Manager
Los Alamos Area Office
528 35th Street
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Los Alamos, N.M. 87544

Dear Mr. Triebel:

RE: ENVIRONMENTAL ASSESSMENT FOR THE TRANSFER OF THE DP ROAD TRACT TO THE COUNTY OF LOS ALAMOS, LOS ALAMOS, NEW MEXICO (DOE-EA-1184), PREDECISIONAL DRAFT; U.S. DEPARTMENT OF ENERGY, LOS ALAMOS AREA OFFICE; NOVEMBER 15, 1996

The following transmits New Mexico Environment Department (NMED) staff comments concerning the above-referenced Predecisional Draft Environmental Assessment (PDEA).

A. HAZARDOUS AND RADIOACTIVE MATERIALS ISSUES

1. Affected NMED Laws and Regulations

The Department's Hazardous and Radioactive Materials Bureau (HRMB) is responsible for enforcing and ensuring compliance with the Resource and Conservation Recovery Act (RCRA) within the State of New Mexico. The Department of Energy (DOE)/Los Alamos National Laboratory (LANL) is currently implementing Corrective Action through the Environmental Restoration (ER) program as required by RCRA Sections 3004 (u) and (v), 40 Code of Federal Regulations Parts 260-280, and by the New Mexico Hazardous Waste Management Regulations found in Title 20, Chapter 4. The proposed land transfer could possibly impact current RCRA investigations and potential remedial actions at the following Potential Release Sites (PRS): PRS 0-010(a), PRS 0-030(b), and PRS 21-015.

2. Specific Impacts

PRS 0-010(a) is a suspected surface disposal area which is an Area of Concern (AOC) not listed on the HSWA permit and has been proposed for No Further Action (NFA) in a Request for Permit Modification dated March 1995. NMED has reviewed the information presented for NFA justification and does not agree that information exists to determine if NFA can be justified or if the site should



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HSWA 1/10/10 - 010(a)

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be added to the HSWA permit. Stockpiles of 10 foot long objects are seen in 1946 photographs by which DOE/LANL concludes, "the objects in the photographs are rows of supplies stored in containers that are considerably larger than 55 gallon drums and because these containers have no characteristics that indicate that they are associated with potentially hazardous materials, it is recommended that no further action be taken." HRMB is concerned that characteristics are being determined for unknown objects and decisions regarding NFA are being made from such information. Also, the close proximity to PRS 21-015 (MDA-B) from PRS 0-10(a) and the history of disposal practices at LANL during this period lend to suspect the nature of the stockpile. HRMB intends to issue a Notice of Determination (NODT) on the March 1995 Request for Permit Modification to DOE/LANL which would convey this information.

PRS-0-030(b) is a septic system/leach field and a SWMU which is on the HSWA A permit. This site was initially investigated July 26, 1995 during which antimony, copper, lead, mercury, silver, zinc, plutonium-238 & 239, and Aroclor (1260) were found at levels which indicate a potential for adverse human health effects (LANL RFI Report, May 1996). A Voluntary Corrective Action (VCA) has been conducted, however, the results of the clean-up and verification sampling have not been submitted to HRMB for review. Thus HRMB can not determine if additional work is needed at this SWMU to meet the requirements of RCRA for Corrective Action.

Additionally, of concern to HRMB is a high priority PRS (21-015). Material Disposal Area (MDA)-B, is immediately adjacent to the proposed land transfer area. Existing information indicates releases of radioactive contaminants to both surface and subsurface soils from MDA-B (LANL RFI Workplan, May 1991). It is currently unknown what the extent of contamination may be and if the DP Road Tract is affected from any releases associated with MDA-B. Due to DOE budget constraints, characterization of MDA-B is not scheduled to be completed until April 1999. Also, as projections of the Guaje Mountain Fault zone extend directly through the proposed DP tract land transfer area near MDA-B, an enhanced likelihood of subsurface migration of contaminants from MDA-B may exist (LANL RFI Workplan, May 1991).

B. AIR QUALITY ISSUES

The transfer of the DOE tract of land to the county will in itself create no new air emissions. However, the county of Los Alamos proposes to develop the 28 acres of land (transferred by DOE) in the next 5 to 10 years. Development of this land will involve earth moving, road making, and construction of buildings. As such, the County of Los Alamos will need to contact NMED's Air Quality Bureau if air emission sources will be installed that require permitting. Additionally, the County will need to commit to a plan for controlling particulate emissions during the construction phase of the project.

C. MISCELLANEOUS ISSUES

1. Page 3, Section 1.2

Comment: No mention is made of the close proximity of MDA-B to the land in question. As previously indicated, its close proximity, the substantial amount of hazardous waste buried there and

past problems associated with this MDA, make it essential and prudent that more information about the site be presented to provide a better picture of the "entire area".

2. Page 11, Section 2.1.1, top of page

The existence of the buried radioactive waste line should be presented in more detail. This should include its future status as well as a contingency plan addressing potential leaks in the line after the land transfer and future development. Incidentally, what is the true size of this waste line as 7.5 cm in not equal to 33 inches, as stated?

3. Page 12, Section 2.1.2, first paragraph, last sentence

"Any environmental monitoring and protection on the DP Road tract, if necessary, would be the responsibility of the County."

Comment: It is not clear to the reader if the County would also be responsible for environmental monitoring of the DOE's easement containing the radioactive waste line that transects this tract. It is probably not good policy to leave the primary responsibility of monitoring DOE's radioactive waste line to the County. The DOE should maintain this function until the line is removed or state how it will assure the County that it will be responsible to the tract's future inhabitants by providing an early warning system in the event of an integrity problem with the radioactive waste line.

What action is being taken to ensure that the radioactive waste line that crosses the DP Road Tract will not be intruded upon by potential construction scenarios? Has the radioactive waste line been geographically verified recently (by a non-destructive method) to ensure that its location on the plans of that area are correct?

4. Page 22, Section 3.8, second paragraph

A dose of 0.4 mrem/yr cannot be measured directly from TLD chips. This must be a computer modeling estimate.

5. Page 23, Section 3.9, second paragraph

"Radioactive and nonradioactive air emissions are in compliance with the Clean Air Act and the New Mexico Air Quality Control Act (LANL 1996)."

Comment: This statement is very misleading, particularly to a concerned public wanting to know the present status of the Laboratory's compliance with the Clean Air Act. In a civil case filed on April 2, 1996, the DOE clearly admitted that LANL is out of compliance with the Clean Air Act and corresponding regulations: *Concerned Citizens for Nuclear Safety, Inc, and Patrick Jerome Chavez, Plaintiffs, v. United States Department of Energy and Siegfried S. Hecker, Defendants.*

6. Page 23-24, Section 3.1, last paragraph

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Comment: Due to the large area of impermeable surfaces located near to this parcel of land and the close proximity of MDA-B, the NMED staff feel that the discharge runoff volume stated is too low and contaminants from MDA-B may be discharged onto the property by surface flow or by possible subsurface transport.

7. Page 31, Section 4.1.6

There is insufficient evidence in this and the previous sections (Sections 3.6.4.1.4) to make the conclusions of no or minimal impact to the human health of future site workers. Only impacts from the operational LANL facilities have been considered as possible human health risk; no health impacts have been made based on levels of contaminants presently found in soils or debris on or near the site. Soil sampling data from the on-site and nearby PRSs should have been incorporated into the risk assessment for construction workers and other future workers at the DP Road Tract.

8. Page 32, Section 4.1.7

If 2699 pounds in ten years of CO equals 0.071 ppm (from table 4.1.7.1 - highest 8 hr ave.) then it follows that a ratio can be established using the CO release given in table 4.1.7.2. as follows:

$$\frac{183,423 \text{ lbs/yr}}{269.9 \text{ lbs/yr}} = \frac{x}{0.071 \text{ ppm}}$$

Therefore, $x = 48.25 \text{ ppm}$, which exceeds the New Mexico Air Quality standards shown in table 4.1.7.1.

9. Page 50, Appendix B, last paragraph

Dose Conversion Factors are in units of rem/Ci, not rem/g as stated.

We appreciate the opportunity to review this document. Please let us know if you have any questions on our comments.

Sincerely,



Gedi Cibas, Ph.D.
Environmental Impact Review Coordinator

NMED File No. 1043ER