



**Department of Energy**  
Albuquerque Operations Office  
Los Alamos Area Office  
Los Alamos, New Mexico 87544

**OCT 16 1997**

*File in  
a Mitigation  
Action Plan  
DOE/EA 1212*

Gedi Cibas, Ph.D.  
New Mexico Environment Department  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Dear Dr. Cibas:

This responds to your September 2, 1997 letter commenting on the Pre-decisional Draft Environmental Assessment (EA) for the *Lease of Land for the Development of a Research Park at Los Alamos National Laboratory* (DOE/EA-1212). We appreciate your interest in the Los Alamos Area Office's (LAAO) National Environmental Policy Act (NEPA) program and thank you for commenting on the draft EA. The final EA reflects changes made to the text to address comments received from your office and other stakeholders. The Department of Energy (DOE) approved the EA and a Mitigation Action Plan (MAP), and issued a Finding of No Significant Impact (FONSI) for this project on October 8, 1997. (Copies of the EA, MAP, and FONSI are enclosed.) Our decision now is to select the proposed action and proceed with its implementation. This decision is based in part on the consideration that there are no significant impacts to the environment or human health expected as a result of the proposed land lease and the subsequent construction and operation of the site as a research park.

In your letter, you made several observations that I would like to address directly. For convenience, I refer to your comments in my responses by the number of the comment on your letter.

1. The EA figures on pages 10 and 11 are intended as conceptual site plans and are only presented to give the EA reader a visual idea of what the proposed Research Park might look like. The placement of buildings on these conceptual site plan figures took into account the location of the Potential Release Sites (PRS), the site grade, the location of utilities and all other known site building restrictions although they are not depicted to enhance figure clarity. There was no intention that either of these figures would be an actual layout of the Research Park as developed by the County of Los Alamos (County), but it is expected that these would be representative of where buildings could generally be located over the site given the site construction constraints.

The EA states in Section 4.1.4, page 38 that the PRSs located within the Research Park boundaries or close to the Research Park would be temporarily fenced during construction activities until the PRS sites have been approved by NMED and DOE for release to reuse by the County. Additional text has been added to Section 2.1 of

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the EA regarding the fencing of the PRSs. This fencing would prevent accidental excavation of potentially contaminated soil. Because of the sloped area along the Diamond Drive site boundary with an increase in elevation of about 10 feet or more from the street surface, there already exists a generous buffer area in which building cannot occur next to the PRSs 3-038(a) and (b). A considerable amount of remediation of contaminated soil has already been performed at these PRSs within the Research Park boundary so that the extent of additional subsurface contamination is expected to be limited to the areas immediately along the roadway. Further characterization and any necessary site remediation would be performed by LANL Environmental Restoration Project personnel.

2. The EA was changed in Section 2.1.2 to read "Only DOE approved and appropriately licensed radioactive sealed sources, materials that are less than Nuclear Facility Category 3 levels of radioactive materials (per DOE-STD-1027-92), and ionizing radiation producing equipment (such as x-ray machines) would be allowed to be used and stored ...". In this instance, the use of the term "permitted" was not intended to connote a formal regulatory permit issued by an oversight agency, rather it was intended to connote DOE's permission to store or use certain sources, materials, or pieces of equipment at the site and their appropriate licensing was assumed. As stated in Section 2.1.2 of the EA, site use that would be inconsistent with or limiting to LANL mission activities would be prohibited. This prohibition may include the use of certain types of sources, materials, or equipment either permanently or for certain periods. The wording was changed in the EA to better capture both the need for DOE approval and the appropriate licensing requirements for these items.
3. Section 4.1.4 of the Predecisional Draft EA contains information in the last paragraph on page 38 that more clearly describes the protection of PRSs than does the second sentence of the first paragraph to this subsection. This information has been included in additional areas of the text of the final approved EA and is believed to address your stated concerns.
4. The EA incorporates by reference and very briefly summarizes in a few sentences the important information contained within the publicly available RCRA Facility Investigation (RFI) records, which themselves contain many pages of information and data. Inclusion of exhaustive information regarding these sites in the EA is therefore not necessary. In this case, it is unknown what levels of contamination are present in the soils (both surface and subsurface locations) and if these contain levels of contamination above current regulatory action levels, hence the need now for further investigation. All disturbance of LANL PRSs is conducted in consultation with the ER Project office and according to regulatory requirements; these sites at or near the Research Park would be no exception. Mitigation would follow the investigation, if appropriate. No unexpected or uncontrolled release of environmental contamination is anticipated from implementation of the Research Park proposal. Please see the above response to comments regarding the erection of temporary fences around PRSs during construction.

5. Thank you for the additional information regarding the PRSs. Strictly speaking, the RCRA Permit status of any particular PRS (or any other permit status) is not equivalent to a statement of potential environmental effect, which is the subject of the EA. Permit status may be included in NEPA documents as a piece of general regulatory compliance information for the benefit of the reader. However, excessive focus on the permit status is extraneous to the EA analysis.
6. No project trenching, digging, or excavating of utility lines, roadway realignments or other construction activities will be allowed within or near any PRSs until it is approved for no further action in accordance with current ER Project policy and DOE regulatory compliance policy.
7. As described in Section 2.1 of the EA, site work that would occur in the vicinity of an SWMU or PRS would be reviewed by the ER Project staff and they would stipulate procedures for working within that site area. Additionally, construction activities for each building, parking area or roadway site would require the implementation of best management practices for the control of storm water runoff as part of a site Storm Water Pollution Prevention (SWPP) Plan executed under a National Pollutant Discharge Elimination System construction permit. For those PRSs that require protection from potential surface water runoff, appropriate actions would be taken as part of the ER Project staff review and the SWPP Plan for the site.
8. Please see comment responses above.
9. Excavation at any site location always has the potential to reveal unsuspected buried materials, cultural resources, contamination or other buried objects. To the best of DOE's knowledge, all known buried items or materials have been correctly located and identified for this tract as noted in the EA analysis. Therefore, anticipated potential environmental effects from the proposed Research Park do not include the generation of hazardous, mixed or radioactive waste as a result of excavation in the vicinity of PRSs that have been approved for no further action. However, your point regarding the possible generation of regulated waste at these sites that have been approved by the State for no further action is well taken. After the State notifies DOE of their approval, DOE must then take action to release the sites to the County for development. Before such a release, DOE must evaluate these sites for their potential to generate regulated wastes and make a determination regarding their suitability for development, further cleanup, or their retention as non-development sites. Additional language has been added to the EA to reflect this need for evaluation and determination of future site use.
10. DOE has reviewed the information that supports the recommendations for no further action for these PRSs as part of the EA analysis and does not concur with your statement that the last sentence of this paragraph is factually incorrect (although, due to typographical errors, it is grammatically imperfect). Additionally, we do not concur with the statement that were the sites to be developed prior to NMED's approval of no further action that such action could be *expected* to result in an adverse effect to the environment. We acknowledge that such action would result in

an adverse regulatory compliance effect, but that is not the same issue. As already stated in the EA and this response letter, there is no disturbance planned to a PRS prior to NMED's approval of a no further action determination. The text has been modified and corrected.

11. Within Section 4.1.4, in the last sentence of the last paragraph, the word "concurrence" has been changed to "approval" as recommended.
12. The human health effects analysis with regard to potential radiation exposure presented in the EA is considered to be bounding for potential radiation effects likely to be associated with the project. While the EA states that a myriad of potential health effects are possible to workers, such as those typically regulated by the Occupational Safety and Health Administration, we also recognize that many standard operating procedures and engineered controls employed by workers at the Research Park would minimize these potential effects. The potential risk of human health effects resulting from remediation effects are generally considered to be low. These types of activities are carefully monitored for worker exposure and potential exposure of the public in surrounding areas. Monitoring of these activities at LANL has indicated that such health risks as you stated in your comment have been very well controlled and kept to a minimum by use of appropriate standard operating procedures (such as use of water spray to reduce fugitive dust generation), use of personal protective equipment and clothing, and use of best management practices and engineered controls.
13. Please see our response to Comment 2; language in Section 4.1.7 has also been changed.
14. Please see our response to Comment 7. Additional text has been added to address potential use of permanent engineered site improvements to address stormwater management.
15. Various analyses using accident scenarios and risk modeling for LANL were screened as part of the preparatory efforts for the LANL Sitewide Environmental Impact Statement. This information was used and the accident scenarios chosen for presentation in the EA are the most representative bounding accidents for the Research Park location and the type of activities anticipated to occur there. The accident mentioned in your comment would potentially occur just outside the boundary of the Research Park in all likelihood, if it ever occurred. While EA analysis generally concentrates on a consideration of what effect to the existing environment a proposed action would have, DOE felt that it was important to inform the reader and decision maker(s) of the fact that locating the Research Park within an operating research facility would inherently add to the risk to human health undertaken by tenants of the park and their workers. The accidents for LANL chosen for inclusion in the Research Park EA are bounding for the steam-line potential accident.
16. General Comments:
  - a. & b. Thank you for the useful information presented.

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- c. The appropriate permitting of contractors and subcontractors to the County, lessees or subleases of the Research Park is in the nature of a contractual lease issue between DOE and the County, or its representative entity, and is not an issue that requires specific consideration in the EA analysis. It is expected that all involved entities that require State permitting, licensing, registration or notification will comply with the laws and regulations as appropriate.

I appreciate both your comments and your support of the LAAO NEPA program. I hope this letter, together with the accompanying changes made to the EA, has addressed your concerns regarding the proposed action. We would welcome the opportunity to meet with you and members of the NMED staff to discuss this project, these comment responses, or any other questions or issues that may arise.

Sincerely,



Elizabeth R. Withers  
NEPA Compliance Officer  
Office of Environment

LAAMEP:7EW-206

Enclosures

cc w/o enclosures:

Fred Brueggeman

Incorporated County of Los Alamos

P. O. Box 30

Los Alamos, NM 87544

H. Haynes, Office of Counsel, LAAO

G. Sahd, Area Manager's Office, LAAO

E. Withers, LAAMEP, LAAO

D. Triebel, LAAMEP, LAAO

R. Romero, LAAMBOS, LAAO

B. Enz, Sciencetech, LAAO

J. Robbins, EPD, AL

B. Buvinger, EPD, AL



GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Harold Runnels Building  
1190 St. Francis Drive, P.O. Drawer 26110  
Santa Fe, New Mexico 87502-0110  
(505) 827-2855  
Fax: (505) 827-2836

John Parkin / Files 9-22-97  
Tim ✓



MARK E. WEIDLER  
SECRETARY

LANL TA-3

September 2, 1997

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

Dear Mr. Triebel:

RE: PREDECISIONAL DRAFT ENVIRONMENTAL ASSESSMENT FOR LEASE OF LAND FOR THE DEVELOPMENT OF A RESEARCH PARK AT LOS ALAMOS NATIONAL LABORATORY, LOS ALAMOS, NEW MEXICO (DOE-EA-1212); PREPARED BY US DEPARTMENT OF ENERGY, LOS ALAMOS AREA OFFICE; JULY 23, 1997

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

**1. Section 2.1.2, Page 9, Proposed Land Use, Paragraph 3**

These figures should be revised to clearly show the proposed locations of the buildings, paved areas, etc., in relation to the locations of the Potential Release Sites (PRSs) which are depicted on Figure 3-1 (p. 24).

The boundaries of PRSs 3-038(a) and (b) appear to be near the location of a proposed building, parking lot, and road. Because the lateral extent of contamination may not be known, these improvements may be built over contaminated soils. Excavation of soil from these PRSs could result in the generation of radioactive or mixed waste and result in radioactive exposure to workers or the public. In addition, if remediation is required at these PRSs, there will need to be sufficient work space along their western boundary for contamination reduction zones and to allow access for heavy machinery. Consideration should be given to requiring a generous buffer zone between any improvements and the western boundary of the PRSs.

**2. Section 2.1.2, Pages 12 and 13, Proposed Land Use**

It should be made clear, if that is the intention, that the presence of radioactive materials or ionizing producing equipment must be properly licensed by the state of New Mexico prior to use at the proposed research park.

**3. Section 2.1.2, Page 12, Proposed Land Use, Paragraph 1  
Section 4.1.1.3, Pages 32-33, Utility Demands, Paragraph 1**

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**Section 4.1.4, Page 37, Environmental Restoration, Paragraph 1**

The document is unclear regarding whether the PRSs will be developed or otherwise disturbed before NMED approves no further action for the sites. The document should clearly state whether the County or others will be allowed to trench or excavate within or near PRS boundaries before NMED approves the site for no further action. The areas at or near each PRS should not be developed or disturbed until after NMED approves no further action for that PRS. If the U.S. Department of Energy (DOE) allows these areas to be developed or disturbed, the County should be aware that these activities may result in the generation of hazardous, radioactive, or mixed waste and may result in exposure of workers to radioactivity. In addition, these areas may be investigated or remediated in the future which could impact the Research Park structures and developments. In addition, the document should state that DOE will be responsible for ensuring compliance with institutional controls (if any) at each PRS if the site is approved for no further action.

**4. Section 3.6, Page 23, Environmental Restoration, Bullet 2**

(Note: In the RFI Work Plan for OU 1114, March 1994, the citation for the information identified in this bullet statement is "Elder et.al. 1986" instead of "Vozella 1994".)

The information regarding contamination in the subsurface soil is misleading. Subsurface soils at this site appear to contain elevated levels of radioactivity (RFI Work Plan for OU 1114, March 1994). In addition, the soils may contain hazardous constituents from releases of industrial wastes, such as cyanide wastes, electroplating wastes, solvent wastes, etc. The Los Alamos National Laboratory (LANL) has proposed additional sampling to define the nature and extent of contaminants. Sampling and possible remediation of the site may be years away.

The RFI Work Plan does not state whether the surface soils were found to be contaminated during the 1982 clean up. If the surface soils were contaminated, they could have been transported northward toward Los Alamos Canyon via storm water runoff.

The document should be revised to include a description of the levels of radioactivity in the surface and subsurface soils; identify and compare the 1982 guidelines for radioactivity in surface and subsurface soils with today's guidelines; indicate that in several locations below the former waste lines, LANL was unable to remove sufficient soil to meet their established guidelines; and also, describe the hazardous constituents that are potentially present in the soil at the site.

It may be necessary for the DOE to erect a fence around the boundary of PRSs 3-038(a) and (b) to prevent digging within the PRSs until the area can be investigated and possibly remediated. In addition, the possibility of off-site migration of contaminated surface soils should be investigated.

**5. Section 3.6, Page 23, Waste Management and Environmental Restoration**

The PRSs which are not on the HSWA (Hazardous Solid Waste Amendments) module of the LANL RCRA (Resource Recovery and Conservation Act) permit should also be considered by NMED for No Further Action (NFA) status, as previously indicated. The PRSs not on the HSWA module may or may not be adequately addressed for NFA status. If any of these PRSs were not appropriately considered as a SWMU (Solid Waste Management Units) there is a reasonable chance that NMED may add these sites to the HSWA module.

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If LANL is considering to lease this area for development it should follow-up with the PRSs not addressed within a "No Further Action Proposal" through a Class 3 Permit Modification. For any further land transactions, leases, etc., that LANL is anticipating, the PRSs within these areas should be covered prior to the consideration of such proposals. At minimum, LANL should provide written notification to the lessee(s) of the potential hazards associated with the PRSs prior to lease of the property.

Following are additional comments regarding the status of each of the PRSs:

PRS: Description	Comments:
3-009(b) Surface disposal	SWMU (Solid Waste Management Unit) on HSWA module Table A. Proposed for NFA (no further action) March 1995. Appears appropriate for removal from HSWA module. Class 3 Permit Modification has not been initiated by HRMB.
3-038(a) Acid Tank and associated Waste Lines	SWMU on HSWA module Table A. This SWMU has not been proposed for an NFA through a Class 3 Permit Modification.
3-038(b) Waste Retention Tank and associated Waste Lines	SWMU on HSWA module Table A. This SWMU has not been proposed for an NFA through a Class 3 Permit Modification.
3-055© Outfall	SWMU on HSWA module Table C - OU 1114. This SWMU was proposed for NFA within the OU 1114 Work Plan. This SWMU has not been proposed for an NFA through a Class 3 Permit Modification. This site is also a potential surface water concern.
30-001 Landfill/Surface Disposal	SWMU not on HSWA Module. SWMU proposed for NFA on March 1995 through a Class 3 Permit Modification. This SWMU has not been addressed by HRMB as an NFA (only HSWA SWMUs were considered at the time of the review, the non-HSWA have not been formally reviewed by HRMB).
3-001(m) Satellite Storage	SWMU not on HSWA module. Proposed for NFA in OU 1114 Work Plan. Considered as an AOC (area of concern) by LANL and proposed for NFA, September 1995, under NFA criterion 3 (the PRS is regulated under a different authority which addresses corrective action). Class 3 Permit Modification has not been initiated by HRMB.



PRS: Description	Comments:
3-055(d) Outfall	SWMU on HSWA module Table C - OU 1114. Proposed for NFA, September 1996. Appropriate for removal from HSWA module. Class 3 Permit Modification will be initiated soon by HRMB. This site is also a potential water concern.

6.     **Section 4.1.1.3, Page 32, Utility Demands, Paragraph 2**  
       **Section 4.1.1.3, Page 33, Utility Demands, Paragraph 1**  
       **Section 4.1.1.3, Page 33, Utility Demands, Paragraph 2**

If any utility lines are installed or connected to existing lines, no trenching, digging, or excavating activities should be conducted within or near any PRS until the PRS is approved for no further action by NMED. Especially, these activities should not be allowed within the boundaries of PRSs 3-038(a) and (b) and the associated waste pipes (including the inactive waste pipes that lie beneath the intersection of West Jemez Road and Diamond Drive).

7.     **Section 4.1.3, Page 34, Ecological Resources**

The Ecological Resources section states: " Effects such as erosion or alteration of drainage patterns within the canyon bottoms or along slopes would not be expected to occur. The wetland site would be maintained and enhanced." The Department's Surface Water Quality Bureau's Point Source Regulation Section (SWQB/PSRS) is concerned that various ER sites (PR5 3-005(c), 3-001, 3-001(m) and 3-005(d)) may be impacted by construction activity. PRS site 3-005(d) is listed by SWQB as a surface water concern site with potential to impact surface waters. The Department recommends that proper measures be taken by DOE/LANL to prevent any impact from these sites before construction activity begins. The SWQB/PSRS also requests that DOE/LANL inform it of what measures are being taken regarding this matter.

8.     **Section 4.1.4, Page 36, Waste Management, Paragraph 1**

It may be necessary for the DOE to erect a fence around the boundary of PRSs 3-038(a) and (b) to prevent removal of vegetation or digging within the PRSs until these sites can be investigated and possibly remediated. Certain vegetation at these sites may contain elevated levels of radioactivity.

9.     **Section 4.1.4, Page 36, Waste Management, Paragraph 1**

This section should address the generation of hazardous, mixed, or radioactive waste. Excavation of soil or debris within or near PRS boundaries may result in the generation such wastes in spite of the fact that a site may have been approved for no further action. Soil or debris wastes that are generated by excavating within or near the PRS boundaries must be characterized to determine whether they are hazardous, mixed, or radioactive wastes.

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**10. Section 4.1.4, Page 37, Environmental Restoration, Paragraph 1**

The last sentence is not correct. The PRSs were determined by LANL to require no further action based on human health risk. Potential adverse ecological effects have not been evaluated. If the areas within or near PRSs are developed before NMED approves no further action for the sites, adverse effects could be expected to result. The areas at or near each PRS should not be developed until after NMED approves no further action for that PRS.

**11. Section 4.1.4, Page 38, Environmental Restoration, Paragraph 2**

The areas at or near each PRS should not be developed until after NMED approves no further action for that PRS.

**12. Section 4.1.6, Page 38, Human Health**

This section should address human health effects with respect to PRSs 3-038(a) and (b) and construction activities and remediation activities. During construction or remediation activities in or near these PRSs, workers could be exposed to radioactively contaminated soil and hazardous constituents. The excavated soil could be subject to erosion by storm water runoff and wind dispersion. In addition, during remediation activities, the people working at Research Park could be exposed to wind-blown contamination.

**13. Section 4.1.7., Page 39, Air Quality**

Radioactive materials including sealed sources are *licensed*, not "permitted", by the State Of New Mexico. As indicated previously, the radioactive materials usage is licensed through the State of New Mexico.

**14. Section 4.1.10, Page 43, Water Quality, Paragraph 1**

BMPs should be implemented and maintained at each PRS to prevent erosion of contaminants during and after construction activities. The BMPs should be maintained at least until the sites are approved for no further action by NMED. BMPs should include devices that minimize the amount of storm water entering and leaving the PRS boundaries.

**15. Section 4.2, Page 44, Potential Accident Scenarios, Paragraph 1**

In the RFI Work Plan (OU 1114, March 1994) an accident scenario is presented that involves PRSs 3-038(a) and (b). This scenario involves the rupture of nearby steam or gas lines in the contaminated soil zone resulting in a surface release of radioactivity to the public and to construction workers. This scenario should be evaluated to determine if this accident would pose a more serious risk than "scenario 1" which is presented on page 44.

**16. General Comments**

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**a) Regulations concerning flooding/erosion that could possibly affect surface water quality have been promulgated by the U.S. Environmental Protection Agency (USEPA) in 40 CFR Section 122.26 which govern permitting and pollution control requirements regarding storm water discharges from construction sites.**

**Owners/operators of construction projects of five acres or more are required to apply for, at a minimum, permit coverage under the National Pollutant Discharge Elimination System (NPDES) baseline general storm water permit for construction activities. This permit coverage may be obtained by filing a Notice of Intent (NOI) no later than forty-eight hours prior to commencing construction activities.**

**Among other items, this permit requires that a site-specific, storm water pollution prevention plan (SWPPP) be prepared before submission of the NOI and that appropriate pollution prevention measures be installed at the site, in a timely manner. Information regarding storm water permits may be obtained by calling USEPA at (214) 665-7185 or Taylor Sharpe of the USEPA at (214) 665-7112.**

**Best Management Practices (BMPs) are measures or practices used to reduce the amount of pollution entering surface waters, air, land or ground waters, which must be developed and implemented for each five acre or larger construction site. Information on the development of BMPs may be obtained from the New Mexico State University/Cooperative Extension Service, the U.S. Department of Agriculture/Soil Conservation Service and the USEPA document entitled **Storm Water Management For Construction Activities**. Information regarding this document and copies of the baseline general permit (which includes the NOI form) may be obtained by calling USEPA at (202) 260-7786.**

**Also, anyone who wants to do any dredge and fill work in a water of the U.S. (river, creek, arroyo, gully etc.) must obtain a Section 404 (Clean Water Act) permit from the Corps of Engineers. Almost all permits for work in a perennial stream have the condition of State water quality certification (Section 401).**

**b) The PDEA includes two options for treating sanitary wastewater, discharge to the LANL wastewater treatment plant (DP-857) or discharge to the Los Alamos County wastewater treatment plant (DP-814). Each of these wastewater treatment plants currently operates under a ground water discharge permit. Therefore, the discharge of domestic wastewater from the research park to the wastewater treatment plant would not require a separate ground water discharge permit. Research park tenants would have to discharge in accordance with any pre-treatment requirements of the receiving wastewater treatment plant. However, if any of the tenants of the research operate in a manner that could adversely impact ground water quality, individual ground water discharge permits may be required.**

**c) Los Alamos County has been classified as an attainment area for all air pollutants identified in the National Ambient Air Quality Standards (NAAQS) and the New Mexico Ambient Air Quality Standards (NMAAQs).**

**Only permitted radioactive sealed sources, unsealed sources less than Nuclear Facility Category 3 levels of radioactive materials, and ionizing producing equipment (such as x-ray machines) would be allowed to be used and stored at the research park. No special nuclear materials would exist, be used, or be generated within the research park laboratories. For the purposes of air quality**

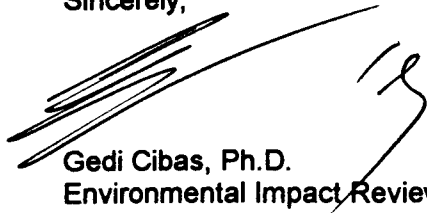
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compliance, multiple facilities under common ownership or control are treated as one for air emissions reporting. The owner, the operator of the facility or both can be responsible for operating in accordance with the Clean Air Act Amendments of 1990. Therefore, it is possible that companies occupying the research park together with DOE may be required to have an air emission permit to operate.

Construction of the proposed project will result in a temporary increase in particulate emissions due to earth disturbing activities. The Department's Air Quality Bureau requires that an air quality permit must be obtained by any source which has a potential emission rate greater than 10 lbs/hr or 25 tons/year. Since most asphalt plants and rock crusher spreads exceed this rate, the contractors supplying the asphalt and aggregate for the construction must have current air quality permits, which there is no mention of in this assessment.

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

Sincerely,



Gedi Cibas, Ph.D.  
Environmental Impact Review Coordinator

NMED File No. 1118ER