

Bento Barrio
Hsw, LANL, F4-1/04 1106 /TA-



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

JAN 23 1997



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 December 10, 1996 letter commenting on the Pre-decisional Draft Environmental Assessment (EA) for the *Transfer of the DP Road Tract to the County of Los Alamos, New Mexico* (DOE/EA-1184). We appreciate the New Mexico Environment Department's (NMED) 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) issued a Finding of No Significant Impact (FONSI) for this project and a final EA on January 23, 1997. Copies of the EA and FONSI are enclosed.

This NEPA determination was based on the consideration that there are no significant impacts to the environment or human health as a result of the proposed land transfer. DOE is aware of other issues associated with land transfers, and therefore, no land will be transferred from DOE ownership until these issues are discussed in a public forum. You are invited to attend a public meeting to discuss future land transfer issues on February 18, 1997, at LAAO, 528 35th Street, Los Alamos, New Mexico, Room 100, from 6:00 p.m. to 9:00 p.m.

In your letter, you asked several questions and made some serious observations and comments that I would like to briefly address. For convenience, I refer to your comments by number in my responses presented below. Text locations referencing changes to the final EA document are indicated.

A.1. Potential Release Sites (PRS) located on the DP Road tract have been recommended for "No Further Action." However, DOE intends to retain right of reentry onto the property and to not release the PRSs for development purposes until all issues regarding their status have been settled. The final approved EA discusses the potential effects of these PRSs on the Proposed Action (with added text, Chapter 4.1.4), and deed restrictions for the transfer actions will address this issue as well. The deed restrictions for the land



transfer actions will address specific actions to be taken to ensure no negative impact on Resource Conservation and Recovery Act (RCRA) investigations and potential remedial actions.

A.2. Thank you for the additional information on the PRS at and near to the DP Road Tract. DOE will ensure no earth is disturbed at these PRS areas until State approval to do so has been granted. Los Alamos National Laboratory's (LANL) Environmental Restoration Project has provided additional information regarding these PRSs. Based on limited site analytical sampling results that have at least tentatively established the suspected extent of contamination with relationship to the subject land tract, a 100-foot buffer zone will be established around Material Disposal Area (MDA)-B to ensure that no significant contamination is inadvertently spread across the site during construction activities. This buffer zone will not be released to the County for development until issues regarding the extent of this PRS are settled and mitigation has been accomplished if necessary. The MAP for this action additionally addresses this concern by providing DOE radiological technician assistance to the County during the initial development on the land transfer tract.

B. The air permitting for development of the tract will be the responsibility of the County of Los Alamos as stated in your comment. The County has been informed of your comment regarding their need to contact NMED's Air Quality Bureau if air emission sources are to be installed that require permitting, and their need to commit to a plan for controlling particulate emissions during construction activities.

C. 1. As already noted, information concerning the MDA-B has been included in the final approved EA (See Sections 3.5 and 4.1.4 of the EA.), and the Mitigation Action Plan addresses action needed to ensure that no adverse effects result from the close proximity of this site to the land tract development.

C.2. and C.3. The EA states in Section 4.1.4 that there will be a 15 m (50 ft) easement established for the buried radioactive waste line. This easement will be sufficient to ensure that the future status of the waste line can be ascertained (e.g., monitoring activities) and, if necessary, the line can be removed when it is no longer needed. Future development of the site that might affect this easement (such as paving over the easement) will have to be conducted with DOE's approval and oversight. The exact waste line location will be surveyed, the easement staked and flagged, and the location included on the site maps before construction is initiated. The correct diameter of the waste line is 3 inches, or 7.5 cm. This typographical error was corrected in the final EA, Chapter 2.1.1.

C.4. You are correct in stating that a dose of 0.4 mrem/yr cannot be measured by thermoluminescent dosimetry. This value was calculated by an Environmental Protection Agency (EPA) approved radiological air emissions modeling computer code. The wording in the final EA has been changed to reflect this information. (Section 3.8)

C.5. DOE believes that LANL's radioactive and nonradioactive air emissions are currently in compliance with the Clean Air Act. Although a citizen's lawsuit was brought against the DOE in 1994 alleging non-compliance, that suit has been settled. DOE is unaware of any further allegation by anyone that emissions are not in compliance.

C.6. The runoff volume noted in Chapter 3 of the EA takes into account the natural state of the DP Road tract. The vegetation roots and developed soil layer serve as an absorption pad to take in water and to minimize surface flow and erosion. In addition, the fractured tuff substrate of the area contributes to the water's percolation. Water runoff from DP Road in front of the tract is controlled by concrete curbs. As described in Section 3.6, no surface water flows from MDA-B into the DP Road tract because the tract has a higher elevation, and part of it is physically separated from MDA-B by a canyon.

C.7. DOE disagrees with this comment. We feel there is sufficient evidence to make conclusions of no or minimal impact to the human health of future site workers based on the information included in the EA regarding the future use of the site and the effect of the proposed development on the existing environment at the site. While it is true that we considered the potential effects of an accident that was initiated at Technical Area 21 on the site, it was believed that this scenario represents a bounding case or worst case possibility of risks to workers at the site. Mitigative measures are being taken to protect site workers against potential health effects that might be associated with the PRSs present onsite or nearby. Soil sampling has been conducted at the site with the determination that no further site cleanup is needed, pending State approval. Additional measures are being taken to assure that no significant contamination from MDA-B affects the site workers either.

C.8. The Proposed Action is not expected to exceed any NMED Air Quality standards for any criteria pollutants. Using a simple ratio to compare emission rates (lbs/yr) from construction activities to those from automobiles to estimate contaminant concentrations (ppm) for determining compliance with air quality standards is inappropriate. Although there are a number of technical factors that makes this an inappropriate comparison, the overriding difference involves the size of the receptor, which in turn affects the contaminant concentration levels. For construction emissions, the receptor is the 30,000 square feet building site which is relatively small. For automobile emissions, receptors occur along a fourteen-mile-long public road (estimated to be 25 million square feet). The receptor for the automobile emissions is approximately a factor of three larger than the size of the receptor used for the construction emissions.

C.9. This error was corrected in the final approved EA. (Appendix B)

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 further clarified some of your comments regarding the proposed action. If you would like further

Dr. Gedi Cibas

4

JAN 23 1997

information regarding this project, please call Dean Triebel, Office of Environment and Projects, at (505) 665-6353. If you have any questions regarding our LAAO NEPA program, please call Elizabeth Withers, NEPA Compliance Officer, at (505) 667-8690.

Sincerely,



G. Thomas Todd
Area Manager

LAAMEP:3DT-057

Enclosures

**Department of Energy
Finding of No Significant Impact**

**Transfer of the DP Road Tract to the
County of Los Alamos
Los Alamos, New Mexico**

**U. S. Department of Energy
Los Alamos Area Office
528 35th Street
Los Alamos, NM 87544**

DEPARTMENT OF ENERGY (DOE)
FINDING OF NO SIGNIFICANT IMPACT

Transfer of the DP Road Tract to the County of Los Alamos

FINAL ENVIRONMENTAL ASSESSMENT: The Environmental Assessment (EA) for the Transfer of the DP Road Tract to the County of Los Alamos (DOE/EA-1184) (attached) provides sufficient evidence and analysis to determine that a finding of no significant impact is appropriate for this action. The DOE documents environmental consequences of the proposed action in this EA. There are other issues associated with this action that are not in and are not meant to be in the EA. The EA documents the evidence and analysis in the following chapters: 1. Purpose and Need for Agency Action; 2. Description of the Proposed Action and Alternatives; 3. Affected Environment; 4. Environmental Consequences; 5. Potential Accident Scenarios; and 6. Regulatory Requirements and Consultations.

PREDECISIONAL DRAFT REVIEW & COMMENT: On November 15, 1996, the Department of Energy (DOE) invited review and comment on the predecisional EA from the State of New Mexico and four American Indian Tribes: Cochiti, Jemez, Santa Clara and San Ildefonso (sometimes referred to as the four accord pueblos because each tribe has entered into an accord with the DOE). In addition, DOE made the predecisional draft EA available to Los Alamos County and the general public at the same time it was provided to the State of New Mexico and the four accord pueblos by placing it in the DOE Public Reading Rooms within the Los Alamos National Laboratory Outreach Center and Reading Room in Los Alamos, and the TVI-Main Campus Library in Albuquerque. Also, local

stakeholder groups were notified of the availability of the predecisional draft on November 15, 1996. The public comment period on this EA was extended three weeks because of stakeholder requests.

Comments were received from six stakeholders. These comments were addressed in the Final EA, and individual responses to the comments were sent to the respondents.

FINDING: Based on the EA that analyzes the consequences of the relevant issues of environmental concern and the concerns of the stakeholders, the United States Department of Energy finds that there would be no significant impact from proceeding with its proposal to transfer to the County of Los Alamos a 28-acre land tract located on DP Road for their development and use as a business park or for light industrial purposes. DOE makes this Finding of No Significant Impact pursuant to the National Environmental Policy Act of 1969 (NEPA); 42 U.S.C. § 4321, et seq., the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, 40 C.F.R. Part 1500; and the DOE National Environmental Policy Act Implementing Procedures, 10 C.F.R. Part 1021. The proposed action does not constitute a major federal action that would significantly affect the human environment within the mandate of NEPA. Therefore, no environmental impact statement is required for this proposal.

Signed in Los Alamos, New Mexico this 23rd day of January, 1997.



G. Thomas Todd
Area Manager
Los Alamos Area Office

FOR FURTHER INFORMATION CONTACT: For further information on this proposal, this Finding Of No Significant Impact (FONSI), or the DOE's National Environmental Policy Act (NEPA) review program concerning proposals at LANL, please contact:

Elizabeth Withers, NEPA Compliance Officer
Los Alamos Area Office
U.S. Department of Energy
528 35th Street
Los Alamos NM 87544
(505) 667-8690

Copies of this FONSI (with the Environmental Assessment attached) will be made available for public review at the Los Alamos National Laboratory Outreach Center and Reading Room, 1450 Central Avenue, Suite 101, Los Alamos, New Mexico, 87544 at (505) 665-2127 or (800) 543-2342. Copies will also be made available in the DOE Public Reading Room, located in the TVI-Main Campus Library, 525 Buena Vista SE, Albuquerque, New Mexico, 87106 at (505) 224-3000.

TO: Gedi Cibas, Water and Waste Management Division

FROM: Janice Archuleta, Environmental Specialist, HRMB

THROUGH: Benito J. Garcia, Chief, HRMB

DATE: November 27, 1996

SUBJECT: Environmental Assessment Review of Transfer of the DP Road Tract to the County of Las Alamos, Predecisional Draft

Comments to Section 4.1.6 Human Health

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 a 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 Potential Release Sites (PRS) should have been incorporated into the risk assessment for construction workers and other future workers at the DP Road Tract.

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?

MEMORANDUM

TO: Gedi Cibas, Water & Waste Management Division

FROM: Teri Davis, LANL Facility Manager, HRMB

THROUGH: Benito Garcia, Chief, HRMB
Robert Dinwiddie, Program Manager, HRMB

DATE: November 27, 1996

SUBJECT: Environmental Assessment Review of Transfer of the DP Road Tract to the County of Los Alamos dated November 15, 1996 - NMED FILE No. 1043ER

Affected NMED Laws and Regulations

The Hazardous and Radioactive Materials Bureau 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.

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 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, given the close proximity to PRS 21-015 (MDA-B) from PRS 0-010(a) and the history of disposal practices at LANL during the 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.

Mr. Gedi Cibas
November 27, 1996
Page 2

PRS-0-030(b) is a septic system/leach field and a SWMU which is on the HSWA 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 met the requirements of RCRA for Corrective Action.

Additionally, of concern to HRMB is a high priority PRS (21-015), Material Disposal Area (MDA)-B, which 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).

1093 F



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

December 10, 1996

Dean Triebel, Document Manager
Los Alamos Area Office
528 35th Street
MS-A316
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

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

Dean Triebel
December 10, 1996
Page 4

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:

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

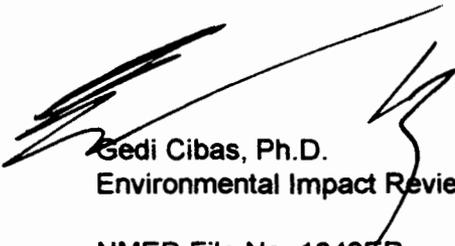
Therefore, $x = 48.25 \text{ ppm}$, which exceeds the New Mexico Air Quality standards shown in table 4.1.7.1.

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