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April 18, 2005

Elizabeth R. Withers
NEPA Compliance Officer
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Dear Ms. Withers:

RE: DRAFT ENVIRONMENTAL ASSESSMENT: PROPOSED CLOSURE OF THE AIRPORT LANDFILLS WITHIN TECHNICAL AREA 73 AT LOS ALAMOS NATIONAL LABORATORY (DOE/EA-1515)

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

Background:

The Department of Energy (DOE) National Nuclear Security Administration (NNSA) prepared the DEA to analyze the potential environmental consequences of three (3) Remediation Alternatives and one (1) No Action Alternative.

On November 26, 1997, Congress passed PL 105-119 (42 USC 2391). Section 632 of this Act directed the Secretary of Energy to convey to the Incorporated County of Los Alamos, New Mexico, or to the designee of the County, parcels of land under the jurisdictional administrative control of DOE at or in the vicinity of the Los Alamos National Laboratory (LANL). Such parcels, or tracts, of land must meet suitability criteria established by the Act.

Under this Act, those land parcels identified suitable for conveyance and transfer must have undergone any necessary environmental restoration or remediation. Therefore, DOE needs to remediate the landfills identified on this Airport Landfills Tract in order to satisfy the intent of Congress and meet the requirements of Section 632 of the Act (42USC 2391).

There are two inactive solid waste disposal areas on the Airport Landfills Tract. One site is referred to as the main landfill area and the other the debris disposal area (DDA). The main landfill covers a surface area of approximately 11.5 ac and contains volumes of sanitary waste estimated at 536,800 cubic yards. Waste thickness varies from 1 foot to 85 ft; waste disposed of most recently is found in the eastern half of the landfill where waste deposits are thickest. The DDA covers a surface area of approximately 5 ac and contains volumes of sanitary waste estimated at 126,000 cubic yards.



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Sanitary waste from Los Alamos was deposited in the two areas (with some incineration) beginning in 1943 and continued through June 30, 1973. The LANL Environmental Restoration (ER) Project conducted an RFI for the Airport Landfills areas between 1994 and 1997. The RFI focused on identifying the nature and extent of potential contamination to determine an appropriate plan for corrective action. Analysis of samples indicated the presence of organic and inorganic chemicals, typical of those reported for most other municipal landfills. The primary contaminants detected were methane, trichloroethene, tetrachloroethene, and vinyl chloride. The 1998 RFI report recommended leaving the waste in place and installing an engineered cover.

The LANL ER Project performed a VCA (cleanup) in 2003 to remove trash and other debris associated with the main landfill from the ravines extending from the landfill at the mesa top to the floor of Pueblo Canyon. A total waste volume of 430 cubic yards was removed and hauled to the current Los Alamos County landfill for recycling.

The Remediation Alternatives proposed in this DEA are:

1. Leave waste in place; install MatCon cover and retaining wall at main landfill; install evapotranspiration (ET) cover over DDA at estimated cost of \$5.2M and 12-months to complete. This alternative was discussed with the public during a 12/16/04, scoping meeting at Los Alamos Airport and has the acceptance of Los Alamos County and the pilots' association and will be recommended by DOE for implementation to NMED.
2. Remove waste from east slope to DDA; install MatCon cover over main landfill; install ET cover over DDA at estimated cost of \$4.0M and 12-months to complete.
3. Excavate main landfill, haul waste offsite, backfill excavated area; install asphalt cover over backfilled site; install ET cover over DDA at estimated cost of \$30.4M and 5-years to complete.
4. No Action (do nothing). Under the No Action Alternative, the NNSA would leave the site as is. According to the EA, the No Action Alternative would not meet the requirements of Section 632 of the Act (42USC 2391).

Environmental concerns could include impacts to adjacent watersheds (Pueblo and DP Canyons) during and after remediation activities, and impacts to air quality during the operation due to landfill excavation by the use of heavy equipment etc.

According to the DEA, best management practices for soil erosion control purposes would be addressed in the revised Phase II Work Plan being prepared over the next three months. No downstream flooding is expected from excavation area run-off during storm events.

According to the DEA, there would be no impacts to Cultural Resources because there are no known archaeological or historic resources within the area of the proposed action.

The DEA does not list any applicable Environmental Justice impacts because populations that are subject to environmental justice considerations are not located within the area of influence of the proposed actions or alternatives. Populations nearest to the proposed action site are not predominantly minority and low-income populations.

General Comments:

We agree if potential impacts are mitigated as described in the DEA, and if the two contaminated landfill sites are remediated as necessary in consultation with the Administrative Authority. We recommend that Remediation Alternative #1 proceed, because this option makes more efficient use of resources and reduces air emissions. In addition, we recommend that NNSA's BMP plan consider that a National Pollution Discharge Elimination System General Permit Notice of Intent be filed. Also, a Storm Water Pollution Prevention Plan (SWPP) may be required for the excavation activity since NNSA is performing the remedial action, and the SWPP for the Airport Landfill Tracts would have to be updated before any excavation activities are completed.

Specific Comments:

Section 1.2 National Environmental Policy Act Process:

The DOE is incorrect in stating that the NMED will select a remedy for this site with input from the public through the Resource Conservation and Recovery Act (RCRA) corrective action process. This site is not undergoing a corrective measures selection that would involve the public. DOE has selected a remedy and NMED has approved remedy through a Phase II Work Plan.

Section 1.4 NMED Process or Phase II Work Plan Process:

The DOE requested from NMED an extension to respond to two comments in a letter entitled "Notice of Approval with Modifications of Phase II Work Plan for Los Alamos Site Office TA-73 Airport Landfill, SWMU 73-001(a-d)." NMED was unaware that the revised due date for the responses was also the due date for the revised Phase II Work Plan. In fact, because there is already an approved Phase II Work Plan, NMED had no such requirement.

Section 1.9 Purpose and Need for Agency Action:

DOE fails to mention that, as part of Section 632 of Public Law 105-119, its responsibility is also to complete environmental restoration or remediation prior to transfer of any land. Should the environmental restoration or remediation not be completed by 2007, the land should not be transferred.

We appreciate the opportunity to comment on this document.

Sincerely,



Gedi Cibas, Ph.D.
Environmental Impact Review Coordinator