

From: [Lee Anna Martinez](#)
To: [UNC-ChurchRockEIS Resource](#); [Pineda, Christine](#); [Waldron, Ashley](#)
Cc: [Dariel Yazzie](#)
Subject: [External_Sender] NNEPA Comments
Date: Monday, November 01, 2021 6:30:15 PM
Attachments: [2nd NECR Comment Book Nov.pdf](#)

Good afternoon NRC,

Please accept on behalf of NNEPA Superfund Program the attached comments for the comment ending period for November 1, 2021.

Thank you,

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Document Page	Section	Comment Line	Paragraph	Comment
pg. 4-11	4.4.1.1			This section informs the reader of mitigated measures to take place. Question that comes to mind is who from USEPA or NRC is going to implement these mitigated measures take place throughout??
Pg. 4-23 pg. 4-25	4.5.4.1	4 line 15-18 line 21		NRC is aware of the concern with the lateral migration of Pipeline Arroyo towards the existing NRC-licensed talings impoundment, this section indicates with a no-action alternative the NRC would still address as part of the NRC's ongoing regulatory oversight, mitigation the potential for the tailing to come into contact with flows in Pipeline Arroyo.
pg. 4-25	4.5.4.1	line 25		2 outcrop lateration: elaborate on what that possibility could be CSWPPP- there is no where to take the hazard material. What would be the options of disposal should an accident occur with transport. This should be identified to a reader, not just CSWPPP. Has the NNEPA department responsible for SWPPP had the opportunity to review and approve the SWPPP(CSWWPPP)?
pg. 4-25	4.5.4.1	line 28-30		Will the community be accomodated to water wells/water supply system that can utilized for drinking and household? This paragraph clearly indicates that the water will be affected by leak and spills of fuels and lubricants. The RWPR is not the community in the area that utilizes the aquifer. Pipeline Canyon and western portion of Pinedale(particularly Southend of UNC Mill Site: Largo Family)
Pg. 4-27	4.5.4.3	line 3		SMALL: How is it considered small when a community cannot use the water. Where is the water going to come from for the community??? This actions should be considered LARGE! Water is important for any human, and should be considered a primary concern for this community while project is continuing or not.
pg. 4-28	4.5.6	line 44-45		Line states: The EPA has worked to assess groudwater for the NECR Mine, however EPA has not completed a final groundwater assessment. -Comment- NOT COMPLETED ground water assessment!!!! WHY??? UNC groundwater assessment has been completed but not NECR after 20 years, and not completed!!!!
pg. 4-31	4.6.1.1	line 4		Line implies: Wildlife contamination and impacts will be short term. -Comment- If wildlife is absorbing and consuming contamination it cannot be reverse or let alone treated. How will it be monitored for such wildlife or plant species?? Nothing in the context indicates this monitoring.
Pg. 4-31	4.6.1.1			This section is about wildlife, but does not take into consideration domestic animals, that the Navajo People have within their communities, dogs, stray dogs, cats, sheep, cows, horses.
Pg. 4-33 Pg. 4-35 pg. 4-43 pg. 4-45	4.6.1.3 4.6.3 4.8 4.8.1.1	line 46 line 26-32 line 43 line 12-17		air monitoring, the stations that is planned to be station on site. May it be noted that air monitoring stations also be placed near homesteads, Pipeline Community, Largo Community (South of UNC), and Red Water Pond.
pg. 4-49	4.9.1.1	line 26-32		3 the lines, contradicts all which the EIS indicates, would be minimal to the Alternative 1. 5 Pipeline community should be notated here too, not just the RWPR community!!! 2 Pipeline community should be notated here too, not just the RWPR community!!! What about the assessmetns where the Navajo Medicine men did their prayer offerings. The yei-bei chei cermonial grounds, fire dance ceremonial grounds, and naa'daa ceremonial grounds. It doesn't appear these cultural areas were notated or a concerning factor to the evaluation in this section.
pg.5-1	5.1	line 23		line states, input from McKinley County. -comment- not once has McKinley being apart of any meetings, discussions, or does the DEIS include any correspondences from McKinley County. What department from McKinley has been involved? And where is the the correspondence.
pg. 5-3	5.1.1	line 14		line states: EPA is evaluating these mines and address their health risks -comment- None of the community members testimonies or health concerns have been taken into consideration for this DEIS
pg. 5-3	5.1.1	line 24		line states: The NRC staff reognizes COVID-19. -comment- this was recognized in 2020 when the DEIS was drafted, it was recognized by NRC, but the efforts to reach the public impacted by this future remediation project was not projected to be pro-active to publicly make the remediation project known in the communities. Hence, no public meetings or outreach conducted within that year. It was until the last hour to begin that outreach, the last 2 months to contact chapters, contact community groups, that NRC moved to do outreach.
pg. 5-5	5.1.1.1.1			The DEIS references Stantec throughout. Why was Stantec never apart of any meetings, public comments, NRC public Q & A forums, when they are a key stake holder for this future disposal.
pg. 5-6	5.1.1.1.1	line 10		line states: land would be released fro unrestricted use at NECR. -comment- What is the time frame, that the NECR land will be released for unrestricted use?? Please give details for time of release.
pg. 5-14	5.2	line 2		line states: NRC assessed impacts to land use whithing 6 millie radius of the UNC.-comment- if it was a 6 mile radius that was assessed, why weren't more communities considered within this DEIS. The focus in this EIS only focus on RWPR and no other communities within a radius of 6 miles of the UNC Mill or NECR Mine.
pg. 5-24	5.5.1	line 25-35		Air monitoring, the stations that is planned to be station on site. May it be noted that air monitoring stations also be placed near homesteads, Pipeline Community, Largo Community (South of UNC), and Red Water Pond.
pg. 5-24	5.5.1	line 44-45		line states: operation of the water supply project could impact Pipeline Arroyo and the Upper Rio Puerco River through spills or leaks from equipment at the pumping station - comment- this leads to the question of surface water being polluted, and the potential for embakments to breach.
pg. 5-27	5.5.2	line 7		line states: the EPA has the responsibility of overseeing the NECR - comment- what about co-regulators NNEPA Superfund Program?
pg. 5-27 pg. 5-27 pg. 5-27	5.5.2	line 19-21 line 32 line 35-38		line states: continue to be a significant (major) impact to local groundwater. Since the dam failure, efforts to remediate the contaminated groundwater have occurred and are ongoing. -comment- 42 years later and its still ongoing efforts by USEPA and the NRC to address satisfactory requirements to the impact of the local groudwater of the UNC. There has been money put aside and years of knowing this contamination exists but no breakthrough or success. It seems as if it will forever be contaminated and the community having the long lasting repercussions of the contamination again.
pg. 5-27	5.5.2	line 39-40		2 NRC requirements for protection ground water, should be outlined here. 3 repetitive information again! groundwater will still be impacted, and not resolved or moving forward to find a solution to the impacts of groundwater. EPA again to do oversight, why not Water Resources with the State or Navajo Nation, that funding could be placed in agency that wants to make the difference and find a solution.
pg. 5-29	5.5.2	line 46		SMALL: -comment- How can the NRC determine this to be a SMALL impact to groundwater, with all this information in the DEIS it definetly relevant to this work is drastic to the groundwater, it should be categorized to LARGE.
pg. 5-32	5.6	line 21-28		Quivira is constantly included in the DEIS, indication the future actions at the UNC Mill Site. Why is Quivira being included within this DEIS, has USEPA and the NRC.
pg. 5-40	5.10.	line 39-42		line states: Although the BLM has identified that there are no high-quality scenic views in the area, the surroundings visual and scenic landscape may have cultural and religious significance to the Navajo Nation that is not considered in the BLM VRM evaluation. - comment- A evaluation needs to be considered and provided by the appropriate department from the Navajo Nation to evaluate the cultural and religions significances in the area. At public meetings the NNEPA has been apart, each time a community member brings these cultural significances up.
pg. 5-40	5.10.	line 44-45		line states: Alter the landscape noticeably. -comment- 1) Where is the model that demonstrates this. The engineer CAD desgin that demonstrates a before and after. 2) Why has this not been key point in discussion, meetings or past public meetings.
pg. 5-41	5.10.	line 40		line states: grazing would be restricted at the UNC. -comment- How will the grazing holders of this area be compensated for relinquishing their grazing land for the UNC to perform this mill over the years and should the NRC amend the license how will those grazing holders be accomodated, a different grazing area perhaps. NNEPA has heard the testimony of a grazing holder that has had that land relinquished for years and is in question where the family can graze?
pg. 5-41	5.10.	line 40-44		line states: notable impact of the RWPR Community due totheir proximity and the nature of the Navajo Nation's cultural and religious connection to the land. -comment- Pipeline Community will be driving by it and lives next to it, their input needs to be heard on this visual and scenic impact that may happen.
pg. 5-46	5.12	line 9 and line 3		1 lines state: (but not human health impacts) - comment- False!!!! Either alternative will create impacts to human health. number of air monitoring stations need to be reconsidered with consideration of the nearby families homes/communities; Pipeline Community, South of UNC; Largos' of Pinedale, as well as three homestead near Mesa South of Woods, PLC, and Red Water Pond Road Community,
pg. 7-3	7.2	line 3-12		1

Page	Line	Sentence	Comment
3-22	18-20	Prior to 1967, Pipeline Arroyo was an ephemeral stream. Between 1967 and 1986, Pipeline Arroyo was the recipient of approximately 140 million m3 [37 billion gallons (gal)] of water from dewatering and discharge from the NECR Mine Site	Is there any historical background on uses of this water in local communities prior to mining? This stream flowed into the Puerco River, which was known to be used for livestock and farming, but what about this small stream? Did anyone from the community live there prior to mining?
3-22	23-24	Since 1986, when mine operations ceased, Pipeline Arroyo has become an ephemeral stream again, flowing primarily in response to precipitation events.	Are there flow measurements for upper/lower sections of Pipeline Arroyo? These data could provide some insight into what type of suspension/erosion/deposition capacity water in this arroyo would have.
3-25	14-16	Use of any surface water in the State of New Mexico requires a valid permit through the NMOSE. A NMOSE permit allows the grantee the ability to put surface water to beneficial use in accordance with the approved conditions	This may apply to more recent uses of the surface water on site, but historically, this regulation did not exist. When did NMOSE become law?
3-25	30-32	Surface water may also be used for ceremonial purposes, such as to bless a home or sacred object, or even to be consumed as part of a ceremony.	In line 8-9, the text says "this surface water was not used for human consumption" but this statement, which seems verifiable with community leaders and local individuals, suggests that the surface water was used for human consumption. Perhaps it was only used while flowing, so strike the sentence in lines 7-9, or clarify that it was erroneous
3-26	37-40	The Gallaher and Cary (1986) and Delemos et al. (2008) studies suggest that although the water quality of surface waters in the area were impacted by the mining and milling activities in the area, the water quality impacts have lessened as uranium mining in the immediate vicinity has ceased and time has passed	These studies would likely benefit from some updated water quality data. A lack of data about surface water quality is tantamount to a data gap.
3-27	21-22	FEMA designated the Pipeline Arroyo floodplain as an area with a 1 percent chance of flooding annually or an area that would flood during a 100-year storm	Do these figures need to be updated after extensive erosion and flooding has occurred in the past couple of years?
3-33	19-21	water levels in the Southwest Alluvium, Zone 3, and Zone 1 continue to decline and, without a substantial recharge and rise in the water table in these units, contact between groundwater and the existing tailings would not occur.	The lack of data points beyond 2003 would signify a data gap, even if pumping information were not readily available. The system, if running since 1980, likely has more available data points for each aquifer, which could better support this argument.
4-18		As described in EIS Section 4.5.1, the potential impacts to surface waters from the construction and transfer activities associated with the proposed action would be SMALL but could become MODERATE in the event of a heavy storm coinciding with work in the Jetty Area.	none for some reason
5-22	41-43		Is this going to be addressed through construction timeline controls, as heavy rain events are mostly prevalent during the late summer months?
5-24	2-6	The environmental impacts of the licensed (but not constructed) Crownpoint facilities were documented in a 1997 NRC EIS (NRC, 1997). That EIS concluded that impacts to surface water from the proposed facility were not expected. Therefore, this facility, if constructed and operated, would not contribute significantly to cumulative impacts in the proposed project area.	Qualify this statement with the concerns raised by the community of Crownpoint, and the organizations responsible for effectively shutting down this development - because their work is the reason this mine has not contributed to surface water contamination. Add a sentence saying the type of mine proposed, and why that would have the potential to impact water supplies.
5-27	14-16	The most notable release occurred on July 16, 1979, when the UNC Mill Site tailings impoundment dam collapsed, releasing approximately 350 million liters (L) [93 million gallons (gal)] of tailings into Pipeline Arroyo and the underlying alluvial hydrostratigraphic unit.	This did negatively impact the groundwater, but it is not mentioned as a concern in surface waters. The release affected the Puerco River, as well as minor intermittent tributaries...the contamination could be remobilized from those streambeds so it is worth including in surface water impacts as well.
5-28	16-18	Thus, if construction and operation of the Crownpoint facility begins, impacts to groundwater are expected to be a minor and temporary impact to the overall groundwater resources in the area.	Mention that this mine proposes to utilize in situ leaching technologies to remove Uranium ore, and that the long term effects to the groundwater are unknown, not just "minor and temporary"

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Pg. 4-23		4	line 15-18	NRC is aware of the concern with the lateral migration of Pipeline Arroyo towards the existing NRC-licensed talings impoundment, this section indicates with a no-action alternative the NRC would still address as part of the NRC's ongoing regulatory oversight, mitigation the potential for the tailing to come into contact with flows in Pipeline Arroyo.
Pg. 1-7			line 12	Radiological effluent release limits to demonstrate compliance with worker and public safety standards will need to be comparable to background levels. Where will this background monitor be located and will it meet applicable siting requirements.
Air Quality General comment				There are no ambient air monitoring stations that collect data (i.e., pollutant concentrations) used to assess compliance with NAAQS within McKinley County. Therefore, to support UNC's proposal, NMED staff provided INTERA with estimates of appropriate background concentrations for the proposed project area, which are included in EIS Table 3.7-2 (INTERA, 2018). List the "combustion emissions" in reference to the NAAQS pollutants, or CAA applicable criteria pollutant so that they can be used to determine any impacts to the air shed. Make this change to the entire report. Where ever there is a reference to the air quality impacted by the proposed alternatives, ensure that the pollutant that will be impacted can be related to the applicable Clean Air Act requirement. Meaning, NAAQS, or HAPS, etc. Was there a visibility impact conducted? It is not mentioned in this section.
pg.2-18	2.2.1.6 Emissions, Effluents, and Solid Waste		line 6	the evaluation of the pollutants listed in section 2.2-1 does not adequately allow for the reader to understand the emissions on a yearly basis. Providing the overall TPY for each section of the project is not an adequate way for regulators to assess ARAR applicability of the CAA or the Navajo Nation CAA for the project. Permitting requirements under the CAA are categorized by TPY of an actual vs. potential. In addition, the section does not detail any of the emission generating sources that will be on site. This needs to be listed in the report in order for an adequate calculation of PTE for the project. The section does not adequately detail the statistical evaluation needed to check the PTE for the project. Provide the NNEPA with the necessary source listing to calculate the PTE for each alternative, and the modeling tools used to compare the data to the NAAQS.
pg. 2-18 pg. 3-45	Table 2.2-1 3.7.2.1 Air Quality		table/section line 21	1 rephrase to "States and Tribes may develop standards that are stricter..." The Navajo Nation has Treatment as a State for an Section 105 CAA Monitoring Program and monitors for information purposes only. In addition the Navajo Nation has a Part 71 Title V Operating Permit Program. Add reference to the NNEPA CAA regulatory programs to this section. Tribes have the authority to implement CAA programs in a modular approach depending on the needs of the Tribe.
pg. 3-45	3.7.2.1 Air Quality		Line 25-27	1 Why are the pollutants for CO, NO2, SO2 in ug/m3? The NAAQS table lists these pollutants in ppb, list the conversion factor below for reference. How does the table list both stationary and mobile sources as referenced in the text.
pg. 3-46	table 3.7-2		table/section	table and section
pg. 3-46	3.7.2.1		line 18-23	2 The table referenced in the text does not explain how the background concentrations were calculated, nor does the report detail how background concentrations were obtained. Data provided by NMED is not included in the report therefore it can not be validated. In addition, how does the data provided in the table include both stationary and mobile source emissions? How was this calculated? Given that GHG emissions from mobile sources is going to be a large emission source, in addition to any crushing, screening or equipment that will be utilized on site, the background emissions should be separated in order to demonstrate where the impact to the air coming from (mobile or stationary?) This will also help with any potential ARARs needed for the project, given that the NNEPA AQCP is in the process of obtaining delegation for a minor source permitting program.
	3.7.2.1		Lines 7-14	2 The applicability should also include an evaluation of all applicable tribe regulations under the NNCAA. In addition, a applicability evaluation of the New Source Review - for minor sources should also be evaluated. Lastly, given that the site is on State land and also Navajo Nation land, how will the applicable ARARs be enforced? This is important for the Navajo Nation given its robust air quality program. Tribal authority should be recognized and enforced and evaluated in this EIS. It is lacking this evaluation.
	3.7.2.1		section	The current section of the CAA permitting requirements and is poor. Each proposed action should be evaluated for its applicable ARARs. The report needs to re-evaluate the PTE each proposed action and convey those emissions in the EIS in order to justify each permitting requirement for an ARAR. The current display of emissions is hard to understand and it is not clear how from a regulatory stand point how to determine necessary CAA requirement for each proposed action.
pg. 5-32	5.7 Air Quality		30	1 "The NRC staff assess the cumulative impacts on air quality within an 80-km radius" Where is this 80 km radius assessment referring too? What is the regulatory applicable requirement of the assessment of air quality? List the applicable environmental act or requirement that governs the evaluation. The CAA has various requirements in the evaluation of applicable impacts? what is the impact to visibility to national park?
pg. 5-32	5.7 Air Quality		35-37	1 "The NRC staff selected this air quality study area in order to 36 consider areas beyond the Four Corners Interstate AQCR since the proposed project area would 37 be located about 29.8 km [18.5 mi] from the AQCR boundary." The section and the air quality region that was selected does not adequately reflect the impacted area. The boundary should be more reflective of the site. How was the assessment conducted. The section lacks the statistical analysis of the impacts to air quality. Other assessments of PM such as opacity is not mentioned. This will be a major concern of the community if earthen moving activity is to take place. Update this section to include an impact on opacity.
Pg. 5-33			line 1	Was tribal air quality data used in the key factors determination of MODERTE air quality when the air dispersion modeling protocol was developed by the licensee
pg. 5-33	5.7 Air Quality		4	1 "MODERATE" the impact of the proposed project will be moderate, what does this mean? Are you referring to the Air Quality Index? The AQI is intended to tell a person how the ambient air will impact their health, so that sensitive populations can be protected. It is not used to determine the impact a project will have on the overall air quality or NAAQS. The section needs to utilize a different term to detail the effect that this project will have on the air quality/NAAQS. Furthermore, if the intent is to reference the project to the AQI, if from 2019 to 2030 the overall impact that this project will have to the air quality/NAAQS is going to have a daily reading of moderate in reference to the AQI, the proposed project is going to significantly negatively impact air quality and additional mitigation methods need to take place.
pg. 5-34	5.7 Air Quality		8	2 generate gaseous emissions at some level" tell what level? Give the actual data here or within a table, what are the "gaseous emissions"
pg. 5-34	5.7 Air Quality		line 10-11	2 it is actually "unclassifiable/attainment" update the reference and cite the CFR granting this specific air shed, which it will be done by county as it is designated.
pg. 5-34	5.7 Air Quality		lines 12-17	2 EPA designating the area as in attainment, which it is actually "unclassifiable/attainment" does not mean that the overall impact of the project will be minimal. The section does not provide any statistical evaluation or modeling to make this assessment. This statement needs to be proven by an evaluation, monitoring data, modeling, etc. strike this statement or include the data necessary to make this conclusion.
pg. 5-34			lines 22-23	3 Opacity monitoring should be considered at any point source emissions location, roads, piles, etc. The opacity should not go above 15-20%.
pg 7-1	7.2 Radiological Monitoring and Reporting		section	The monitoring should also provide for the residents who live within 1/4 of a mile to receive indoor air monitoring for a period of time. Indoor monitoring should include PM and radon. The ambient air monitoring occurring should also assess for COPCs in the ambient air, as well as heavy metals.