U.S. Department of Energy
Office of Legacy Management

NEPA Categorical Exclusion Determination Form

Program or Field Office: U.S. Department of Energy (DOE) Office of Legacy Management (LM)

Project Title: Subsurface Investigation, L-Bar, New Mexico, UMTRCA Title II Disposal Site

Location: L-Bar, New Mexico, Disposal Site

Proposed Action or Project Description:

LM is proposing to conduct subsurface drilling, sampling, and testing at the L-Bar, New Mexico, Disposal Site to characterize soil conditions for the future construction and repair of stormwater and erosional control structures. The proposed action would be conducted in accordance with the specifications in the *DOE LM L-Bar Disposal Site Drilling Program Plan, Cibola County, New Mexico* (U.S. Army Corps of Engineers [USACE] Albuquerque District). The work would be performed just off the north slope of the disposal cell (northern area) and southeast of the disposal cell (southern area) and includes the following scope:

Phase 1: Surface and In Situ Investigation Procedures

- Initial gamma surface surveys: Identify locations of all planned investigations.
- Cone penetrometer testing (CPT): Thirteen CPTs would be performed in the northern area and 11 CPTs would be performed in the southern area, each to a depth of 40 feet (ft). USACE would be the CPT services provider and is responsible for providing all the necessary equipment required to execute this planned action.

Phase 2: Subsurface Investigation Procedures

- The standard penetration test (SPT) method of drive boring would take place at four locations in the northern area and at one location in the southern area, each to a depth of 40 ft.
- Undisturbed Shelby tube sampling would be performed at the SPT locations.
- Test pits would be dug for exposing and sampling foundation and construction materials using hand tools or small excavation equipment at nine proposed locations. Shallow pits would be dug to estimated depths of up to 10 ft. Additional space may be required for shoring or sloping the walls of the excavation in unstable or soft materials or for deep excavations.
- Backfilling: At the close of field investigations and related activities, the site would be restored to its initial condition. Exploratory borings and test pits would be backfilled with compacted soil cuttings. Borings that encountered groundwater would be backfilled with a bentonite grout.

The total disturbed area of all CPT soundings is anticipated to be approximately 11.25 square feet (ft^2). The maximum displacement of in situ materials resulting from all CPT soundings, assuming no collapse of the cavities created by the CPT probe, is estimated to be a total volume of 450 cubic feet. The total disturbed area of SPTs and Shelby tube sampling is anticipated to be approximately 14.25 ft^2. The total disturbed area of test pits is anticipated to be approximately 200–400 ft^2, depending on the amount of shoring required.

Categorical Exclusion(s) Applied:

- B3.1 Site Characterization and Environmental Monitoring

For the complete DOE National Environmental Policy Act (NEPA) regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of Title 10 *Code of Federal Regulations* Section 1021 (10 CFR 1021).

Regulatory Requirements in 10 CFR 1021.410(b): (See full text in regulation)

☒ The proposal fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D

To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to

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prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

☒ There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.

☒ The proposal has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

Based on my review of the proposed action, as NEPA Compliance Officer (as authorized by the LM Director per DOE Policy 451.1), I have determined that the proposed action fits within the specified classes of action, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

NEPA Compliance Officer Signature and Determination Date

TRACY RIBEIRO Digitally signed by TRACY RIBEIRO
Date: 2023.07.12 10:47:31 -06'00'