



## Veterans For Peace

Donald and Sally-Alice Thompson Chapter #63  
Albuquerque, New Mexico

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Ms. Pamela Jones, Commission Administrator  
New Mexico Water Quality Control Commission (NMWQCC)  
Via Email ([pamela.jones@state.nm.us](mailto:pamela.jones@state.nm.us))

Re: Public Comment—Request to Vacate Discharge Permit No. DP-1132

Dear Commissioners:

Based upon our reading of the New Mexico Water Quality Act, we believe that the WQCC does not have jurisdiction over the hazardous waste operations in the Radioactive Liquid Waste Treatment Facility (RLWTF) at the Los Alamos National Laboratory (LANL). The Act withholds the authority for the WQCC to regulate facilities, such as the RLWTF, which handles, treats, and stores hazardous waste.

As memorialized in the Commission's Administrative Record 00003-0006, the Concerned Citizens for Nuclear Safety (CCNS), on October 13, 1994, raised concerns about the seepage through tank walls within the Radioactive Liquid Waste Treatment Facility (RLWTF) at LANL. Recent reports indicate continuing seepage through tank walls. The seepage includes hazardous caustic and acid liquid wastes, which are required to be regulated by the New Mexico Hazardous Waste Act.

We urge the Commission to review the New Mexico Water Quality Act limitation that states at 74-6-12 NMSA:

B. The Water Quality Act does *not* apply to any activity or condition subject to the authority of the environmental improvement board pursuant to the Hazardous Waste Act [Chapter 74, Article 4 NMSA 1978], the Ground Waste Protection Act [Chap-

ter 74, Article 6B NMSA 1978] or the Solid Waste Act except to abate water pollution or to control the disposal or use of seepage and sludge. [Emphasis added.]

Although the Hazardous Waste Act is the appropriate law to regulate dangerous hazardous materials that are handled, treated, and stored with the RLWTF, it is not being used by the New Mexico Environmental Department (NMED).

The WQCC must recognize it does not have the authority under the NM Water Quality Act to regulate the RLWTF, a hazardous waste facility. The WQCC must vacate the issuance of discharge permit, DP 1132. The NMED must proceed to regulate the RLWTF under the NM Hazardous Waste Act.

Sincerely,

John E. Wilks, III  
VP, Chapter #63 (ABQ) Veterans For Peace

CF NMED, Hazardous Waste Bureau