

Bill Tiwald

Dear Members of the New Mexico Water Quality Control Commission:

Now is time for the WQCC to determine it does not have jurisdiction over the hazardous waste operations in the Radioactive Liquid Waste Treatment Facility (RLWTF). The NM Water Quality Act is clear. The WQCC does not have authority over facilities, such as the RLWTF, that handle, treat and store hazardous waste.

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

Stop the BS! The WQCC must recognize it does not have authority under the NM Water Quality Act to regulate the RLWTF, a hazardous waste facility. The WQCC must deny the discharge permit, DP-1132. NMED must do its job and fully regulate the RLWTF under the NM Hazardous Waste Act.