

Cynthia McNamara

I strongly disagree with the Hearing Officer's recommendation to the NM Water Quality Control Commission (WQCC) to deny standing to CCNS and HOPE in the matter of permitting of the Radioactive Liquid Waste Treatment Facility (RLWTF) at Los Alamos National Laboratory. CCNS and HOPE have members affected, in the past and the future, by operation of the RLWTF at LANL.

Further, I share the concerns first expressed by years ago by CCNS and HOPE about the seepage through tank walls within the RLWTF at LANL. (See the Administrative Record 00003 – 00006.) Recent reports indicate continuing hazardous seepage through tank walls. The seepages include hazardous caustic and acid liquid wastes, which are required to be regulated by the NM Hazardous Waste Act, not the NM Water Quality Act.

Please review the NM Water Quality Act limitation, 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 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.

The Hazardous Waste Act, not the NM Water Quality Act, is the appropriate law to regulate dangerous hazardous materials that are handled, treated, and stored within the RLWTF, but it is not being used by the New Mexico Environment Department (NMED). Only the Hazardous Waste Act and its regulations can properly safeguard our community from hazardous wastes in the RLWTF. To say that the CCNS members lack standing to ask for such regulation ignores the reality of the dangers that the RLWTF presents to the community, which extends far beyond the physical confines of LANL.

The people of New Mexico are ill-served by the permitting authority over RLWTF continuing to reside with the NM Water Quality Control Commission, an arrangement that has resulted in the planning and partial construction of two new Radioactive Liquid Waste Treatment Facilities, located next door to the old treatment facility and reportedly destined to process liquid radioactive and hazardous wastes from the fabrication of plutonium pits. Under the governance of the NM Water Quality Act, these additional structures required no notification to the public and no hearings at which the public could express opinions, present evidence, question witnesses, and make arguments in support of or opposition to the additional facilities. The lack of transparency is deeply troubling.

The WQCC must recognize it does not have any authority under the NM Water Quality Act to regulate the RLWTF, a hazardous waste facility. The WQCC must deny the discharge permit, DP-1132. If the WQCC is incapable of governing itself and acknowledging the Hazardous Waste Act, a higher authority should intervene. The NMED must step up and do its job and fully regulate the RLWTF under the NM Hazardous Waste Act.

Thank you for considering my comments.