Comments are due Tuesday, August 13, 2013. Please use these sample public comments to submit your own comments.

By email to: bruce.yurdin@state.nm.us

Mr. Bruce Yurdin

Manager, Point Source Regulation Section

Surface Water Quality Bureau

New Mexico Environment Department

P. O. Box 5469

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Re: Public Comments about Draft Permit for Los Alamos National Laboratory Allowing Industrial Discharges to Waters of the United States

NMED Clean Water Act Section 401 Certification to EPA

Dear Mr. Yurdin:

Please accept these public comments about the proposed National Pollutant Discharge Elimination System (NPDES) draft permit for Los Alamos National Laboratory (LANL). As required by Section 401 of the Clean Water Act, the New Mexico Environment (NMED) Department, Surface Water Quality Bureau, is required to certify to the Environmental Protection Agency (EPA) that the permit will reasonably ensure that the permitted activities will be conducted in a manner that will comply with the applicable New Mexico water quality standards. I understand that the final permit will not be issued until the Section 401 certification requirements have been met.

The NPDES permit allows for more than 1 million gallons of effluent to be discharged from industrial facilities, such as cooling towers, sanitary facilities, the Radioactive Liquid Waste Treatment Facility, and the High Explosive Waste Water Treatment Plant, into the canyons that flow to the Rio Grande everyday. In order to ensure that the permitted activities will be conducted in a manner that will comply with the applicable New Mexico water quality standards, the NMED must require in its certification to EPA that:

1. **The analytical method 1668 for polychlorinated biphenols (PCBs) is used.** The draft permit backslides because it allows for a less protective analysis of PCBs than found in the current permit. In 2007, thanks to NMED’s certification of the current permit, the use of Method 1668 for PCBs is required to be used. The draft permit, however, allows for a less sensitive analytical method to be used, which would allow discharges of PCBs at levels that are more than 300 times greater than the water quality standard that is protective of human health. Using a less sensitive method would allow LANL to report a PCB sample as “no detect.”

Further, on December 20, 2012, NMED wrote to EPA stating that the “employment of Method 1668 is necessary and appropriate as a condition in this permit so as to assure the permit is protective of the State’s Water Quality Standards.” In order to ensure that New Mexico Water Quality standards are met, NMED must certify to EPA that PCB analytical method 1668 be used.

1. **All samples must be analyzed for all water quality parameters and contaminants.** The draft permit allows for on-going impairment of most of the streams within the LANL property, which means that the streams are not meeting water quality standards. In order to protect water quality NMED must require that EPA establish effluent limits for all impaired parameters at each outfall as part of the certification.

For example, the industrial outfalls 03A022 and 03A181 both discharge into Mortandad Canyon, which is impaired for Aluminum, Copper and Gross Alpha Radiation. Yet the draft permit does not contain any effluent limits for any of these parameters for the outfalls. NMED must require in the certification to EPA that the final permit include effluent limits for all of the water quality parameters and contaminants.

1. **The final permit protects intermittent streams.** LANL is the only facility in New Mexico that is not required to meet chronic aquatic life standards for its intermittent streams located in the canyon bottoms. NMED must require in the certification that EPA include effluent limits that are protective of the chronic aquatic life standard for all outfalls that discharge into intermittent streams.

Thank you for your careful consideration of my comments.

Sincerely,