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

By email to: smith.diane@epa.gov

Ms. Diane Smith

U.S. Environmental Protection Agency

Permit Processing Team (6WQ-NP)

1445 Ross Avenue, Suite 1200

Dallas, TX 75202-2733

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

NPDES Permit No. NM0028355

Dear Ms. Smith:

Please accept these public comments about the proposed National Pollutant Discharge Elimination System (NPDES) draft permit for Los Alamos National Laboratory (LANL). The 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. While LANL has proposed to eliminate six industrial outfalls that have operated for decades, I remain concerned that the permit:

1. **Backslides because the draft permit allows for a less protective analysis of PCBs than found in the current permit.** The current permit requires the use of Method 1668 for PCBs to analyze the effluent samples that are taken. The draft permit 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 such a PCB sample as “no detect.”

Further, on December 20, 2012, the New Mexico Environment Department 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, EPA should require use of the PCB analytical method 1668.

1. **Allows for on-going impairment of most of the streams within LANL property, which means that the streams are not meeting water quality standards.** In order to protect water quality EPA should establish effluent limits for all impaired parameters at each outfall. For example, 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 these outfalls. EPA must include effluent limits for all of these parameters.
2. **Does not protect intermittent streams, which do not carry flow year round.** 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. In the final permit EPA should include effluent limits that are protective of the chronic aquatic life standard for all outfalls that discharge into intermittent streams.

In addition, I request that EPA investigate why LANL and Los Alamos County are not subject to the Multi-Sector General Permit 4 (MS-4) for their stormwater discharges into the canyons that flow to the Rio Grande. Because of the on-going drought and recent wildfires, when it does rain, there is increased erosion and flooding in the canyons. Even before these disasters it was difficult to determine the source of the water – whether it was coming from LANL or the County. Some of the canyons flow to the Rio Grande upstream of where Santa Fe and Albuquerque divert water from the river for drinking water. It is essential that EPA require LANL and Los Alamos County to file timely applications for MS4 permits in order to control stormwater flowing through the canyons to the Rio Grande.

Thank you for your careful consideration of my comments.

Sincerely,