

Date: 2017

By email to: Michelle.Hunter@state.nm.us

Michelle Hunter, Chief
Ground Water Quality Bureau
New Mexico Environment Department
P. O. Box 5469
Santa Fe, NM 87502-5469

Re: Public Comments about draft Ground Water Discharge Permit DP-1817
Waste Control Specialists, LLC
Proposed discharge of 170,500,000 gallons per day of storm water and
industrial wastewater from the WCS site in Texas to New Mexico

Dear Ms. Hunter:

I am very concerned about the proposed ground water discharge permit for Waste Control Specialists (WCS) issued by the New Mexico Environment Department (Environment Department) for public review and comment. WCS is a 14,900-acre hazardous and radioactive waste storage and disposal facility located in Andrews County, Texas, on the Texas - New Mexico state line. The draft permit allows the discharge of up to 170,500,000 gallons per day (gpd) to flow from Texas into New Mexico through unnamed ditches in both states; into the Monument Draw, which flows in both states; and into the Rio Grande. Some of my concerns are:

1. WCS has discharged into New Mexico for many years without an Environment Department permit. I request that the Environment Department make this permit a priority.
2. WCS owns 800-acres in New Mexico in which they use a portion along the New Mexico-Texas state line for storage of soils. It is unclear if the draft permit includes provisions for industrial and storm water discharges from those operations.
3. The discharge permits issued by the Texas Commission on Environmental Quality (TCEQ) no longer require WCS to meet New Mexico water quality standards. Prior to 2012, the TCEQ permits required WCS to meet New Mexico water quality standards. The Environment Department should take this opportunity to require TCEQ to change its permits to include New Mexico water quality standards.
4. The huge volume of water flowing across the arid landscape to the Rio Grande has caused flooding and erosion. The draft permit should include methods to slow the water down so that it may infiltrate. Currently there are a few berms in Texas and one in New Mexico on WCS lands, but not further downstream. This is inadequate. The draft permit should provide provisions for the installation of green infrastructure and low-impact design throughout the New Mexico watershed.

5. The Environment Department should impose requirements for WCS to implement an electronic public reading room, with the opportunity for the public to sign up to receive notifications when key documents are posted, similar to the systems established for the Waste Isolation Pilot Plant (WIPP) and Los Alamos National Laboratory (LANL). Both WIPP and LANL waste is being stored at WCS. This is an opportunity for more transparency about WCS discharges.

6. Condition 8 in the draft permit requires WCS to submit a written monitoring well location proposal to the Environment Department 60 days after the effective date of the permit. This is unacceptable. The written monitoring well location proposal should be available now as part of this public participation opportunity to provide informed public comments. The proposal would include important information - a map, the specific location of the proposed monitoring wells, and the groundwater flow direction beneath WCS. Because this key document is not available now, the public cannot provide informed public comments at this time.

The Environment Department should require the written monitoring well location proposal be included in the WCS application and be made available for public review and comments, as well as for a possible public hearing. The Environment Department should extend the public comment period until the monitoring well location proposal is provided to the public.

7. Condition 12 of the draft permit requires WCS to conduct semi-annual groundwater sampling for certain pollutants in specific wells. It omits specific reporting requirements and must be corrected. Condition 12 also allows WCS to request the elimination of certain pollutants from the sampling list if over the course of one year, no contamination was found. This is inadequate. The Environment Department should require at least five years of sampling before allowing WCS the opportunity to request to remove a pollutant from the sampling list.

8. I am especially concerned about the lack of specificity about the role of the Environment Department in the closure and post-closure monitoring plans as required in the TCEQ permits. The draft permit should specify the relationships, communication protocols and public notification processes for the closure and post-closure monitoring plans.

9. I am concerned about WCS's financial status. Recent articles about the Department of Justice antitrust lawsuit puts the facility sale to EnergySolutions in jeopardy; and on April 18th WCS asked the Nuclear Regulatory Commission to temporarily suspend review of its application to build and operate a consolidated interim storage facility for 44,000 tons of nuclear power plant fuel until after the sale is complete.

Thank you for your careful consideration of my comments. Please add my name to the WCS facility mailing list.

Sincerely,

Name: _____

Contact Info: _____