September \_\_\_\_\_, 2019

Andrew Romero, Geoscientist

Ground Water Quality Bureau

New Mexico Environment Department

P. O. Box 5469

Santa Fe, NM 87502

By email to: AndrewC.Romero@state.nm.us

**Re: Public Comment about Proposed Ground Water Discharge Permit 1132 (DP-1132)**

 **Radioactive Liquid Waste Treatment Facility at Los Alamos National Laboratory - GWB 19-24 (P)**

Dear Mr. Romero:

I am concerned about the proposed issuance of a ground water discharge permit (DP-1132) by the New Mexico Environment Department (NMED) to the U.S. Department of Energy (DOE) and the Los Alamos National Laboratory (LANL) for the Radioactive Liquid Waste Treatment Facility (RLWTF). Under the New Mexico Water Quality Act, no discharge permit should be issued because there is no discharge and there are no plans for a discharge. Such a permit would not be effective, nor enforceable, because there is no discharge. Issuing a permit would be a nullity.

The RLWTF is a radioactive and hazardous liquid waste storage and treatment facility. The influent contains liquid hazardous waste, as well as the effluent. As such, it is required to be regulated by the New Mexico Hazardous Waste Act.

In June 1998, LANL released a report *Elimination of Liquid Discharge to the Environment from the TA-50 Radioactive Liquid Waste Treatment Facility,* LA-13452-MS. In that report, LANL defined zero liquid discharge as: *Zero liquid discharge from the RLWTF means that no treated liquid radioactive waste will be discharged to the environment.* P. 32.

LANL accomplished its goal of zero liquid discharge from the RLWTF. No discharge covered by the Water Quality Act has occurred since 2010.

The resources devoted to issue a New Mexico Water Quality Act permit should have been devoted to regulating the RLWTF under the New Mexico Hazardous Waste Act. The Water Quality Act states that a facility subject to the Hazardous Waste Act cannot be regulated by the Water Quality Act. The New Mexico Environment Department must require DOE/LANL to submit a permit modification request for regulation of the RLWTF under the New Mexico Hazardous Waste Act.

Thank you for your careful consideration of my comments.

Sincerely,

Name

Address

Email