By email to: Pamela.Jones@state.nm.us

Ms. Pam Jones, Paralegal

Water Quality Control Commission

1190 St. Francis Drive, Suite S-2102

Santa Fe, NM 87505

Re: \* Public Comment for Case No. WQCC 22-21

 \* Remand DP-1132 Back to New Mexico Environment Department Secretary

 \* Radioactive Liquid Waste Treatment Facility Manages Hazardous Waste

The Secretary is Required to Find the Facility Must be Regulated Under the New Mexico Hazardous Waste Act, not the New Mexico Water Quality Act

Dear Ms. Jones:

I am concerned that the New Mexico Environment Department (NMED) Secretary has not fulfilled his responsibilities to complete the Administrative Record for Ground Water Discharge Permit, DP-1132, for the Radioactive Liquid Waste Treatment Facility (RLWTF) operated by Los Alamos National Laboratory (LANL).

The Secretary did not receive a revised Hearing Officer’s Report as he ordered on June 24, 2020. As a result, he could not take action so that the public could understand his reasoning for issuing DP-1132. He did not respond to the significant public comments received on the record.[[1]](#footnote-1) In short, the Secretary has not fulfilled his duties to ensure the Administrative Record in this matter is complete.

The Secretary was required to find that the Facility manages hazardous waste, and so it must be regulated under the Hazardous Waste Act, instead of the Water Quality Act.

I support the request by Concerned Citizens for Nuclear Safety (CCNS) and Honor Our Pueblo Existence (HOPE) that the Commission remand this matter to the Secretary for completion of the Administrative Record and for the Secretary to determine that the Radioactive Liquid Waste Treatment Facility is a hazardous waste facility and must be regulated by the New Mexico Hazardous Waste Act.

Please share my comments with all the members of the New Mexico Water Quality Control Commission. Thank you.

Sincerely,

1. After a careful review of the Administrative Record, Concerned Citizens for Nuclear Safety (CCNS) found that 325 pages of public comments received before and during the November 2019 DP-1132 public hearing were listed in the Index to the Administrative Record, but are not available for review in the Administrative Record itself. [↑](#footnote-ref-1)