Below are sample comments you can personalize and submit to the Water Quality Control Commission (WQCC) Members on or before Tuesday, May 9, 2023, through the Commission’s Administrator, Pamela Jones at pamela.jones@state.nm.us . You can also submit public comments through the Public Comment Portal for *Review of Issuance of Permit No. DP-1132* at <https://nmed.commentinput.com/?id=ZCP4E>

*Below are three short public comment letters we invite you to personalize and submit. Please revise and submit the one that works best for you!*

**1. To Members of the New Mexico Water Quality Control Commission:**

On October 13, 1994, CCNS first raised concerns about the seepage through tank walls within the Radioactive Liquid Waste Treatment Facility (RLWTF) at LANL. See the Administrative Record 00003 – 00006. Recent reports indicate continuing seepage through tank walls. The seepages include hazardous caustic and acid liquid wastes, which are required to be regulated by the NM Hazardous Waste Act.

Please review the NM Water Quality Act limitation that states at 74-6-12 NMSA:

B.     The Water Quality Act does **not** apply to any activity or condition subject to the authority of the environmental improvement board pursuant to the **Hazardous Waste Act** [[Chapter 74,](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_ch74-eb3.html) [Article 4](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_ch74art4-30f9.html) NMSA 1978], the Ground Water Protection Act [[Chapter 74,](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_ch74-eb3.html) [Article 6B](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_ch74art6b-1b10b.html) NMSA 1978] or the Solid Waste Act except to abate water pollution or to control the disposal or use of septage and sludge. [Emphasis added.]

The Hazardous Waste Act is the appropriate law to regulate dangerous hazardous materials that are handled, treated and stored within the RLWTF, but it is not being used by the New Mexico Environment Department (NMED).

The WQCC must recognize it does not have the authority under the NM Water Quality Act to regulate the RLWTF, a hazardous waste facility. The WQCC must vacate the issuance of discharge permit, DP-1132. The NMED must do its job and fully regulate the RLWTF under the NM Hazardous Waste Act.

**2. To Members of the New Mexico Water Quality Control Commission:**

It is time for the WQCC to determine it does not have jurisdiction over the hazardous waste operations in the Radioactive Liquid Waste Treatment Facility (RLWTF). The NM Water Quality Act is clear. The WQCC does not have authority over facilities, such as the RLWTF, that handle, treat and store hazardous waste.

B.     The Water Quality Act does **not** apply to any activity or condition subject to the authority of the environmental improvement board pursuant to the **Hazardous Waste Act** [[Chapter 74,](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_ch74-eb3.html) [Article 4](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_ch74art4-30f9.html) NMSA 1978], the Ground Water Protection Act [[Chapter 74,](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_ch74-eb3.html) [Article 6B](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_ch74art6b-1b10b.html) NMSA 1978] or the Solid Waste Act except to abate water pollution or to control the disposal or use of septage and sludge. [Emphasis added.]

Please stop the charade! The WQCC must recognize it does not have authority under the NM Water Quality Act to regulate the RLWTF, a hazardous waste facility. The WQCC must deny the discharge permit, DP-1132. The NMED must do its job and fully regulate the RLWTF under the NM Hazardous Waste Act.

**3. To Members of the New Mexico Water Quality Control Commission:**

I strongly disagree with the Hearing Officer’s recommendation to the NM Water Quality Control Commission (WQCC) to deny standing to CCNS and HOPE. These organizations have members who are clearly affected, in the past and the future, by operation of the Radioactive Liquid Waste Treatment Facility (RLWTF) at Los Alamos National Laboratory.

The NM Water Quality Act specifically states that it does not apply to facilities that handle, treat and store hazardous waste, which are required to be regulated by the NM Hazardous Waste Act.

Only the Hazardous Waste Act and its regulations can properly safeguard our community from hazardous wastes in the RLWTF. To say that the CCNS members lack standing to ask for such regulation ignores the reality of the dangers that the RLWTF presents to the community.

The WQCC must recognize it does not have any authority under the NM Water Quality Act to regulate the RLWTF, a hazardous waste facility. The WQCC must deny the discharge permit, DP-1132. The NMED must do its job and fully regulate the RLWTF under the NM Hazardous Waste Act.