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NEW MEXICO ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

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NOTICE OF PUBLIC HEARING NEW MEXICO ENVIRONMENT DEPARTMENT

The New Mexico Environment Department (NMED) will hold a public hearing beginning at 9:00 a.m. on November 14, 2019, and continuing on as needed, at the Fuller Lodge, Pajarito Room, located at 2132 Central Avenue, in Los Alamos, New Mexico. The hearing will consider the proposed ground water discharge permit (Discharge Permit or DP-1132) prepared in response to a discharge plan submitted by the United States Department of Energy and Los Alamos National Security, LLC (DOE/LANS or Applicants). The decision of the Secretary of NMED was vacated by order of the Water Quality Control Commission (WQCC) in WQCC Case No. 18-05(A) and the case was remanded by the WQCC for a new hearing to be conducted by a new Hearing Officer. The remanded case has been docketed by the Hearing Clerk as GWB 19-24 (P). The Hearing Officer will provide opportunities for general oral statements or non-technical testimony from members of the public at the hearing.

Name of the applicants: United States Department of Energy and Los Alamos National Security, LLC. (DOE/LANS), 3747 W. Jemez Road, MS A316, Los Alamos, NM 87544.

Location of the discharge: The discharge is located within Los Alamos National Laboratory (LANL), approximately 1.5 miles south of Los Alamos, New Mexico, in Sections 16, 17, 20, 21 and 22, Township 19N, Range 06E, Los Alamos County.

Activities which produce the discharge: The Radioactive Liquid Waste Treatment Facility (RLWTF) is a wastewater treatment facility that receives and treats radioactive liquid waste (RLW) from waste generating locations at LANL. The Discharge Permit authorizes the use of the RLWTF's multiple systems and associated units, including: the influent collection system; the influent storage system, i.e., the Waste Management Risk Mitigation Facility (WMRM); the low-level radioactive liquid waste treatment system; the transuranic wastewater treatment system; and the secondary treatment system. RLW treatment processes include chemical treatment in a reaction tank, filtration, ion exchange, and reverse osmosis. The Discharge Permit authorizes the discharge of treated water via the Mechanical Evaporator System (MES) and the Solar Evaporative Tank (SET) at TA-52. The discharge of treated water at an outfall (Outfall 051) is authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued by the United States Environmental Protection Agency (EPA) pursuant to the federal Clean Water Act Section 402, 33 U.S.C § 1342.

Quality, quantity, and flow characteristics of the discharge: Up to 40,000 gallons per day may be discharged via the three processes identified above. The expected quality of the discharge is that it will meet all numerical groundwater standards identified in 20.6.2 NMAC. Potential contaminants associated with this waste stream include nitrogen compounds, metals, organic compounds, and low-level radioactive materials.

Depth to groundwater: Groundwater most likely to be affected ranges from depths of approximately one foot to 1,306 feet and has a total dissolved solids concentration ranging from approximately 162 to 255 milligrams per liter.

Hearing procedures: The hearing will be conducted pursuant to the NMED Permit Procedures regulations, 20.1.4 NMAC, and the NMED Ground and Surface Water Protection regulations, 20.6.2.3110 NMAC. Any member of the public may attend the hearing and present relevant non-technical testimony, orally or in writing, and to examine witnesses testifying at the hearing. To be a party or to present technical testimony, a person must follow the procedures below:

Entry of Appearance Required to be a Party: Any person who wishes to be a party shall file with the Hearing Clerk, and serve upon all other parties of record, including NMED and the Applicants, an *Entry of Appearance* on or before **November 4, 2019**.

Statement of Intent to Present Technical Testimony required: Any person who wishes to present technical evidence, data, or testimony at the hearing shall file with the Hearing Clerk and serve on the Applicants, NMED, and all other parties of record a *Statement of Intent to Present Technical Testimony* on or before **November 4, 2019**, pursuant to 20.6.2.3110.C NMAC. A timely filed Statement of Intent shall be considered an Entry of Appearance. The Statement of Intent must comply with the requirements in 20.1.4.300 NMAC and 20.6.2.3110.C NMAC and shall include: the name of the person filing the statement, whether the person filing the statement supports or opposes the proposed permit, the name/address/affiliation/work background/educational background of each witness, the estimated length of direct testimony of each witness, a list of exhibits to be offered into evidence at the hearing with a copy of each exhibit that is not already part of the Record Proper, a list of all technical materials – and information where the material can be obtained – relied upon by each witness in making a technical statement of fact or opinion and an explanation of the basis for such an opinion, and the full written direct testimony of each witness including any opinions to be offered by such witness and an explanation of the basis for that opinion.

Failure to file a timely Entry of Appearance or Statement of Intent to Present Technical Testimony shall preclude a person from being a party to the proceeding and from presenting technical testimony but shall not preclude a person from presenting a general written or oral statement or non-technical testimony in the proceeding.

Final determination on permit by NMED: The Secretary of NMED will make a final determination approving, conditionally approving, or disapproving DP-1132 based on the administrative record for the permit application, public comment, and the public hearing.

Documents filed with Hearing Clerk: All documents that need to be filed with the Hearing Clerk shall be submitted to: Cody Barnes, Hearing Clerk, NMED, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM 87502, Telephone: (505) 827-2428.

Documents served on NMED: All documents that need to be served on NMED shall be sent to: John Verheul, NMED Office of General Counsel, 121 Tijeras Avenue NE, Ste 1000, Albuquerque, NM 87102, or John.Verheul@state.nm.us.

Transcripts of hearing. Pursuant to 20.6.2.3110.J NMAC, NMED will make an audio recording of the hearing. If any person requests a written transcript or certified copy of the audio recording, the requestor shall pay the cost of the transcription or audio copying.

Further information and NMED contact: For further information on DP-1132 and the public hearing, or to be placed on the facility-specific mailing list, or if you are a non-English speaker or do not speak English and would like to request assistance, please contact Andrew C. Romero, NMED Ground Water Quality Bureau (GWQB), P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM 87502-5469, by telephone at (505) 827-0076, or at AndrewC.Romero@state.nm.us. The administrative record and copies of the proposed permit can be viewed at the GWQB. The draft permit and fact sheet may be viewed on-line at <https://www.env.nm.gov/gwqb/public-notice/> or at the NMED office in Los Alamos: 1183 Diamond Drive, Suite B, Los Alamos, NM 87544.

If any person requires assistance, an interpreter, or auxiliary aid to participate in this process, please contact Cody Barnes by telephone at (505) 827-2428, or submit a written request to Mr. Barnes, at least ten (10) calendar days prior to the hearing at NMED, P.O. Box 5469, Santa Fe, NM 87502, or Cody.Barnes@state.nm.us. Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857.

NMED maintains a Public Involvement Plan (PIP) for each permitting action to plan for providing public participation opportunities and information that may be needed for the community to participate in a permitting process. The Public Involvement Plan may be viewed online at www.env.nm.gov/gwqb/public-involvement-plans/ or at the NMED office in Taos: 145 Roy Rd. Suite B, Taos, NM 87571. NMED also maintains facility-specific mailing lists for persons wishing to receive associated notices for a permitting action.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of

the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.