

Improper Regulation of LANL's Radioactive Liquid Waste Treatment Facility

Under the Clean Water Act
and NM Water Quality Act

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NM Radioactive and Hazardous Materials Committee

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What is the LANL Radioactive Liquid Waste Treatment Facility?

The RLWTF was constructed in the early 1960s to **treat, store, and dispose of radioactive and hazardous liquids** generated by several Los Alamos National Laboratory (“LANL”) facilities.

- It is located at Technical Area 50 (“TA-50”), across the street from the Plutonium Facility at TA-55. Radioactive and hazardous liquids are transported to the RLWTF by underground pipes and trucks.

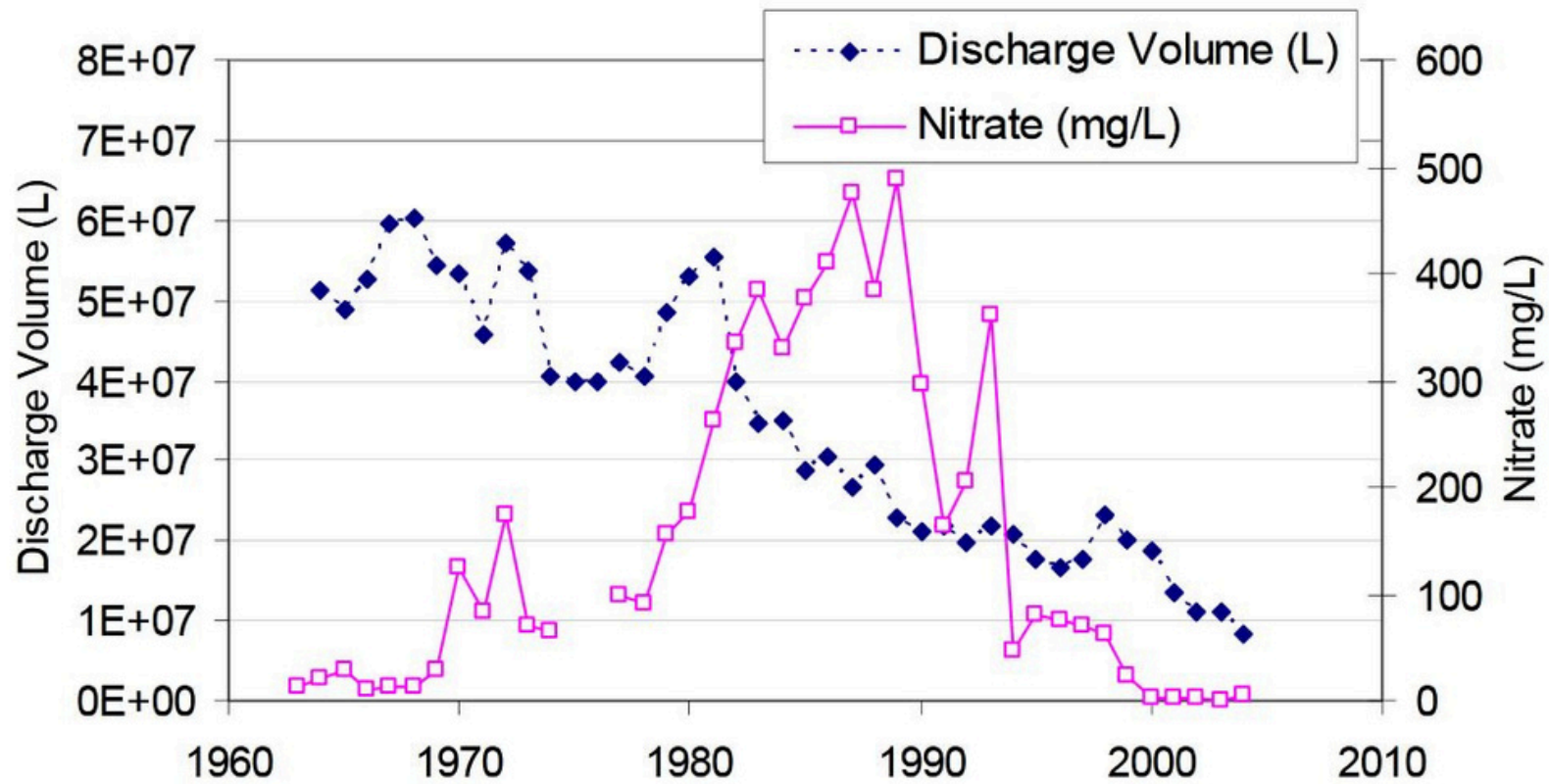
The Problem: The NM Water Quality Act Is Not The Appropriate Structure to Regulate the RLWTF

For decades, the RLWTF has released “treated” water through an outlet called **Outfall 051** into Effluent Canyon, which flows into Mortandad Canyon, regulated through a required **NPDES permit under the Clean Water Act.**



The RLWTF should instead be regulated by **the NM Hazardous Waste Act** rather than the NM Water Quality Act (More on this later)

TA-50 Discharge Volume and Nitrate Concentration



Contaminants of Concern:

Americium-241

Plutonium-239

Barium

Perchlorate

Cesium-137

Strontium-90

Chromium

Polycyclic Aromatic Hydrocarbons

Plutonium-238

Tritium

Nitrate

including benzo(a)pyrene

Federal Regulation: RLWTF and the Clean Water Act

- LANL operates the RLWTF based on a RCRA exemption (Waste Water Treatment Unit) **allowing it to bypass** state and federal hazardous waste regulation.
- This exemption applies when a “tank system” is subject to the federal **Clean Water Act**. A facility is subject to the CWA only if there is a discharge of pollutants.
- In 1998, LANL made a policy decision to operate the RLWTF as **a zero-liquid-discharge facility**. There were no liquid discharges from 2010 to 2021. Citizen groups challenged the CWA NPDES permit since there was no discharge.
- In 2021 the RLWTF started discharging again, plainly to obtain a CWA NPDES permit. **Citizens are contesting the latest CWA NPDES permit.**

State Regulation: RLWTF, NM Water Quality Act and DP-1132

Meanwhile, because the NM Water Quality Act requires a permit for the discharge of any water contaminant, NMED has issued the permit, DP-1132, for discharges from the RLWTF.

This permit claims to regulate various RLWTF operations, but it lacks legal support under the WQA; for all but the discharge regulations, DP-1132 appears to be a symbolic measure, not an enforceable permit.

In Addition:

- In contrast to the Hazardous Waste Act, the WQA omits analyses of the seismic vulnerability and risk in Los Alamos County and the surrounding counties from Taos to Bernalillo.
- If in the future NMED wanted to enforce DP-1132, there is no authority to do so under the WQA.
- With the potential of increased plutonium pit production, more enforcement is needed, not less.

Solution:

The RLWTF Requires Regulation by the NM Hazardous Waste Act

LANL admitted that the RLWTF will “receive and treat or store an influent wastewater which is hazardous waste as defined in 40 C.F.R. § 261.31.”

(LANL Comments, Dec. 12, 2013, Encl. 3 at 1) (AR 09794).



A facility managing hazardous waste must have a HWA permit.

(NMSA 1978, § 74-4-4(A)(6). See also regulations issued by the Environmental Improvement Board, 20.4.1.900 NMAC, adopting 40 C.F.R. Part 270.)



Thus, RLWTF is “subject to the authority of the Environmental Improvement Board pursuant to the Hazardous Waste Act.”

(NMSA 1978, § 74-6-12(B).

Request for the NM Radioactive and Hazardous Materials Committee

Ask Governor Michelle Lujan Grisham for her support to ensure that hazardous waste management of the LANL RLWTF is appropriately regulated by NMED through the NM Hazardous Waste Act to protect New Mexico's environment and public health.



Thank you

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