

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT



**IN THE MATTER OF THE APPLICATION OF THE
UNITED STATES DEPARTMENT OF ENERGY AND
LOS ALAMOS NATIONAL SECURITY, LLC FOR A
GROUND WATER DISCHARGE PERMIT (DP-1835)
FOR LOS ALAMOS NATIONAL LABORATORY**

No. GWB 16-08 (P)

FINAL DECISION PURSUANT TO 20.6.2.3110(L) NMAC

This matter comes before the Acting Secretary of the New Mexico Environment Department (“Acting Secretary”) for a final decision pursuant to 20.6.2.3110(L) NMAC following a public hearing held before the appointed Hearing Officer in accordance with 20.6.2.3110 NMAC at the University of New Mexico, Los Alamos in Los Alamos, New Mexico on June 7, 2016. Los Alamos National Security, LLC (“LANS”) and the United States Department of Energy (“DOE” and jointly “Applicants”) seek approval of a ground water discharge permit (“DP-1835”) for Los Alamos National Laboratory (“LANL”). The Ground Water Quality Bureau of the New Mexico Environment Department (“Department”) supports approval of the ground water discharge permit with thirty-five (35) proposed conditions reasonable and necessary to ensure compliance with the Water Quality Act and applicable regulations, considering site-specific conditions. Communities for Clean Water (“CCW”) supports remediation of the regional drinking water aquifer, but “opposes issuance of the final permit at this time.”

The Acting Secretary considered the entire record proper, which includes the Hearing Officer’s Report Pursuant to 20.6.2.3110(K) NMAC filed with the Hearing Clerk on August 15, 2016. The Hearing Officer recommended approval of the ground water discharge permit with the thirty-five (35) proposed conditions and with the changes proposed by Applicants.

The Acting Secretary hereby adopts the Hearing Officer's recommended findings of fact and conclusions of law, and approves the ground water discharge permit for the reasons therein. The Acting Secretary further approves the ground water discharge permit as submitted by the Department as Attachment 1 with the changes to Findings Nos. 1-4 as proposed by Applicants on page 7 of their post-hearing submission in order to accurately reflect the prospective status of the discharge.



Butch Tongate
Butch Tongate, Acting Secretary
New Mexico Environment Department

NOTICE OF PROCEDURE FOR APPELLATE REVIEW

20.6.2.3112 NMAC provides that if the secretary approves, approves subject to conditions, or disapproves a proposed discharge plan, renewal or modification, or modifies or terminates a discharge permit, appeal therefrom shall be in accordance with the provisions of NMSA 1978, §§ 74-6-5(N), (O) and (P) (2009). The filing of an appeal does not act as a stay of any provision of the Act, the regulations, or any permit issued pursuant to the Act, unless otherwise ordered by the secretary or the commission.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Final Decision Pursuant to 20.6.2.3110(L)** was served on the following parties of record via the stated methods below on August 19, 2016:

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Linda Vigil, Hearing Clerk
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