



MEMORANDUM

To: James C. Kenney, Cabinet Secretary, NMED

Through: Rebecca Roose, Deputy Secretary, NMED
John Rhoderick, Acting Division Director, Water Protection Division
Chris Atencio, Assistant General Counsel, Office of General Counsel
Justin Ball, Bureau Chief, Ground Water Quality Bureau

From: Jason Herman, Acting Program Manager, Ground Water Quality Bureau

Subject: Request for Hearing Determination for the Urenco USA (UUSA) Discharge Permit Renewal and Modification Application for DP-1481, Uranium enrichment facility and depleted uranium byproduct storage.

Date: June 8, 2022

The Ground Water Quality Bureau (GWQB) respectfully requests a hearing determination in the matter of a draft groundwater discharge permit (DP-1481 or Permit) addressing a renewal application from URENCO USA (Applicant). The Permit proposes procedures for the disposal of stormwater and non-uranic process water associated with the Applicant’s uranium enrichment facility 4.5 miles east of Eunice, NM in Lea County. Urenco USA’s business is to enrich uranium via gas centrifuges. The facility is also referred to as Louisiana Energy Services (LES) partnership, an entity owned by URENCO, and the National Enrichment Facility (NEF).

The most recent application proposes to maintain the previous authorizations allowing for the disposal by evaporation of up to 16 million gallons per day (gpd) of stormwater runoff into an unlined pond (Pond 1) and for the disposal by evaporation of up to 3.7 million gpd of stormwater runoff plus up to 17,000 gpd of non-uranic process water discharged into two synthetically lined impoundments (Pond 2E and 2W). The permit modification consists of the authorization to discharge up to 6,550 gpd of cooling tower blowdown and backwash water to Pond 1.

The GWQB has included conditions in the draft permit that are more protective than previous permits, including an increased number of monitoring locations. Additionally, the current draft permit conditions require more frequent sampling requirements that allow for alternative methodologies to better collect valuable data at the facilities monitoring points. The Applicant has complied with all terms and conditions in their discharge permit and has been cooperative with all requests made by NMED including the requirement for financial assurance which is included in their Nuclear Regulatory Commission licensing requirements.

The New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2.3108(M) NMAC, state that following public notice of a draft permit, providing an opportunity for the public to comment on the draft permit, and considering that public comment, “a public hearing shall be held if the secretary determines there is

substantial public interest.” The GWQB believes that substantial public interest exists in this matter.

The GWQB has evaluated whether substantial public interest exists in this specific matter using the following criteria:

- The substantive issues raised by public comment: Monitoring requirements, locations and frequency, as well as several issues not normally addressed by a GWQB discharge permit such as capture of alleged toxic, hazardous or radioactive vapors emitted into the air during evaporation and treatment of stormwater prior to discharge.
- Interested parties have utilized multiple methods of voicing concern including: coordinated hearing request submissions by letter.
- The facility has a history of active interested party participation and communication with NMED.
- Interest is from a sufficiently large portion of the State’s population.

Brief chronology:

July 24, 2017	LES submits a renewal application to GWQB in a timely manner
December 21, 2018	LES submits a revised application as required by GWQB
October 4, 2019	NMED publishes notice of the draft DP-1481 requesting comment - NMED received multiple comments requesting extensions of the public comment period, translation of documents into Spanish, and a permit summary
January 10, 2020	GWQB places a permit summary incorporating comments received on the department’s website
January 11, 2020	NMED publishes notice of an additional 60 days for public comment following release of the permit summary. During this time NMED receives public comment from 12 individuals and 11 Non-Governmental Organizations (NGOs). Within those comments NMED receives one request for a public meeting and one letter requesting a hearing signed by four individuals and ten NGOs.

The GWQB believes that public interest in this case meets the threshold of substantial, based on the criteria identified above, and recommends a positive determination regarding this hearing request.

Hearing Request Determination:

The request for hearing on the Draft Discharge Permit DP-1481

_____ Denied
 X Approved

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Kenney
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James C. Kenney
Cabinet Secretary

Date: _____