

U.S. Department of Energy and Triad National Security

FILED
Water Quality
Control Commission

WQCC No. 20-51(R)
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Summary of Technical
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Managed by Triad National Security, LLC for the U.S. Department of Energy's NNSA

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Toxic pollutants

- LANL proposes a list as part of the “toxic pollutant” definition under 20.6.4.7 (T)(2) NMAC to provide clarity on chemicals being regulated (LANL Exhibit 57)
- WQCC can add to this list, including consideration of specific PFAS and other chemicals
- WQCC can add numeric criteria appropriate for designated uses
 - EPA is developing MCLs for PFOA and PFOS now
 - EPA is scoping development of HH and aquatic life criteria for PFOA and PFOS

Inclusion of term Contaminants of Emerging Concern (CEC)

- “CEC” is proposed by NMED to be used only as part of 20.6.4.13(F)(1)
- LANL disagrees with expansion of toxic pollutants in 20.6.4.13 (F)(1) to include CECs when so many CECs, including thousands of PFAS, lack toxicity data for criteria development (LANL Exhibit 57)
- Thus, definition of CECs at 20.4.6.7(C) NMAC not needed
- LANL’s approach maintains WQCC responsibility for determining which pollutants are toxic and oversight on how the narrative standard is applied
- WQCC should add specific CECs to list of toxic pollutants in 20.6.4.7 (T)(2) NMAC as appropriate

Public concerns about PFAS, monitoring

- Public is rightfully concerned about this group of chemicals
- We disagree that water quality standards, which are immediately enforceable, are the appropriate mechanism to direct PFAS monitoring
- Programs to understand the extent of PFAS are underway:
 - EPA's Unregulated Contaminant Monitoring Rule UCMR 5 proposes inclusion of 29 PFAS
 - NMED implementing statewide program across 19 counties to assess prevalence of PFAS