

From: [Joni Arends](#)
To: [Fullam, Jennifer, NMENV](#)
Subject: [EXT] CCNS Comments about Triennial Review
Date: Wednesday, January 6, 2021 4:58:12 PM
Attachments: [BDDB Nov. 16 2020 Triennial Review.pdf](#)

January 6, 2021

Sent via email to: jennifer.fullam@state.nm.us

Ms. Jennifer Fullam
Standards, Planning & Reporting Team Leader
Surface Water Quality Bureau
New Mexico Environment Department
1190 S. St. Francis Dr.
Santa Fe, NM 87505

Re: Comments about the New Mexico Environment Department's Proposed Amendments to New Mexico's Water Quality Standards (20.6.4 NMAC) Triennial Review

Dear Ms. Fullam:

Concerned Citizens for Nuclear Safety ("CCNS") submits the following comments in response to the New Mexico Environment Department Surface Water Quality Bureau's ("NMED") request for comments on draft proposed changes to 20.6.4 NMAC as part of the Triennial Review of Water Quality Standards. As you know, one of the primary facilities that CCNS addresses is the NMED-regulated Los Alamos National Laboratory ("LANL"). These comments address those sections that apply to LANL.

**Waters Within Los Alamos National Laboratory
([20.6.4.126](#) NMAC, [20.6.4.128](#) NMAC and [20.6.4.140](#) NMAC)**

The proposed changes for the classified segments of waters within Los Alamos National Laboratory are appropriate and necessary for protecting water quality on the Pajarito Plateau and the Rio Grande. These proposed changes appropriately apply the same level of protections as provided to other waters in state.

Nevertheless, CCNS notes and supports the November 16, 2020 comments of the Buckman

Direct Diversion Board, which are attached to these comments. We excerpt portions below:

Many stream segments on the Pajarito Plateau outside of lands managed by the U.S. Department of Energy (“USDOE”) within LANL are listed as impaired, with NMED noting in its draft CWA §303(d)/305(b) Integrated Report (“Integrated Report”) that application of the Hydrology Protocol resulted in a classification of segments or subsegments as ephemeral, intermittent, or perennial. However, for Segment 128 waters, the Board is concerned that the parties to the Joint Stipulation Regarding Proposed Changes to [20.6.4.128](#) NMAC (i.e., NMED, LANL, the USDOE, and Amigos Bravos) have not fully implemented the Stipulation by applying the Hydrology Protocol to all waters on the Plateau. **This could result in perennial waters receiving the lesser protections of ephemeral streams, and therefore not being assessed as impaired when in fact they are.** The Board also notes that for Segment 128 waters listed as impaired none are as yet subject to TMDLs, a necessary first step to improving water quality, despite being listed as impaired for, in some cases, over ten years. **In the absence of TMDLs NMED should propose new standards based on full implementation of the Stipulation.** [Emphasis added.]

General Procedural Comments

The Board is nevertheless concerned that NMED is engaging in the Triennial Review at the same time it is developing the Integrated Report. **As the List of Impaired Waters contained in the Integrated Report is intended to inform changes to State Standards, NMED does not have the benefit of transparently using the most current assessments in its amendments to be proposed to the WQCC.** We ask NMED to consider allowing the Integrated Report process to proceed to its completion before NMED proposes amendments to State Standards to the WQCC. [Emphasis added.]

As you know, the time between the Triennial Reviews is often too long - sometimes double or more of the regulatory required three-year review period. For example, the last Triennial Review began in 2013 - a seven-year period. <https://www.env.nm.gov/surface-water-quality/2013-triennial-review/> Before the 2013 Triennial Review, the Triennial Review began in or about 2004 - a nine-year period of time. For those concerned about LANL pollutants harming water quality and water uses on the Pajarito Plateau, it is essential for NMED to complete the Integrated Report first before proposing amendments to the State Standards to the WQCC.

CCNS and our members cannot wait until 2028 or 2030 for the next Triennial Review to learn what NMED proposed amendments were submitted to the WQCC – and then go

through the Triennial Review process to accept or challenge those State Standards.

CCNS Recommendation: We also recommend NMED complete the Integrated Report process before it proposes amendments to the New Mexico Standards at [20.6.4.126](#) NMAC (perennial waters); [20.6.4.128](#) NMAC (ephemeral waters), and [20.6.4.127](#) (perennial waters); [20.6.4.140](#) NMAC (non-perennial waters) for waters on the Pajarito Plateau in the Rio Grande Basin.

CCNS appreciates the opportunities for public engagement and comment. We look forward to participating in the Triennial Review hearing. Thank you for carefully considering these comments. Please do not hesitate to contact me should you need further clarification or information about the issues we have raised.

Sincerely,

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Attached: November 16, 2020 Comments of the Buckman Direct Diversion Board about the Triennial Review