

## **WCS\_CISFEISCEm Resource**

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**From:** Janet <contactus@cardnm.org>  
**Sent:** Sunday, March 12, 2017 6:00 PM  
**To:** WCS\_CISFEIS Resource  
**Subject:** [External\_Sender] Scoping Comments  
**Attachments:** WCS dschrg prmt cmmnts,11,15.docx

Dear NRC,

Attached are comments to the state of New Mexico which Citizens for Alternatives to Radioactive Dumping (CARD) would like included as the essence of our comments to NRC during the scoping period for temporary above ground storage of high level wastes at the WCS site, 6 miles to the east of Eunice, New Mexico.

In summary, we see WCS and its site as rogue: the monitoring wells are saturated, toxic and radioactive wastes are pouring into New Mexico, a poorer, more culturally diverse state than Texas; New Mexicans have not been able to participate in the any regulatory decisions concerning WCS including the siting, even though our communities are closest to the site.

Please make the geological instability of the WCS site, its ignoring of Environmental Justice mandates and its general lack of responsibility to its neighbor, New Mexico, as part of the issues considered by NRC during its licensing procedure.

Sincerely,

Janet Greenwald  
Coordinator, CARD  
505 242 5511

**Federal Register Notice:** 81FR79531  
**Comment Number:** 6162

**Mail Envelope Properties** (58C5C4C5.70008)

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MESSAGE	1024	3/12/2017 6:00:15 PM
WCS dschrg prmt cmmnts,11,15.docx		406956

**Options**

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**Recipients Received:**

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Concerning Discharge Permit 1817, Waste Control Specialists, LLC (WCS):

We would like to acknowledge Secretary Flynn and the NMED Ground Water Quality Bureau for requiring a permit from WCS for the facilities on-going discharge into New Mexico and for the work of Sara Arthur on the draft permit. If NMED issues this permit, we are in agreement with NMED that a monitoring well should be located in New Mexico directly to the West of the 002 outfall in the drainage ditch which stretches from the WCS facilities to the southern portion of the WCS property on the Texas side of the Texas/New Mexico border. According to 'Notice of Intent to Discharge, Waste Control Specialists LLC, Andrews County, Texas, Lea County, New Mexico, October 2012' submitted to the New Mexico Environment Department, Groundwater Quality Bureau the results from a 07/12 sampling event for outfall 002 shows the following contaminants: Nitrate, Chloride, Sulfate, Fluoride, Barium, Chromium, Cobalt, Copper, Iron, Manganese, Molybdenum, Nickel, Vanadium, Aluminum, Arsenic, Alpha, PCB, Radium, Uranium.

Our organization requests a hearing located in Eunice New Mexico concerning DP 1817 in order to address the concerns stated below:

There is no mention in the permit application nor in the NM draft permit of alternatives to dumping WCS's toxic effluent into New Mexico. For example, WCS runs a discharge ditch along the Texas/ New Mexico border; that ditch could be deepened and lengthened so that WCS discharges could flow into the ditch and be directed toward Texas.

WCS located next to the New Mexico border knowing that New Mexico was down gradient from its nuclear waste dump. A logical conclusion is that WCS always intended to direct its toxic effluents toward New Mexico. WCS did not include Eunice, New Mexico in its siting process even though that community is the closest to the WCS toxic and radioactive dump. When community group members from New Mexico wanted to tour the WCS facility several years ago, including SE New Mexicans, they were denied access (as per Janet Greenwald, an organizer of the tour that included Urenco and WIPP). Now, the permit application that would allow dumping into New Mexico is not available on line due it being submitted only in paper form and therefore available only in Albuquerque, far away from those who could be affected. This litany of exclusion of New Mexico citizens and the deliberate dumping on those same

citizens shows disrespect for New Mexicans. Since NM is a minority majority state with a low median income, we believe that this is an Environmental Justice issue and as such should be addressed in the application and draft permit.

The nearest community to the facility, Eunice, New Mexico, is 6 miles to the west of the facility. There is no analysis of the future risk of these toxic effluents to the aquifer that provides Eunice and other near by New Mexico residents with their tap water.

The perched aquifer under the site is shallow. This perched red bed aquifer is contaminated as evinced by the well monitoring data from four wells, TP-31, well depth 44.03ft.; TP-43, well depth 27.82ft.; TP-62, well depth 52.18 ft.; TP-78 27.87 ft.( WCS wells, May 2015, Figure 1). A summary of the most significant of these contaminants can be found in the table (attachment A) at the end of New Mexico's draft permit (conversation with Sara Arthur, 11,15). That table of 50 plus contaminants is included at the end of these comments.

Even though the perched aquifer is contaminated no effort has been made on the part of WCS to model the perched aquifer. What are the parameters of the perched aquifer? Does the aquifer connect with the deeper aquifer? Is the contaminated perched aquifer also in New Mexico?

Has the water in the perched aquifer and the underlying aquifer remained in a steady state since the building of the WCS facility? Or have there been significant fluctuations which might indicate site instability such as karst? The WCS facility resides in one of the largest karst lands in the world. Has WCS investigated the possibility of karst at the site? Karst is characterized by underground fissures and caverns where water (and some contaminants) can travel at a fast rate.

Will fracking effluent from the nearby oil fields impact the WCS site? Will the effluent from WCS impact the oil fields?

As it stands, the trigger level for action to stop further contamination is the maximum contaminant limit. We would like to see the trigger level at a more protective level. One half the MCL is a parameter used in the NM permits for some contaminated Sandia National Labs sites (e. g. the Mixed Waste Landfill).

What are the parameters of liability and who is ultimately responsible if oil wells or major aquifers become contaminated? What happens regarding liability if the facility changes hands?

In Summary, we would like to see WCS denied a New Mexico discharge permit and forced to dump their effluents in the state where they are located, Texas. If NM grants a permit we would like to see that permit expanded to include mandatory inclusion of those NM citizens

who might be affected by the site in all future changes, notices of violation, expansions of the facility etc. WCS should be mandated to allow NM citizens to tour the site. The trigger level for contaminants should be one half the Maximum Contaminant Level. Issues of liability should be transparent to the public. WCS should be required to model the perched aquifer especially in relation to NM. As a result of this modeling, NM will better be able to understand the risk that the contamination in the perched aquifer poses to its oil fields and aquifers. NMED should consider the issue of a Texas dump funneling its waste into New Mexico while excluding New Mexicans from input into every aspect of siting and operation of the dump in the light of state and federal Environmental Justice mandates.

Sincerely,

Janet Greenwald

Citizens for Alternatives to Radioactive Dumping

202 Harvard SE

Alb NM 87106

(NOTE: These tables represent the parameters to be used in the analysis of groundwater contaminants and not any actual sampling results (comment))

**Attachment A**  
**Groundwater Analytical Parameters**

<b>Parameter</b>	<b>Detection Limit (µg/L)</b>	<b>Concentration Limit (µg/L)</b>
Acetone	1.00E+02	1.00E+02
Benzene	4.54E+00	5.00E+00
Bromoform (Tribromomethane)	5.00E+00	5.00E+00
Carbon disulfide	5.00E+00	5.00E+00
Carbon tetrachloride	4.53E+00	5.00E+00
Chlorobenzene	5.00E+00	5.00E+00
Cyanide	1.46E+00	2.00E+01
Chlorodibromomethane (Dibromochloromethane)	1.68E+00	5.00E+00
Chloroethane (Ethyl chloride)	1.00E+01	1.00E+01
Chloroform	2.29E+00	5.00E+00
1,1-Dichloroethane	5.00E+00	5.00E+00
1,2-Dichloroethane	1.71E+00	5.00E+00
1,1-Dichloroethylene (1,1-Dichloroethene)	5.00E+00	5.00E+00
1,2-Dichloropropane	4.37E+00	5.00E+00
cis-1,3-Dichloropropylene (1,3-Dichloropropene)	4.70E+00	5.00E+00
trans-1,3-Dichloropropylene (1,3-Dichloropropene)	4.70E+00	5.00E+00
1,4-Dioxane	7.76E+00	1.00E+01
Ethylbenzene	5.00E+00	5.00E+00
Methyl bromide (Bromomethane)	7.54E+00	1.00E+01
Methyl chloride (Chloromethane)	1.00E+01	1.00E+01
Phenol	5.00E+00	5.00E+00
1,1,2,2-Tetrachloroethane	7.57E-01	5.00E+00
Tetrachloroethene	5.00E+00	5.00E+00
Toluene	5.00E+00	5.00E+00
1,2-trans-Dichloroethylene (trans-1,2-Dichloroethene)	5.00E+00	5.00E+00
1,1,1-Trichloroethane	5.00E+00	5.00E+00
1,1,2-Trichloroethane	4.15E-01	5.00E+00
Trichloroethylene	2.82E+00	5.00E+00
Vinyl chloride	2.01E-01	1.00E+00
Aluminum	5.00E+03	5.00E+03
Antimony	7.26E+00	Report
Arsenic	5.13E-01	1.00E+02
Cadmium	5.00E+00	1.00E+01
Chloride	2.50E+05	2.50E+05
Chromium VI	2.52E-01	Report
Chromium (Total)	5.59E+00	5.00E+01

**Attachment A**  
Groundwater Analytical Parameters

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Acetone	1.00E+02	1.00E+02
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