



NOTICE OF PUBLIC HEARING NEW MEXICO ENVIRONMENT DEPARTMENT

In accordance with 20.6.2.3108(N) and 20.1.4.200(C)(2) NMAC, New Mexico Environment Department (NMED) provides this public notice of a hybrid public hearing associated with the proposed, i.e., draft, groundwater discharge permit (Discharge Permit or DP-1481) for the Uranium Enrichment Facility and Depleted Uranium Byproduct Storage facility (Facility) beginning at 9:00 a.m. on June 21, 2023, and continuing on as needed. The hearing will be held both virtually and in person at the City of Eunice at the Community Center located at 1115 Avenue I, Eunice New Mexico 88231. The link to the virtual platform for the hearing, including how to join by telephone, can be found on the NMED Calendar at <https://www.env.nm.gov/events-calendar/>. The draft Discharge Permit was prepared in response to a discharge permit application submitted by URENCO USA (UUSA or Applicant) for renewal and modification of the existing Discharge Permit. The hearing officer will provide opportunities for oral statements or non-technical testimony from members of the public at the hearing.

Name and address of the Applicant: URENCO USA, Uranium Enrichment Facility and Depleted Uranium Byproduct Storage, Lisa Hardison, Manager, P.O. Box 1789, Eunice, NM 88231.

Location of the discharge: The Facility is located approximately 4.5 miles east of Eunice along Highway 176 in Section 32, T21S, R38E in Lea County. The UUSA Site is an industrial facility that enriches uranium using centrifuges. Discharge locations at the Facility potentially affecting groundwater include two impoundments. The Site Storm Water Detention Basin is an unlined impoundment and is the collection point for cooling tower blowdown and backwash water and storm water from approximately 96 acres of roads, parking areas and building roofs. The Uranium Byproduct Container Storage Pad Storm Water Retention Basin consists of two synthetically lined impoundments and is the collection point various non-uranic process waters from the Facility and storm water runoff from the Uranium Byproduct Container Storage Pad.

Activities that produce the discharge: Discharges at this Facility include stormwater and cooling tower blow down and backwash water directed to the un-lined Site Storm Water Detention Basin. Additionally, the Facility discharges non-uranic industrial wastewater to two synthetically lined evaporation impoundments from the following sources: storm water from the Uranium Byproduct Container Storage Pad, sump water from the Central Utilities Building sump water from the Security Diesel Generator Building, water from the Fire Water Pump House, Uranium Byproduct Container Pad equipment wash water, UF6 Station and HVAC Condensate CRDB Collection Tank, Utility Services Module building floor drains, 30K Warehouse floor drains, 120K Warehouse floor drains, Centrifuge Assembly Building floor drains, Spray Wash Building floor drains, and Chemistry Laboratory Equipment wash water. The Facility discharges all domestic wastewater to the City of Eunice sanitary sewer system. The proposed Permit modification consists of the addition of cooling tower blow down and backwash water to the authorized discharges into the Site Storm Water Detention Basin.

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Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

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Quality, quantity, and flow characteristics of the discharge: The draft Discharge Permit authorizes the discharge of up to 16 million gallons per day of stormwater, cooling tower blowdown water, cooling tower backwash water or other non-process waters to the unlined Site Storm Water Detention Basin for retention purposes, up to 3.7 million gallons per day of stormwater from the Uranium Byproduct Container Storage Pad and up to 17,000 gallon per day of non-stormwater to the synthetically lined Uranium Byproduct Container Storage Pad Storm Water Retention Basin, for disposal by evaporation. Potential contaminants from these types of discharge include metals, dissolved solids, and chloride. The discharge may contain water contaminants with concentrations above the standards of 20.6.2.3103 NMAC and may contain toxic pollutants as defined in 20.6.7(T) NMAC.

Depth to groundwater: Groundwater most likely to be affected is at a depth of approximately 90 to 240 feet and had a pre-discharge total dissolved solids concentration of 3,370 to 11,600 milligrams per liter.

Hearing procedures: The hearing will be conducted pursuant to the NMED's Permit Procedures regulations, 20.1.4 NMAC, and the NMED Ground and Surface Water Protection regulations, 20.6.2.3110 NMAC. Any member of the public may attend the hearing and present relevant non-technical testimony, orally or in writing, and to examine witnesses testifying at the hearing. The Hearing Officer will accept non-technical or general public comments in writing prior to the beginning of the hearing or in writing or verbally while the hearing record is open. Members of the public who wish to provide nontechnical or general comment are encouraged to submit their comments in writing by using NMED's Public Comment Portal, including relevant evidence, data, views, arguments, written statements in lieu of oral testimony at the hearing, or public comment. Access the Public Comment Portal via a link on the Department's docketed matters web page <https://nmed.commentinput.com/?id=jMQtf> . To be a party or to present technical testimony, a person must follow the procedures specified below.

Entry of Appearance Required to be a Party: Any person who wishes to be a party to the hearing shall file with the Hearing Clerk, and serve upon all other parties of record, including NMED and the Applicant, an *Entry of Appearance* on or before **May 22, 2023**.

Statement of Intent to Present Technical Testimony required: Any person who wishes to present technical evidence, data, or testimony at the hearing shall file with the Hearing Clerk and serve on the Applicant, NMED, and all other parties of record a *Statement of Intent to Present Technical Testimony* on or before **May 22, 2023**, pursuant to 20.6.2.3110(C) NMAC. A timely filed Statement of Intent shall be considered an Entry of Appearance. The Statement of Intent must comply with the requirements in 20.1.4.300 NMAC and 20.6.2.3110(C) NMAC and shall include: the name of the person filing the statement, whether the person filing the statement supports or opposes the proposed Permit, the name/address/affiliation/work background/educational background of each witness, the estimated length of direct testimony of each witness, a list of exhibits to be offered into evidence at the hearing with a copy of each exhibit that is not already part of the Record Proper, a list of all technical materials – and information where the material can be obtained – relied upon by each witness in making a technical statement of fact or opinion and an explanation of the basis for such an opinion, and the full written direct testimony of each witness including any opinions to be offered by such witness and an explanation of the basis for that opinion. Failure to file a timely Entry of Appearance or Statement of Intent to Present Technical Testimony shall preclude a person from being a party to the proceeding and from presenting technical testimony but shall not preclude a person from presenting a general written or oral statement or non-technical testimony in the proceeding.

Final determination on Permit by NMED: The Secretary of NMED will make a final determination approving, conditionally approving, or disapproving the draft Discharge Permit based on the Administrative Record for the permit application, public comment, and the public hearing.

Documents filed with Hearing Clerk: All documents that need to be filed with the Hearing Clerk shall be emailed to: Madai Corral, Hearing Clerk, Madai.corral@env.nm.gov , Telephone: (505) 490-5803.

Documents served on NMED: All documents that need to be served on NMED shall be sent to Chris Atencio, NMED Office of General Counsel, 121 Tijeras Avenue NE, Ste 1000, Albuquerque, NM 87102, or christopher.atencio@env.nm.gov.

Transcripts of hearing: Pursuant to 20.6.2.3110(J) NMAC, NMED will make an audio recording of the hearing. If any person requests a certified copy of the written transcript or audio recording, the requestor shall pay the cost of the transcription or audio copying.

Further information and NMED contact: For further information on DP-1481 and the public hearing or to obtain a copy of the draft Discharge Permit, the Permit Summary, the Public Involvement Plan (PIP), submit comments, or request to be placed on a mailing list for future notices for this Facility, please contact Mr. Jason Herman, NMED Ground Water Quality Bureau (GWQB), P.O. Box 5469, Santa Fe, NM 87502-5469, by telephone at (575) 649-3871, or at jason.herman@env.nm.gov. The GWQB will accept comments and statements of interest regarding the application and will create a facility-specific mailing list for persons who wish to receive future notices.

NMED maintains a facility-specific mailing list for persons wishing to receive notices for permitting actions associated with this Facility. To be placed on this mailing list contact Mr. Jason Herman.

NMED maintains a facility specific PIP for each permitting action so the agency may plan for providing public participation opportunities and information that may be needed for the community to participate in a permitting process. The PIP may be viewed online at <https://www.env.nm.gov/gwqb/public-involvement-plans/>. The Administrative Record may be viewed at the GWQB located at 1190 St. Francis Drive, Suite N2300, Santa Fe, NM 87505.

How to request accommodations: If any person requires assistance, an interpreter, or auxiliary aid to participate in this process or if you are a non-English speaker or do not speak English well and would like to request assistance, please contact Mr. Jason Herman by telephone at (575) 649-3871 or submit a written request to Mr. Herman at least ten (10) calendar days prior to the hearing at NMED GWQB, P.O. Box 5469, Santa Fe, NM 87502-5469, or jason.herman@env.nm.gov. Requested interpretation services during the meeting and accommodations or services for persons with disabilities will be arranged to the extent possible. Please note that Spanish interpretation services will be provided during this proceeding. Arrangements may be made for document translation or interpretation related to the permitting process as necessary and as resources allow. Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857. Telephone interpretation assistance for persons that are a non-English speaker or do not speak English well is available at no charge when calling NMED.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is

responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.