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Contacts:

Rachel Conn, Amigos Bravos, 575-770-8327, rconn@amigosbravos.org

Andrew Hawley, Western Environmental Law Center, 206-487-7250, hawley@westernlaw.org

Legal action spurs EPA to require new water pollution controls in Los Alamos

Los Alamos, NM – In response to a [lawsuit](#) filed by clean water advocates citing extremely high water pollution in Los Alamos County – with some pollutants more than 14,000 times above public safety limits – the Environmental Protection Agency (EPA) [announced this Monday it will require](#) new water pollution controls. EPA issued a final determination that stormwater discharges from Los Alamos National Laboratory (LANL) and Los Alamos County are contributing to violations of water quality standards and that these discharges must be controlled and regulated under an EPA-issued National Pollutant Discharge Elimination System (NPDES) permit.

Urban storm water pollution from PCBs, copper, zinc, nickel, and gross alpha radiation in Los Alamos County is threatening public health. This pollution should have triggered federal action to reduce or eliminate these discharges in the form of a NPDES permit, but the EPA had failed to act despite knowing about the pollution since at least 2014. That year, Amigos Bravos [petitioned](#) the agency to address this threat, but EPA did not respond. In September 2019, Amigos Bravos and Western Environmental Law Center filed a [lawsuit](#) challenging EPA's inaction on the 2014 petition, to force the agency to address extremely high urban storm water pollution in Los Alamos County downstream from LANL.

As required by the Clean Water Act, New Mexico has set standards to ensure the state's rivers, streams and lakes are clean enough to allow the public to use these waters for drinking, swimming, boating, and other activities, and to support healthy populations of fish and wildlife. To ensure these standards are met, the Clean Water Act requires the EPA to regulate stormwater runoff when that runoff is making the water unsafe.

The New Mexico Environment Department's (NMED) data show dramatic exceedances of the state's PCB human health water quality limits. PCB levels in Los Alamos Canyon are more than 11,000 times greater than the New Mexico Human Health water quality criteria and 51 times greater than the New Mexico Wildlife Habitat water quality criteria. Sandia Canyon shows PCB contamination more than 14,000 times greater than the New Mexico Human Health water quality criteria and 66 times greater than the New Mexico Wildlife Habitat water quality criteria. PCB levels in Pueblo Canyon are more than 3,500 times greater than the New Mexico Human Health water quality criteria and 16 times greater than the New Mexico Wildlife Habitat water quality criteria. These three drainages are all heavily influenced by urban stormwater runoff.

The state's [303d/305b report](#) documents many more exceedances of standards – for a variety of pollutants and locations. Mortandad Canyon is high in PCBs, mercury, silver, cyanide, copper, and gross alpha radiation pollution. Pajarito Canyon is impaired for gross alpha radiation, aluminum, PCBs, and copper. LANL's own documents confirm these findings and identify urban runoff as the source of many of these pollutants.

In 2015 EPA published a preliminary designation finding that Amigos Bravos' 2014 petition should be granted, but then failed to take any further action until the lawsuit was filed.

“We are pleased that EPA has finally taken action to protect New Mexicans' public health and environment and require that these toxic discharges be controlled and monitored,” said Rachel Conn, projects director with Amigos Bravos. “Regulating and controlling these toxic discharges will protect the drinking water sources for both Albuquerque and Santa Fe.”

“Under the Clean Water Act, the rubber hits the road when the standards and goals for waterways are turned into permit requirements,” said Andrew Hawley, attorney with the Western Environmental Law Center. “We are hopeful that EPA moves forward quickly to issue permits that include all of the legally required limits to protect people and wildlife in Los Alamos and downstream.”

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