

EXHIBIT 1

**Petitioners' Supplemental Memorandum
(November 17, 2022)**

RECEIVED

Pamela Jones

By Water Quality Control Commission at 3:53 pm, Nov 17, 2021

STATE OF NEW MEXICO
BEFORE THE
WATER QUALITY CONTROL COMMISSION

PETITION FOR REVIEW OF THE DECISION)
OF THE NEW MEXICO ENVIRONMENT) WQCC No.22-21
DEPARTMENT ISSUING GROUND WATER)
DISCHARGE PERMIT No. DP-1132)

SUPPLEMENTAL MEMORANDUM
ON MOTION BY PETITIONERS
CONCERNED CITIZENS FOR NUCLEAR SAFETY
AND HONOR OUR PUEBLO EXISTENCE
TO VACATE ORDERS ISSUED UNDER DISQUALIFICATION

Preliminary statement

Concerned Citizens for Nuclear Safety ("CCNS") and Honor Our Pueblo Existence ("HOPE") (collectively, "Petitioners") submit this supplemental memorandum on their motion to vacate decisions by the Water Quality Control Commission ("WQCC" or the "Commission") that were made while the Commission Chair, Ms. Stephanie Stringer, was disqualified by a conflicting interest.

Counsel for Petitioners has sought the concurrence of counsel for the New Mexico Environment Department ("NMED"), the Department of Energy National

Nuclear Security Administration (“DOE/NNSA”), and Triad National Security, LLC (“Triad”). Such parties do not oppose this motion.

Recent disclosures

1. Petitioners submit the following additional information, recently obtained, to supplement their showing in support of their motion to vacate rulings in which the disqualified Commission Chair Stephanie Stringer participated. To show the timing and sequence of events, Petitioners include relevant events from the known record.
2. It has now been disclosed by DOE/NNSA that the following schedule applied to DOE/NNSA’s hiring of Commission Chair Stephanie Stringer:
 - a. Date the USAJOBS vacancy opened. July 29, 2022
 - b. Date of Ms. Stringer’s application was submitted via the USAJOBS portal. August 7, 2022
 - c. Date the NNSA hiring official received access to the certification list which would have contained her name among the list of candidates. August 12, 2022
 - d. Date of interview. August 23, 2022
 - e. Date of initial offer. August 31, 2022
 - f. Date of onboarding. November 6, 2022

3. Thus, the job opening was posted on July 29, 2022, and Chair Stringer submitted her job application to DOE/NNSA on August 7, which is two days before the August 9 Commission hearing. At that hearing, Permittees (Triad and DOE/NNSA) presented a motion to stay all proceedings until the Environmental Protection Agency Environmental Appeals Board ("EAB") issues a decision in a case concerning a federal discharge permit at the Radioactive Liquid Waste Treatment Facility. Ms. Stringer presided, and she announced her position that "It is important to know the determination that is made by the EAB." (Hearing, Aug. 9, 2022, at 3:13). She called for a vote on Permittees' motion, which passed.
4. Commission Chair Stringer was promptly invited to an interview with DOE/NNSA, which occurred on August 23, 2022. The following week she signed the Commission's order, granting a stay of all proceedings pending the decision of the EPA EAB. (Order, August 30, 2022).
5. On the next day, August 31, 2022, DOE/NNSA offered Chair Stringer a salaried position.
6. With the job offer in hand, Chair Stringer still did not disclose her plans but continued in the employ of NMED and as Chair of the Commission. At the hearing on September 13, Petitioners moved to reverse the issuance of the permit, DP-1132, based on the statutory limitation of § 74-6-12.B NMSA

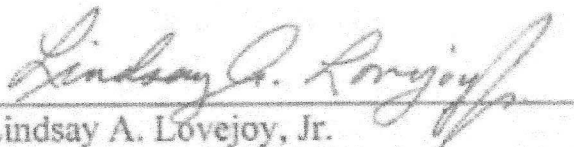
1978, which prohibits a Water Quality Act, § 74-6-1 *et seq.* NMSA 1978, permit for a facility that is subject to the Hazardous Waste Act, § 74-4-1 *et seq.* NMSA 1978. When a motion was made, based on the stay of proceedings, to refuse to reverse the permit, Chair Stringer called for a second, and when no member spoke up, she seconded the motion herself and called for a vote (Hearing, Sept. 13, 2022, at 34 min.), and it passed.

7. On October 31, 2022, Chair Stringer resigned her position with the State and, on November 6, 2022, reported for work in her new job with DOE/NNSA.

Conclusion

Petitioners submit that the facts establish a clear case of disqualification and call for the Commission to vacate the decisions in which Chair Stringer participated.

Respectfully submitted,



Lindsay A. Lovejoy, Jr.
Counsel for Concerned Citizens for Nuclear Safety
and Honor Our Pueblo Existence
3600 Cerrillos Road, Unit 1001A
Santa Fe, NM 87507
(505) 983-1800
lindsay@lindsaylovejoy.com

November 17, 2022

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2022 a true and correct copy of the foregoing *Supplemental Memorandum on Motion by Petitioners Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence to Vacate Orders Issued Under Disqualification* was served on the below-listed counsel for the Parties to the Water Quality Control Commission proceedings by email. A copy can be sent via U.S. mail first class, postage prepaid, upon request.

Pamela Jones, Commission Administrator
Water Quality Control Commission
1190 St. Francis Drive, Suite S-2103
Santa Fe, NM 87502
pamela.jones@state.nm.us

Robert F. Sanchez
New Mexico Office of the Attorney General
408 Galisteo Street
Santa Fe, NM 87501
rfsanchez@nmag.gov

Counsel for the Water Quality Control Commission

Christopher Atencio, Assistant General Counsel
Lisa Chai, Assistant General Counsel
New Mexico Environment Department
121 Tijeras Avenue, NE, Suite 1000
Albuquerque, NM 87102
christopher.atencio@state.nm.us
lisa.chai1@state.nm.us

Counsel for the New Mexico Environment Department:

Silas R. DeRoma, Site Counsel
U.S. Department of Energy/NNSA
Los Alamos Site Office
3747 West Jemez Road, MS-A316
Los Alamos, NM 87544

silas.deroma@nnsa.doe.gov

*Counsel for the U.S. Department of Energy and National Nuclear Security
Administration*

Jeffrey J. Wechsler
Kari E. Olson
Montgomery & Andrews, P.A.
P. O. Box 2307
Santa Fe, NM 87504-2307
jwechsler@montand.com
kolson@montand.com

and

Maxine M. McReynolds
Christopher Stoneback
Office of General Counsel
Los Alamos National Laboratory
P. O. Box 1663, MS A187
Los Alamos, NM 87545
mcreynolds@lanl.gov
stoneback@lanl.gov

Counsel for Triad National Security, LLC

15/ JONI ARENDS
Joni Arends