

EXHIBIT 2

**Order, staying all proceedings
(August 30, 2022)**

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

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**IN THE MATTER OF THE PETITION FOR
REVIEW OF THE DECISION OF THE NEW
MEXICO ENVIRONMENT DEPARTMENT
ISSUING GROUND WATER DISCHARGE
PERMIT NO. DP-1132,**

**CONCERNED CITIZENS FOR NUCLEAR
SAFETY AND HONOR OUR PUEBLO
EXISTENCE,**

WQCC NO. 22-21(A)

**PETITIONERS,
VS.**

**NEW MEXICO ENVIRONMENT
DEPARTMENT,**

RESPONDENT.

**ORDER ON MOTION TO STAY PROCEEDINGS PENDING
RESOLUTION OF RELATED ADJUDICATION**

THIS MATTER came before the Water Quality Control Commission (“Commission”) during its regularly scheduled meeting on August 9, 2022, on the Motion to Stay Proceedings Pending Resolution of Related Adjudication (“Motion to Stay Proceedings”) filed on July 1, 2022, by Permittee Triad National Security, LLC (“Triad” or “Permittee”), requesting that the Commission stay the adjudicatory proceedings on the Verified Petition for Review on Behalf of Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence filed on June 6, 2022 (“Petition”), by Petitioners Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence (jointly, “Petitioners”), pending resolution of the related adjudication, *In re: U.S. Department of Energy and Triad National Security, LLC*, Docket No. NM0028355, NPDES Appeal No. 22-01 (05/02/2022), before the U.S. Environmental Protection Agency’s (“EPA”)

Environmental Appeals Board (“EAB”),¹ and on the Response to Motion for Stay filed on July 18, 2022, by Petitioners; the Commission duly considered the parties’ pleadings and the related legal arguments and authorities of law offered by Lindsay Lovejoy, Jr., counsel for Petitioners, John Verheul, counsel for the New Mexico Environment Department, and Jeffrey Wechsler, counsel for Triad, and having been otherwise sufficiently advised in the premises, the Commission **FINDS**:

1. The same facility, the Los Alamos National Laboratory’s Radioactive Liquid Waste Treatment Facility (“RLWTF”), is involved in both the Commission and the EAB proceedings.

2. There is an identity of parties either opposing or favoring the issuance of the permits involved, between the Commission and the EAB proceedings, including Petitioners and Triad.

3. The two proceedings arise from shared essential facts and raise common questions of law, including the major legal issue of whether the RLWTF is, or should be, subject to regulation under the Federal Clean Water Act and the State Water Quality Act, or to the permitting requirements applicable to hazardous waste under the Federal Resource Conservation and Recovery Act and the State Hazardous Waste Act.

4. The grant of stay will avoid the possibility of inconsistent, in whole or in part, decisions in the Commission and the EAB proceedings.

5. The final decision of the EPA’s appellate tribunal in the EAB proceeding will serve to inform the Commission’s proceeding.

6. The grant of the stay will promote administrative economy and avoid duplicative administrative proceedings and the related costs.

7. There is otherwise good cause to grant the stay.

¹ See, https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Active+Dockets.

8. The Commission's procedural regulations grant it discretion to postpone the adjudicatory hearing for "good cause shown." *See*, 20.1.3.16(E) NMAC.

Based on the foregoing, **IT IS ORDERED** that the adjudicatory proceedings before the Commission on the Petition are stayed pending resolution in the related adjudicatory proceeding, *In re: U.S. Department of Energy and Triad National Security, LLC*, Docket No. NM0028355, NPDES Appeal No. 22-01 (05/02/2022), before the EAB.

Dated this 30th day of August, 2022.

Stephanie Stringer

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Stephanie Stringer, Chair
Water Quality Control Commission

Certificate of Service

I hereby certify that on August 30, 2022 a copy of the foregoing **Order** was emailed to the persons listed below. A copy will be mailed first class upon request.

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