

EXHIBIT 4

**Order, denying motion to vacate stay of proceedings
(November 14, 2022)**

RECEIVED

By Water Quality Control Commission at 11:39 am, Nov 14, 2022

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

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 DENYING OPPOSED MOTION TO VACATE STAY OF PROCEEDINGS

THIS MATTER came before a duly constituted quorum of the Water Quality Control Commission ("Commission") during its regularly scheduled meeting on November 8, 2022, on the Opposed Motion on Behalf of Petitioners Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence to Vacate Stay of Proceedings ("Motion to Vacate Stay") filed on September 24, 2022, by Petitioners Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence ("Petitioners"), moving the Commission to vacate the stay of proceedings in this permit review issued under the Order on Motion to Stay Proceedings Pending Resolution of Related Adjudication filed on August 30, 2022 ("Order on Motion to Stay Proceeding");¹ the Commission duly considered the parties' pleadings and the related legal arguments and authorities of law submitted

¹ The findings and decretal provisions of the Order on Motion to Stay Proceeding are incorporated into and made a part of this Order Denying Opposed Motion to Vacate Stay of Proceeding.

by Lindsay Lovejoy, Jr., counsel for Petitioners, Jeffrey Wechsler, counsel for Triad National Security, LLC, and Christopher Atencio, counsel for the New Mexico Environment Department, and having been otherwise sufficiently advised in the premises, the Commission **FINDS**:

1. Petitioners did not allege, nor has there been, any change in law or fact justifying vacating the Commission's Order on Motion to Stay Proceeding, staying the proceedings in this permit review pending resolution of 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), pending before the U.S. Environmental Protection Agency's Environmental Appeals Board ("EAB").

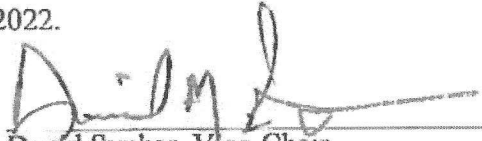
2. It is an improper request for reconsideration of the Commission's previous decision staying the proceedings in this permit review pending resolution of the related EAB adjudicatory proceeding; Petitioners' arguments of law and fact in opposition to the stay have been previously brought before and decided by the Commission. The efficient administration of justice and the effective use of the Commission's resources require good reason to be shown for that adjudicative body to reconsider issues already decided by it.

3. None of the substantive arguments of law or fact raised by Petitioners' Motion to Vacate Stay establish that the Commission erred in its previous determination that there was good cause to stay the proceedings in this permit review pending resolution of the related adjudicatory proceeding, *In re: U.S. Department of Energy and Triad National Security*.

4. Good cause remains to stay the proceedings in this permit review pending resolution of the related adjudicatory proceeding, *In re: U.S. Department of Energy and Triad National Security*.

Based on the foregoing, **IT IS ORDERED** that the Motion to Vacate Stay be, and it hereby is, denied.

Done this 14 day of November, 2022.

A handwritten signature in black ink, appearing to read "David Sypher", written over a horizontal line.

David Sypher, Vice-Chair
Water Quality Control Commission

Certificate of Service

I hereby certify that on November 14, 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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