EXHIBIT 7

Order, granting appeal
(August 30, 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,

PETITIONERS,

VS.

NEW MEXICO ENVIRONMENT DEPARTMENT,

RESPONDENT.

ORDER GRANTING REQUEST FOR PERMIT REVIEW AND APPOINTING HEARING OFFICER

THIS MATTER came before the Water Quality Control Commission ("Commission") during its regularly scheduled meeting on August 9, 2022, on the Verified Petition for Review on Behalf of Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence ("Petition") filed on June 6, 2022, by Petitioners Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence (jointly, "Petitioners"), pursuant to NMSA 1978, § 74-6-5(O) (2009) and 20.1.3.16(A) NMAC, and facially "seeking review [before the Commission] of the issuance by the New

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1 While Petitioners cite 20.1.3.16(A) NMAC, setting forth the requirements for initiation and conduct of a permit review, they assert in their Petition that their remedy is for the Commission "to remand [the] matter to [the Department] for further proceedings, including the submission of a revised Hearing Officer's Report to the [NMED] Secretary, action by the Secretary on that Report, and the Secretary's responses to public comments." Petition ¶ 47, page 21; Petition, Conclusion, page 21. (Emphasis supplied.) 20.1.3.16(A)(3) NMAC provides: "A party may request the [Commission] order the matter to the [Department]. A request for remand must be filed simultaneously with the permit review petition. If a party shows to the satisfaction of the [Commission] that the [Department] was not reasonable opportunity to submit comment or evidence on an issue being challenged, the [Commission] shall order that additional comment or evidence be taken by the [Department]. Based on the additional evidence, the [Department] may revise

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Mexico Environment Department ("Department") of [G]round [W]ater [D]ischarge [P]ermit No. DP-132" issued on May 5, 2022, by the Department’s Water Protection Division Acting Director² to the U.S. Department of Energy and Triad National Security, LLC ("Triad") for the Los Alamos National Laboratory’s Radioactive Liquid Waste Treatment Facility;³ the Commission duly considered the Petition and the related legal arguments and authorities of law offered by Lindsay Lovejoy, Jr., counsel for Petitioners, John Verhuel, counsel for the Department, and Jeffrey Wechsler, counsel for Triad, and having been otherwise sufficiently advised in the premises, the Commission thereafter determined that a permit review should be held in accordance with the Commission’s adjudicatory procedures at 20.1.3 NMAC, as ordered below.

**IT IS THEREFORE ORDERED:**

1. Petitioner’s request for a permit review before the Commission is granted, subject to (a) the scope of the administrative relief properly requested in the Petition, and (b) the Order on Motion to Stay Proceedings Pending Resolution of Related Adjudication entered in the docket on this matter, staying the Commission’s adjudicatory proceedings on the Petition 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 Environmental Appeals Board of the U.S. Environmental Protection Agency.⁴

2. The ensuing permit review shall be held during a regularly scheduled meeting of the Commission in accordance with 20.1.3.16 NMAC, both in-person and using a WebEx virtual

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² Petition ¶ 2, page 1; Petition Attachment.
³ Petition, ¶ 1, page 1.

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meeting platform; the permit review may be continued thereafter if the Commission deems it necessary.

3. Public notice of the permit review shall be provided to the public pursuant to 20.1.3.16(C) NMAC.

4. The permit review shall be conducted in accordance with the Commission’s adjudicatory procedures at 20.1.3 NMAC, specifically those at 20.1.3.16 NMAC for a permit review.

5. The Commission may choose to deliberate immediately following the conclusion of the permit review or at a subsequent Commission meeting, and shall render its decision consistent with 20.1.3.16(F)(3) NMAC and governing law.

6. Pursuant to 20.1.3.10(B) NMAC, the Commission appoints Gregory Chakalian as the hearing officer to review the record and the arguments of the parties and to recommend a decision to the Commission, with all other powers and duties as may be prescribed or delegated by the Commission under the Water Quality Act, NMSA 1978, §§ 74-6-1 to -17 (1967, as amended through 2019) and 20.1.3 NMAC, including all functions and measures under 20.1.3.10(B)(2) NMAC.

7. In accordance with 20.1.3.10(C) NMAC, the hearing clerk for the Commission shall notify the parties of the name and address of the hearing officer. The hearing clerk shall also, at that time, forward to the hearing officer copies of all documents filed to date.

Dated this 29th day of August, 2022.

Stephanie Stringer, Chair
Water Quality Control Commission

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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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