

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

IN THE MATTER OF:)
THE PETITION FOR A HEARING ON)
ORDER OF THE SECRETARY)
REMANDING FOR CONSIDERATION OF)
FINANCIAL ASSURANCE FOR GROUND)
WATER DISCHARGE PERMIT (DP-1132))
FOR THE RADIOACTIVE LIQUID WASTE)
TREATMENT FACILITY)
)
THE UNITED STATES DEPARTMENT)
OF ENERGY, TRIAD NATIONAL)
SECURITY, LLC,)
)
Petitioners.)

Docket No. WQCC 20-39 (A)

**CONCURRENCE OF THE NEW MEXICO
ENVIRONMENT DEPARTMENT**

The New Mexico Environment Department (“NMED”) concurs in the Motion to Strike Response to Motion for a Stay, and Request for Expedited Hearing Officer Appointment, filed by Petitioners United States Department of Energy (“DOE”) and Triad National Security, LLC (“Triad”) on August 12, 2020. NMED agrees with the positions taken and the authorities cited by the Petitioners, and echoes the request that the Commission strike the Response on Behalf of Citizens to Motion by DOE, Triad, and NMED for a Stay of Proceedings and appoint a hearing officer to this matter on an expedited basis.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

By: /s/ John Verheul
John Verheul
Assistant General Counsel
121 Tijeras Avenue NE, Ste 1000
Albuquerque, New Mexico 87102
Phone:(505)383-2063
Email: john.verheul@state.mn.us

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August 2020, a copy of the foregoing Concurrence of the New Mexico Environment Department was sent by electronic mail to the persons listed below. A copy can be mailed first class mail upon request.

Hearing Clerk
Water Quality Control Commission
1190 Saint Francis Drive, Suite S-2103
Santa Fe, NM 87502
Public.Facilitation@state.nm.us

Stuart R. Butzier
Christina C. Sheehan
Modrall Sperling Roehl Harris & Sisk, P.A.
Post Office Box 9318
Santa Fe, New Mexico 87504-9318
stuart.butzier@modrall.com
christina.sheehan@modrall.com

and

Susan L. McMichael
Office of Laboratory Counsel
Los Alamos National Laboratory
Post Office Box 1663, MS A187
Los Alamos, New Mexico 87545-0001
smcmichael@lanl.gov

Attorneys for Triad National Security, LLC

Silas R. DeRoma
Site Counsel
U.S. Department of Energy
National Nuclear Security Administration
Los Alamos Site Office
3747 W. Jemez Rd.
Los Alamos, NM 87544
Silas.DeRoma@nnsa.doe.gov

Attorney for the U.S. Department of Energy

Lindsay A. Lovejoy Jr., Attorney
3600 Cerrillos Rd., Unit 1001 A
Santa Fe, New Mexico 87507
lindsay@lindsaylovejoy.com

and

Douglas Meiklejohn
Charles de Saillan
Eric D. Jantz
New Mexico Environmental Law Center
1405 Luisa Street, Ste. 5
Santa Fe, New Mexico 87505
cdesaillan@nmelc.org
ejantz@nmelc.org
dmeiklejohn@nmelc.org

Attorneys for Concerned Citizens for Nuclear Safety, Honor Our Pueblo Existence, and New Mexico Acequia Association.

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

Counsel for the Water Quality Control Commission

/s/ John Verheul