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United States Environmental Protection Agency

Region 6

1445 Ross Avenue, Suite 1200

Dallas, Texas 75202-2733

ENVIRONMENTAL APPEALS BOARD



FAX FORM

Number of Pages, including cover sheet: 7

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Please find attached an Unopposed
 Motion For Extension of
 Time in APDES Appeal No. 17-05
 Hard copies will follow via
 First Class mail.

Thank you.
 Renea Ryland

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)	
In re:)	
)	
Los Alamos National Security, LLC and the)	NPDES Appeal No. 17-05
Department of Energy)	
)	
Permit No. NM0028355)	
_____)	

UNOPPOSED MOTION FOR EXTENSION OF TIME

The Environmental Protection Agency, Region 6 (EPA) requests that the Environmental Appeals Board (EAB) grant EPA a twenty (20) day extension of time to file its response to the petition filed by Jonathan M. Block, New Mexico Environmental Law Center and Lindsay A. Lovejoy, Jr., on behalf of Concerned Citizens for Nuclear Safety, asking the Board to review EPA's denial of a request to terminate permit coverage under the above-captioned permit.

EPA seeks this additional time because the issues raised by this petition concern matters central to the agency's implementation nationally of the National Pollutant Discharge Elimination System (NPDES) program and therefore require close coordination with the EPA Office of Water and the EPA Office of General Counsel. The EAB acknowledged the need for such coordination in its September 18, 2017, letter notifying EPA Region of this appeal and stating that the "Region's response should reflect consultation with the Office of General

Counsel and the Office of Water.” EPA is concerned that its ability to adequately address the issues raised by the petition and to ensure proper consultation and coordination between the Regional Office and the Offices of Water and General Counsel will be significantly constrained by the current deadline for EPA’s response of September 28, 2017. EPA’s concerns regarding the short timeframe for its response are heightened by the EAB’s September 21, 2017, Order requesting discussion of five (5) issues of interest to the Board. EPA needs additional time to properly research and adequately discuss these issues, particularly in light of the potential for delay due to possible deployment or reassignment of EPA staff to Hurricane response efforts.

EPA believes a twenty (20) day extension of time from the September 28, 2017, deadline, or until October 18, 2017, will allow EPA to provide an adequate response to Concerned Citizens for Nuclear Safety’s petition for review of EPA’s denial of its request for termination of permit coverage and will not prejudice the Petitioner. Based on a September 21, 2017, telephone conversation and exchange of emails with counsel for Petitioners, EPA represents that Opposing Counsel does not oppose the motion so long as Opposing Counsel is granted twenty (20) days from EPA’s response, or until November 7, 2017, in order to reply. EPA is not opposed to an extension of the deadline for Petitioner to file a reply to the EPA’s response from October 5, 2017 until November 7, 2017.

For the reasons set forth above, EPA respectfully requests that its Motion for Extension of Time to respond to Concerned Citizens for Nuclear Safety’s petition for review of EPA’s

denial of its request for termination of permit coverage be granted and that the EAB extend the deadline for EPA's response to October 18, 2017.

Respectfully submitted,



Renea Ryland
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Date: 22 Sept 2017

Attorney for Appellant

**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)	
In re:)	
)	
Los Alamos National Security, LLC and the)	NPDES Appeal No. 17-05
Department of Energy)	
)	
Permit No. NM0028355)	
_____)	

**ORDER GRANTING EXTENSION OF TIME
TO FILE RESPONSE**

On September 22, 2017, the Environmental Protection Agency, Region 6 (EPA) filed an Unopposed Motion for Extension of Time requesting an additional twenty (20) days in which to file its response to the petition filed by Jonathan M. Block, New Mexico Environmental Law Center and Lindsay A. Lovejoy, Jr., on behalf of Concerned Citizens for Nuclear Safety (CCNS), asking the Board to review EPA's denial of a request to terminate permit coverage under the above-captioned permit. In its motion for an extension of time, EPA requests an extension until October 18, 2017 for the filing of its response. EPA reports that it has consulted with counsel for CCNS and that they do not oppose EPA's request for additional time so long as CCNS is granted twenty (20) days from EPA's response, or until November 7, 2017, in order to reply. EPA does not oppose an extension of the deadline for Petitioner to file a reply to EPA's response from October 5, 2017 until November 7, 2017.

In support of its motion, EPA states that additional time is needed because the issues raised by this petition concern matters central to the agency's implementation nationally of the National Pollutant Discharge Elimination System (NPDES) program and therefore require close coordination with the EPA Office of Water and the EPA Office of General Counsel. EPA also states that additional time is needed to properly research and adequately discuss the five (5) issues regarding which the Board requested discussion in its September 21, 2017 Order, particularly in light of the potential for delay due to possible deployment or reassignment of EPA staff to Hurricane response efforts.

Accordingly, for good cause shown, the Board GRANTS a twenty (20) day extension of time to EPA to file its response to CCNS's petition for review of EPA's denial of its request for termination of permit coverage in NPDES Appeal No. 17-05. EPA's response must be filed on or before Wednesday, October 18, 2017. CCNS's reply to EPA's response must be filed on or before November 7, 2017.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: _____
 Mary Beth Ward
 Environmental Appeals Judge

Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Unopposed Motion for Extension of Time* in the matter of Los Alamos National Security, LLC and the Department of Energy, NPDES Appeal No. 17-05 were sent to the following persons in the manner indicated:

By First Class Mail (with courtesy copy by email):

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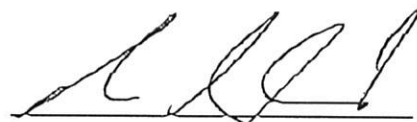
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Dated: 22 Sept 2017