

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

In re:	)	
	)	
U.S. Department of Energy and Triad	)	NPDES Appeal No. 23-04
National Security, LLC	)	
	)	
NPDES Permit No. NM0028355	)	
	)	

**ORDER GRANTING EXTENSION OF TIME**

On November 8, 2023, U.S. Environmental Protection Agency (“EPA”) Region 6 (“Region”) filed a motion for an extension of time to file its response to the petition for review, certified index of the administrative record, and the relevant portions of the administrative record. *See* Region’s Unopposed Motion for Extension of Time (Nov. 8, 2023) (“Motion”). The Region requests a fourteen-day extension of the time to file its response. *Id.* at 1. The Region’s response is currently due on or before November 29, 2023.

In support of the Motion, the Region states that adequate preparation of the Region’s response requires close coordination among representatives of various EPA offices and the current deadline of November 29, 2023, does not provide sufficient time to ensure such coordination. *Id.* at 1-2. In addition, the Region states that the EPA staff primarily responsible for preparation of the Region’s response will be absent from official duty for an extended portion during the thirty-day response period, including during the current deadline of November 29, 2023. *Id.* at 2. The Region states that an extension of time to December 13, 2023, would allow the Region time to provide an adequate response to the Petition. *Id.* Finally, the Region represents that counsel for Petitioners does not oppose the Motion. *Id.* at 3.

Based on the representations in the Motion, the Environmental Appeals Board (“Board”) **GRANTS** the Motion. *See* 40 C.F.R. § 124.19(f)(6), (n). Accordingly, the Region shall file its response to the petition for review on or before **Wednesday, December 13, 2023**. The Region must file a certified index of the administrative record and the relevant portions of the administrative record on or before that same date. *See id.* § 124.19(b)(2). The deadlines for all other briefs addressed by 40 C.F.R. § 124.19 are also extended by fourteen days.

Pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use email (Clerk\_EAB@epa.gov) to serve orders and decisions in this matter to the addresses provided by the parties. Additionally, the Board has authorized all parties in permit appeals to use email to fulfill their service obligations under 40 C.F.R. § 124.19(i)(3)(ii). *See* Env’t Appeals Bd. U.S. EPA, *Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals* (Sept. 21, 2020). The parties shall promptly notify the Board and the other parties of any change to their email addresses. The parties should continue to use the Board’s electronic filing system for filing all documents in this appeal.

So ordered.

Dated: November 20, 2023

**ENVIRONMENTAL APPEALS BOARD**

By: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read 'Aaron P. Avila', is written over a horizontal line.

Aaron P. Avila

Environmental Appeals Judge

## **CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Granting Extension of Time* in the matter of U.S. Department of Energy and Triad National Security, LLC, NPDES Appeal No. 23-04, were sent to the following persons in the manner indicated:

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Dated: Nov 20, 2023

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