EXHIBIT 8

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2017 FEB 24 AM 11: 19
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	)
	)
Concerned Citizens for Nuclear Safety	)
(CCNS) Request To Terminate NPDES	)
Permit #NM0028355 For Los Alamos	)
National Laboratory Radioactive Liquid	)
Waste Treatment Facility	)

EPA Region 6 Response to Order for Record Clarification and Supplementation

By Order dated February 16, 2017, the Regional Judicial Officer required EPA Region 6 (EPA) to "provide sufficient evidence by February 24, 2017, showing whether or not when she signed the December letter, Stacy Dwyer was acting as an 'authorized representative' of the Director ..." in the above captioned matter.

In response, EPA submits the following:

1. Stacy Dwyer was acting within the scope of her authority as Associate Director of the NPDES Permits and TMDL Branch when she signed the December 18, 2015 letter from EPA responding to the November 13, 2015 letter from attorneys for Communities for Clean Water (CCW) and Concerned Citizens for Nuclear Safety (CCNS). However, EPA does not contend that Ms. Dwyer was responding to a request for permit termination under 40 C.F.R. § 124.5 as an "authorized representative" of the Director, as required by that section.

2. The December 18, 2015 letter from EPA to attorneys for CCW and CCNS predated CCNS' Request to Terminate NPDES Permit #NM0028355 as to Outfall 051 for the Radioactive Liquid Waste Treatment Facility ("Request To Terminate") and was not intended as a denial of a request for modification, revocation and reissuance, or termination of a permit under 40 C.F.R. § 124.5(b).

3. As stated by CCNS in Petitioner's Reply to Response filed by EPA Region [sic] Counsel To Request to Terminate NPDES Permit #NM0028355 As to Outfall 051 For the Radioactive Liquid Waste Treatment Facility ("Reply"), which was filed with the Regional Hearing Clerk on October 3, 2016, there was no request to terminate permit coverage before EPA at the time of Stacy Dwyer's December 18, 2015 letter. (Reply ¶ 7).

4. EPA's December 18, 2015 letter was sent in response to the November 13, 2015 letter from attorneys for CCW and CCNS. As described by CCNS, the November 13th letter from counsel for CCW and CCNS to EPA "gave notice of Petitioner's concern, and requested 'an expedited opinion from your NPDES division and the Region 6 legal staff, stating the justification, if any, for issuance of the referenced permit for Outfall 051,' expressing hope for a resolution 'without the necessity of our litigating the issue.' Counsel's letter does not request termination of the permit, nor does it invoke, or refer to, § 124.5." (Reply ¶ 7).

5. EPA's December 18, 2015 response letter explained that EPA did not believe it was appropriate to terminate Permit #NM0028355 as to Outfall 051 and that it did not intend to propose such termination.

6. On June 17, 2016, CCNS filed the Request to Terminate with the Regional Hearing Clerk for EPA Region 6 pursuant to 40 C.F.R. § 124.5.

7. EPA and CCNS are in agreement that 40 CFR § 124.5 requires EPA to provide a written response to a request from an interested party for termination of an NPDES permit under that section (Reply ¶ 5), and that the Director has not yet provided such a written response (Reply ¶ 3).

8. If the Director issues a written response denying the Request to Terminate, Petitioner may appeal that decision under 40 CFR § 124.5 (b) to the Environmental Appeals Board. If the Director determines the Request to Terminate is justified and tentatively decides to terminate the permit, he must file a complaint under 40 CFR §§ 22.13 and 22.44. Only if such a complaint is filed do the procedures of 40 CFR Part 22 apply. 40 C.F.R. 124.5(d)(2).

Respectfully submitted,

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DATED: February 24, 2017

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2017, I mailed, U.S. Postal Service First Class postage pre-paid, copies of the foregoing EPA Region 6 Response to Order for Record Clarification and Supplementation to the following:

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