UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2017 FEB 16 PM 2:15
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	)
	)

Order For Record Clarification And Supplementation

On November 13, 2015, CCNS sent a letter to United States Environmental Protection Agency, Region 6 (EPA) then Regional Administrator Ron Curry, regarding the above captioned permit. EPA responded to the November letter on December 18, 2015, which December letter was signed by "Stacy Dwyer, Associate Director, NPDES Permits & TMDL Branch."

40 CFR Part 124 sets forth specific procedures pertinent to this matter. 40 C.F.R. § 124.5(b) provides that if the Director (defined as the "Regional Administrator...or an authorized representative" per 40 C.F.R. § 124.2(a)) decides the request (in this case, the November letter) is not justified, the Director shall provide a brief written response setting forth his or her reasoning. EPA responded in its December letter, however, the document, as noted above, was not signed by the Regional Administrator. Based on the record before me, it is unclear in what capacity the signatory to the December letter was acting.

It is therefore ORDERED that the EPA shall 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, as set forth above.

In addition, the November 13, 2015, letter is not contained in the record, even though it is referenced by both parties. It is therefore ORDERED that CCNS shall supplement the record to include said letter by February 24, 2017.

Dated this 16th day of February, 2017.

THOMAS RUCKI
REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk for the Region 6 office of the Environmental Protection Agency, hereby certify that a TRUE AND CORRECT copy of the document was served upon the parties on the date and in the manner set forth below:

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Lorena S. Vaughn
Regional Hearing Clerk