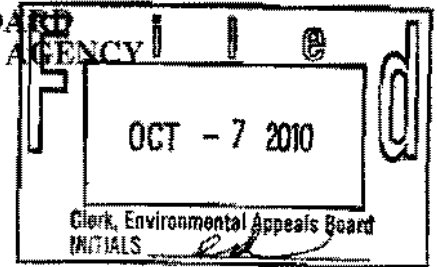


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

Los Alamos National Laboratory,
NPDES Permit No. NM0030759

NPDES Appeal No. 09-05

ORDER GRANTING CONTINUATION OF STAY

On March 13, 2009, the Environmental Appeals Board received a petition for review of the National Pollution Discharge Elimination System permit referenced above (the "Permit") that U.S. Environmental Protection Agency Region 6 (the "Region") issued on February 13, 2009. The petition was filed by the Western Environmental Law Center on behalf of Amigos Bravos, Concerned Citizens for Nuclear Safety, Embudo Valley Environmental Monitoring Group, Honor Our Pueblo Existence, New Mexico Acequia Association, Partnership for Earth Spirituality, J. Gilbert Sanchez, Kathy Sanchez, and Tewa Women United (collectively "Petitioners").

The Permit would authorize, subject to conditions, storm water discharges from point sources at the Los Alamos National Laboratory ("LANL") located in Los Alamos County northwest of Santa Fe, New Mexico. By letter dated March 17, 2009, the Clerk of the Board requested the Region file, no later than April 30, 2009, a response to the petition for review and copies of relevant portions of the administrative record, together with a certified index of the administrative record. By Order dated April 21, 2009, the Board granted the Region's motion for an extension of time to file its response to the petition and the Board granted the request of United States Department of Energy ("DOE") and Los Alamos National Security, LLC ("LANS"), as LANL's owner and co-operators, to be allowed to

file a response to the petition. That Order set June 11, 2009 as the deadline for both the Region's and DOE/LANS's responses. By subsequent Orders, based on the parties' requests to allow time for settlement discussions, the Board extended the Region's and DOE/LANS's response deadline until March 19, 2010. By order dated March 25, 2010, the Board granted the parties joint motion to stay this matter to allow the parties to put their settlement into effect. The parties' settlement contemplated that the Region would propose a permit modification and would then process the modification through public comment and issue a decision by early August, 2010, after considering public comment. The parties' motion had identified four alternative courses of action through which they might bring this matter to conclusion after the Region was expected to reach its decision. The Board's March 25 Order identified a fifth alternative, namely that the parties would request additional time to complete the process contemplated by their settlement. The Board directed that the parties take one of the alternative courses of action and file a status report on or before September 22, 2010.

Before the Board at this time is the joint status report and motion filed by the Region, LANS, DOE, and the Petitioners requesting that the stay of this matter be continued until November 1, 2010. The parties explain that the Region, in considering the public comments, found it necessary to revise the draft permit modification. The parties state in their motion, which was filed on September 23, 2010, that they expect the Region to issue a final decision by September 30, 2010.

Upon consideration, the Board finds good cause to continue the stay of this proceeding in order to allow the parties to put their settlement in effect (the Board has not considered the terms of the proposed permit modification, and the Board's granting this stay does not represent any kind of approval of that proposal). The stay shall remain in effect until Monday, November 1, 2010, and the parties are hereby directed to file, either jointly or individually, an appropriate document by Friday,

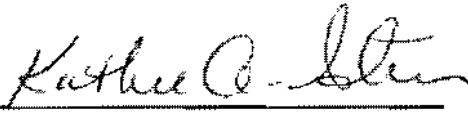
November 12, 2010, taking one of the alternative courses of action described in the Board's March 25 Order for bringing this matter to conclusion.

So ordered.

Dated: *October 7, 2010*

ENVIRONMENTAL APPEALS BOARD

By: _____



Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the Forgoing Order Granting Continuation of Stay, in the matter of Los Alamos National Laboratory, NPDES Appeal No. 09-05, were sent to the following persons in the manner indicated:

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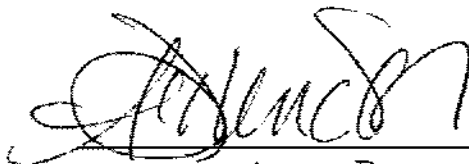
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Dated: OCT 7 2010



Annette Duncan
Secretary