



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

In re:
U.S. Department of Energy and Triad
National Security, L.L.C.
NPDES Permit No. NM0028355
NPDES Appeal No. 22-01

ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE
AND OTHER FILINGS

On May 19, 2022, the U.S. Environmental Protection Agency Region 6 ("Region") filed an unopposed motion for extension of time to file its response to the petition in this matter ("Motion"). In the Motion, the Region requests a thirty-day extension of the deadline to file its response, from June 8, 2022, to July 8, 2022. See Unopposed Motion for Extension of Time (May 19, 2022). In support of the Motion, the Region states that the issues raised by the petition are "central to the agency's implementation nationally of the National Pollutant Discharge Elimination System (NPDES) program" and cites a need to coordinate with multiple offices at EPA headquarters and to have adequate time for newly assigned legal counsel to review the permit and supporting record in preparing a response. Motion at 1. The Region represents that Petitioner does not object to the Motion and the requested due date for the response. Id. at 2.

Based on the representations in the Region's Motion, the Board GRANTS the Motion. The Region shall file its response to the petition by July 8, 2022. The Region must file a certified index to the administrative record and the relevant portions of the administrative record on or before that same date. See 40 C.F.R. § 124.19(b)(2). Triad National Security, L.L.C.

(“Triad”) shall also file its response to the petition by **July 8, 2022**. If Petitioner wishes to file a reply to the Region’s or Triad’s response, it must do so by **July 25, 2022**. Additionally, if they choose to participate, States or Tribal authorities where the permitted facility is located must file a notice of appearance and a response to the petition with the Board on or before **July 8, 2021**. *See id.* § 124.19(b)(4). And if any interested person chooses to file an amicus brief, that brief must be filed with the Board on or before **July 25, 2022**. *See id.* § 124.19(e). All of these adjustments to filing dates are made pursuant to 40 C.F.R. § 124.19(n), and all responses and replies must comply with length and other requirements of 40 C.F.R. § 124.19.

So ordered.

ENVIRONMENTAL APPEALS BOARD



By: _____

Aaron P. Avila
Environmental Appeals Judge

Dated: May 23, 2022

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Motion for Extension of Time to File Response and Other Filings* in the matter of U.S. Department of Energy and Triad National Security, L.L.C., NPDES Appeal No. 22-01, were sent to the following persons in the manner indicated:

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Dated: May 23, 2022

Emilio Cortes

Emilio Cortes
Clerk of the Board