

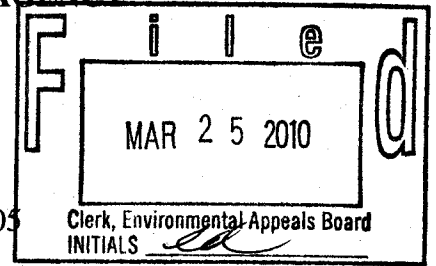
**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)

Los Alamos National Laboratory,)

NPDES Permit No. NM0030759)

NPDES Appeal No. 09-05



ORDER GRANTING 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, the Board extended the Region's and DOE/LANS's response deadline until March 19, 2010.

Before the Board at this time is the joint motion filed by the Region, LANS, DOE, and the Petitioners requesting that this matter be stayed to provide time for the parties to implement the terms of a settlement they have agreed to. The parties request that this matter be stayed until September 8, 2010.

Briefly, the parties' settlement calls for the Region to initiate a permit modification process, which includes an opportunity for public comment on proposed changes to the Permit. The parties project that the permit modification process will likely be completed by August 6, 2010, and the parties acknowledge that the Region's decision on the permit modification is not pre-determined and must take into account any information introduced through public comment. The parties project four alternative courses of action that they might take to bring this matter to conclusion: 1) the Petitioners may choose to voluntarily dismiss their petition if they are satisfied with the Region's decision on the permit modification; 2) the Petitioners may choose to file a petition seeking review of the Region's decision on the permit modification; 3) the Petitioners may choose to ask the Board to proceed to consider their petitions in the present matter; or 4) the Petitioners may choose to do nothing, in which case, the parties stipulate that the Board may dismiss the present petitions upon notice from the Region. Although not mentioned by the parties, a fifth alternative would also appear to be possible, namely that the Region makes progress on considering the proposed permit modification, but at a slower pace than initially anticipated, and the parties jointly desire to continue the stay to allow the Region to complete its decision.

Upon consideration, the Board hereby stays this appeal 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 September 8, 2010, and the parties are hereby direct to file, either jointly or individually, an appropriate document by Wednesday, September 22, 2010, taking one of the alternative courses of action described above for bringing this matter to conclusion.

So ordered.

Dated: 3/25/2010

ENVIRONMENTAL APPEALS BOARD

By: Kathie A. Stein

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the Forgoing Order Granting 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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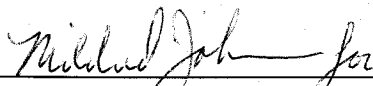
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Dated: MAR 25 2010



Annette Duncan
Secretary