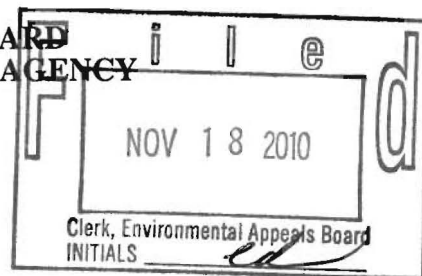


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Los Alamos National Laboratory,)

NPDES Permit No. NM0030759)

NPDES Appeal No: 09-05

ORDER GRANTING VOLUNTARY DISMISSAL OF PETITION FOR REVIEW

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.

Before the Board at this time is the Petitioners' request for voluntary dismissal of their Petition for Review. The Petitioners state that, on November 1, 2010, the Region issued the permit agreed upon by the Petitioners.

Upon consideration, the Board hereby dismisses the Petitioners Petition for Review of the Permit.

So ordered.

Dated: *November 18, 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 Voluntary Dismissal of Petition for Review 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:

Telecopier and First Class Mail:

James T. Banks
Adam J. Siegel
Hogan Lovells US LLP
555 13th Street, NW
Washington, DC 20004
Fax: (202) 637-5910

Lisa Cummings
US Department of Energy
Los Alamos Site Office
3747 West Jemez Road
Los Alamos, NM 87544
Fax: (505) 665-4873

Megan M. Anderson
Western Environmental Law Center
P.O. Box 1507
Taos, NM 87571
Fax: (575) 751-1775

Matthew K. Bishop
Western Environmental Law Center
103 Reeder's Alley
Helena, Montana 59601
Fax: (406) 443-6305

Telecopier and Pouch Mail:

E. Renea Ryland
U.S. EPA, Region 6 (MC-6RCM)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Fax: (214)-665-2182

Dated: 11/18/2010


Annette Duncan
Secretary