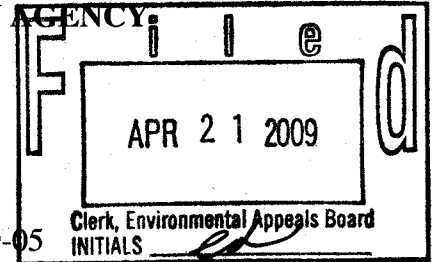


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)

Los Alamos National Laboratory,)

NPDES Permit No. NM0030759)

NPDES Appeal No. 09-05

**ORDER GRANTING EXTENSION OF RESPONSE TIME
AND GRANTING LEAVE TO FILE A RESPONSE**

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 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.

Before the Board at this time is 1) the Region's motion requesting a six-week extension through June 11, 2009, of the time for it to respond to the petition for review, and 2) the joint motion of United States Department of Energy ("DOE") and Los Alamos National Security, LLC ("LANS") to intervene in this proceeding and to file a response to the petition for review. DOE is LANL's owner and co-operator, and LANS is LANL's other co-operator. DOE and LANS are co-permittees under the Permit and, as such, would be required to operate LANL in compliance with the Permit's terms and conditions. The Board has long-recognized a permittee's interest in permit review petitions filed before the Board. *See* U.S. EPA, Environmental Appeals Board, *Practice Manual* at 35 (2004).

Accordingly, DOE and LANS are hereby granted leave to jointly file a response to the petition for review and otherwise participate in this proceeding. DOE's and LANS' joint response to the petition shall be due at the same time as the extended due date for the Region's response as discussed below.

The Region explains that it needs an extension from April 30 through June 11, 2009, to file its response to the petition because the petition "raises complex issues of national significance for EPA," which the Region explains "are further complicated by the unique nature of the LANL facility and its industrial discharges." The Region explains that it must coordinate with EPA's headquarters in preparing its response to the petition. The Region also represents that petitioners' counsel stated that petitioners do not oppose the Region's request. Upon consideration, the Region's requested extension of time is hereby granted.

Accordingly, as explained above, DOE and LANS shall file their joint response, and the Region shall file its response and other information identified in the Clerk's March 17 letter, on or before Thursday, June 11, 2009.

So ordered.

Dated:

April 21, 2009

ENVIRONMENTAL APPEALS BOARD

By: _____



Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the Forgoing Order Granting Extension of Response Time and Granting Leave to File a Response, 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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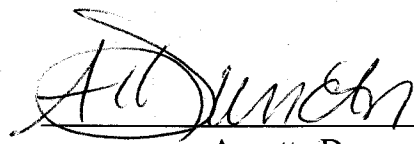
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Dated: APR 21 2009


Annette Duncan
Secretary