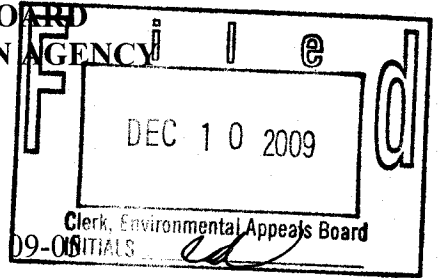


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
 )  
Los Alamos National Laboratory )  
 )  
NPDES Permit No. NM0030759 )  
 )

NPDES Appeal No. 09-06

**ORDER GRANTING FIFTH EXTENSION OF RESPONSE TIME**

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 that 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 the 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/LAN's responses. At the parties' request, the Board extended this deadline to December 4, 2009. See Order Granting Fourth Extension of Response Time (Dec. 3, 2009).

Currently before the Board is a joint motion by the Region, LANS, DOE, and the Petitioners requesting that the December 4, 2009 deadline for the Region and DOE/LANS to file their responses to the petition be extended to January 18, 2010, in order to complete settlement negotiations.

Upon consideration, the joint motion is granted. Unless this matter is resolved by the parties, 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 Tuesday January 19, 2010.<sup>1</sup>

So ordered.

Dated: *December 10, 2009*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*  
Kathie A. Stein  
Environmental Appeals Judge

---

<sup>1</sup> Because January 18, 2010 is federal holiday, the Board has extended the deadline to January 19th.

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Fifth Extension of Response Time in the matter of *Los Alamos National Laboratory*, NPDES Appeal No. 09-05, were sent to the following persons in the manner indicated:

### By U.S. First Class Mail and Facsimile:

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

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

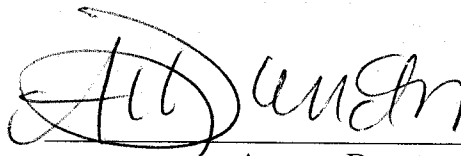
Lisa Cummings  
U.S. Department of Energy  
Los Alamos Site Office  
3747 West Jemez Road  
Los Alamos, NM 87544  
Facsimile: (505) 665-4873

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

### By EPA Pouch Mail and Facsimile:

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

Date: DEC 10 2009



Annette Duncan  
Secretary