



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

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

ORDER GRANTING EXTENSION OF TIME

On the morning of May 2, 2022, the Board received an email from Concerned Citizens for Nuclear Safety ("Concerned Citizens") on behalf of itself and three other New Mexico non-governmental organizations: Honor Our Pueblo Existence, the New Mexico Acequia Association, and Veterans for Peace – Chapter 63. In the email, Concerned Citizens represent that the deadline for filing a petition for review of NPDES Permit No. NM0028355 is today, May 2, 2022, and they request a one-week extension of that filing deadline until May 9, 2022. In support of the request, Concerned Citizens state that key personnel are unavailable to review final filings prior to today’s deadline due to expanding evacuation orders in New Mexico associated with the spreading Calf Canyon-Hermit’s Peak and Cerro Pelado fires. In light of the exigent circumstances outlined in the May 2, 2022 email, the Board is construing Concerned Citizens’ email as a motion for extension of time. Concerned Citizens state that U.S Environmental Protection Agency Region 6 does not oppose this motion for extension.

Based on the representations by Concerned Citizens, the Board GRANTS Concerned Citizens’ requested extension to file the petition for review. See 40 C.F.R. § 124.19(f)(6) & (n). The petition for review must be filed on or before May 9, 2022. At this time, the Board relies on


Concerned Citizens' statement that the original deadline for Concerned Citizens to file a petition for review in this matter was May 2, 2022, and the Board makes no determination as to the timeliness of this request for an extension.

Pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use electronic mail (Clerk\_EAB@epa.gov) to serve orders and decisions in this matter at the addresses provided by the parties. Additionally, the Board has authorized all parties in permit appeals to use email to fulfill their service obligations under 40 C.F.R. § 124.19(i)(3)(ii). *See Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals (EAB Sept. 21, 2020).* Parties shall promptly notify the Board and the other parties of any change to their email address.

So ordered.

Dated: May 2, 2022

**ENVIRONMENTAL APPEALS BOARD**

By:   
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Aaron P. Avila  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Granting Extension of Time* in the matter of U.S. Department of Energy and Triad National Security, LLC, NPDES Appeal No. 22-01M, were sent to the following persons in the manner indicated:

**By Email:**

**For: Concerned Citizens for Nuclear Safety, et al.**

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**For: EPA**

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Dated: May 02, 2022

*Emilio Cortes*

Emilio Cortes  
Clerk of the Board