

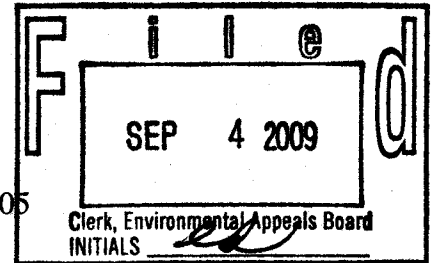
BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

In re:

Los Alamos National Laboratory,

NPDES Permit No. NM0030759

NPDES Appeal No. 09-05



**ORDER GRANTING THIRD 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 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 a subsequent Order, dated June 9, 2009, the Board extended the Region's and DOE/LANS's response deadline until September 11, 2009.

Before the Board at this time is the joint motion filed by the Region, LANS, DOE, and the Petitioners requesting that the September 11, 2009 deadline for the Region and DOE/LANS to file their responses to the petition be extended until October 14, 2009, in order to allow the parties time to undertake settlement negotiations. The movants state that they believe that resolution of some or all of the issues in this appeal is possible and that they are in the process of exchanging draft language for a possible settlement.

Upon consideration, the joint motion for an extension of time is hereby granted, except that the Board grants the stay extension through Friday, October 23, 2009. Accordingly, 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 Friday, October 23, 2009. The Region, DOE, LANS, and the Petitioners shall also jointly file on or before Friday, October 16, 2009, a status report regarding progress in their settlement discussions.

So ordered.

Dated:

*September 4, 2009*

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 Third 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:

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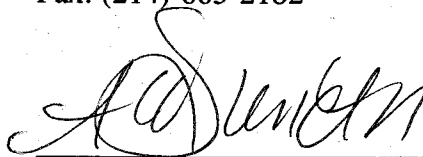
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Annette Duncan  
Secretary