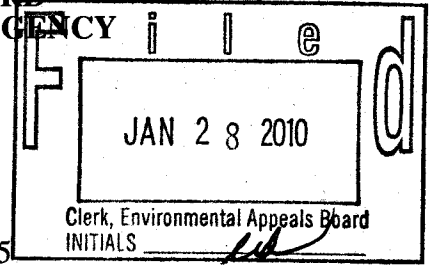


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



In re:

Los Alamos National Laboratory,  
NPDES Permit No. NM0030759

NPDES Appeal No. 09-05

**ORDER GRANTING SIXTH 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 subsequent Orders, the Board extended the Region's and DOE/LANS's response deadline until January 18, 2010.

Before the Board at this time is the joint motion filed by the Region, LANS, DOE, and the Petitioners requesting that the January 18, 2010 deadline for the Region and DOE/LANS to file their responses to the petition be extended until March 5, 2010, in order to allow the parties time to "work through a few remaining issues" and to "obtain settlement approval and finalize the agreement." The movants state that their settlement negotiations are progressing well and that they are "very close to agreement on proposed settlement language."

Upon consideration, the joint motion for an extension of time is hereby granted. 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, 2009 letter, on or before Friday, March 5, 2010.

So ordered.

Dated:

*January 26 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 Sixth 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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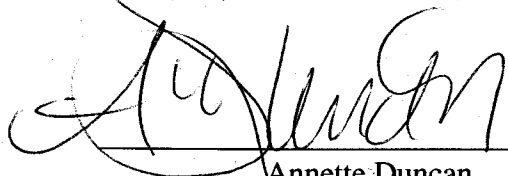
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Dated: JAN 28 2010

  
Annette Duncan  
Secretary