



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RECEIVED
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ENVIR. APPEALS BOARD

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, D.C. 20005
FAX (202) 233-0121

RE: Los Alamos National Laboratory,
NPDES Permit No. NM0030759
NPDES Appeal No. 09-05

To the Clerk of the Board:

On March 13, 2009, 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, filed with the Environmental Appeals Board a Petition for Review of the above-referenced National Pollutant Discharge Elimination System permit (the "Permit"). The Permit was issued by EPA Region 6 ("the Region") on February 13, 2009, to Los Alamos National Security, LLC and the U.S. Department of Energy ("Permittees") for the Los Alamos National Laboratory facility located in Los Alamos, New Mexico.

As required by 40 CFR §§ 124.16(a)(2)(ii) and 124.60(b), the Region hereby provides notice of the conditions of the Permit that are uncontested and severable from the Permit conditions contested in the Petition for Review. Under 40 CFR §§ 124.16(a)(2)(i), these uncontested and severable conditions shall become fully effective and enforceable obligations of the Permittees 30 days from the date of this letter.

Based on our review of the Petition for Review, the Region has determined that the following Permit conditions are uncontested and severable:

- Section A.1.a – d & g of Part I of the Permit (not including the introductory language under Section A), concerning installation of baseline or "Stage 0" best management practices (BMPs) at all Sites within one (1) year of the effective date of the Permit;

- Section B.1.a – e of Part I of the Permit, concerning the preparation of a Site Discharge Pollution Prevention Plan (SDPPP) (except for the requirement under Section B.1. to describe all BMPs selected to meet the applicable target action levels, and the requirement under Sections B.1, A.2 and C.2 to submit a Semi-Annual Status Report no later than September 1, 2010, which are contested and stayed);
- Section E. of Part I of the Permit, concerning a Watershed Protection Approach; and
- Parts II and III of the Permit (“Other Conditions” and “Standard Conditions for NPDES Permits,” respectively).

If you have any questions or concerns, please feel free to contact me directly at (214) 665-7101, or you may contact Claudia V. Hosch of my staff at (214) 665-6464 or via e-mail at hosch.claudia@epa.gov.

Sincerely,



Miguel I. Flores
Director
Water Quality Protection Division

cc: Matthew K. Bishop
Western Environmental Law Center

James Banks, Partner
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Susan McMichael
Los Alamos National Laboratory

Lisa Cummings
U.S. Department of Energy