



United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
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FAX FORM

Number of Pages, including cover sheet: 7

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

June 4, 2009

VIA FAX AND FEDERAL EXPRESS

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. NPDES 09-05

Dear Madam:

Enclosed please find the original and five (5) copies of a Joint Motion for Extension of Deadline by Which Region 6 and LANS/DOE Must File Their Responses to Petition for Review in the above-referenced matter. If you have any questions, please call me at (214) 665-2130. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Renea Ryland".

E. Renea Ryland

Enclosures

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

In re: Los Alamos National Laboratory)

NPDES Appeal No. NPDES 09-05

NPDES Permit No. NM0030759)

**JOINT MOTION FOR EXTENSION OF DEADLINE BY WHICH REGION 6
AND LANS/DOE MUST FILE THEIR RESPONSES TO PETITION FOR
REVIEW**

The United States Environmental Protection Agency, Region 6 ("the Region"), Los Alamos National Security, LLC and the U.S. Department of Energy (LANS/DOE) and the Western Environmental Law Center respectfully request that the Environmental Appeals Board ("the Board") extend the June 11, 2009, deadline by which the Region and LANS/DOE must file their respective responses to the Petition for Review filed by the Western Environmental Law Center in the above-referenced matter. The parties jointly and respectfully request that the June 11, 2009, deadline be extended until September 11, 2009, in order to allow the parties time to undertake settlement negotiations. In support of this request, the parties states as follows:

1. The Region issued NPDES Permit No. NM0030759 ("the Permit") for the Los Alamos National Laboratory (LANL) facility located at Los Alamos, New Mexico on February 13, 2009. Los Alamos National Security, LLC (LANS) and the U.S.

Department of Energy (DOE) are Co-Permittees under the Permit, which is an individual permit for storm water discharges associated with industrial activities from specified Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) at the facility.

2. The facility covers approximately 40 square miles and is situated on the Pajarito Plateau in Northern New Mexico, which consists of a series of finger-like mesas separated by deep west-to-east oriented canyons cut by predominantly ephemeral and intermittent streams. The majority of the approximately 400 SWMUs and AOCs covered by the permit are remotely located and not associated with current industrial activities.

3. 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 ("Petitioners") filed with the Board a timely Petition for Review of the Permit and Request for Oral Argument. On April 13, 2009, Co-Permittees LANS/DOE filed a Motion to Intervene and Request for Leave to Respond to the Petition for Review.

4. The Petition for Review raises complex issues, including whether compliance schedules are permissible under the Clean Water Act and under what circumstances, and what is required to ensure compliance with water quality standards. The issues are further complicated by the unique nature of the LANL facility and its industrial discharges.

5. Based on the complex nature of both the permitted facility and the issues raised in the Petition for Review and the resulting need for extensive coordination between the Region and EPA Headquarters on these issues, the Region filed a Motion for

Extension of Time in Which to File Region 6's Response to Petition for Review on April 17, 2009, asking for an additional six (6) weeks, or until June 11, 2009, to file a response.

6. On April 21, 2009, the Board granted both the Region's request for an extension of time and LANS/DOE's request to intervene in these proceedings and file a joint response to the Petition for Review. The Board's Order stated that both the Region's and LANS/DOE's responses shall be due on or before Thursday, June 11, 2009.

7. Upon consideration of the permitting documents and the Petition for Review and based on preliminary discussions, the parties believe that resolution of some or all of the issues in this appeal is possible and have agreed to enter into settlement discussions. As a result, the parties request that the Board extend the June 11, 2009, deadline for the Region and LANS/DOE to file their respective responses to the Petition for Review until September 11, 2009. Before such date, but not later than August 11, 2009, the parties will submit a status report on the progress of settlement negotiations and will move the Board for additional relief as warranted.

8. The Parties submit that an extension of this length is both reasonable and necessary given the unique circumstances underlying the Permit itself; the complexities of the issues raised in the Petition for Review; the need to schedule perhaps multiple meetings between technical and legal staff from the Region, the Western Environmental Center and its clients, LANL and DOE; and the need for the Region to coordinate extensively with EPA Headquarters regarding any actions proposed to be taken as a result of settlement discussions.

For the foregoing reasons, the parties respectfully request an extension of the deadline for the Region and LANS/DOE to file their respective responses to the Petition for Review from June 11, 2009, until September 11, 2009.

Respectfully submitted,



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/s Megan Anderson*

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Counsel for Petitioners

*pursuant to e-mail authorization 06/03/09

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2009, copies of the foregoing Joint Motion for Extension of Deadline by which Region 6 and LANS/DOE Must File Their Responses to Petition for Review in the matter of Los Alamos National Laboratory, NPDES Permit No. NM0030759, were served via Fax and First Class Mail, postage pre-paid, to the following persons:

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