

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

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

UNOPPOSED MOTION FOR EXTENSION OF TIME

The Environmental Protection Agency, Region 6 (EPA) requests that the Environmental Appeals Board (EAB) grant EPA a thirty (30) day extension of time to file its response to the Petition for Review filed on behalf of Concerned Citizens for Nuclear Safety in the above-captioned matter.

EPA seeks this additional time for two reasons. First, the issues raised by this petition concern matters central to the agency's implementation nationally of the National Pollutant Discharge Elimination System (NPDES) program, including application of an exemption available under the Resource Conservation and Recovery Act, and therefore require close coordination between Region 6, the EPA Office of Water, the EPA Office of Land and Emergency Management, and the EPA Office of General Counsel. EPA would not have sufficient time to ensure such coordination and adequately address the issues raised by the petition under the current deadline for EPA's response of June 8, 2022.

EPA also requests an extension of time so that newly assigned legal counsel has adequate time to review the permit, the record supporting the permit decision, and to prepare a response.

After Petitioner filed the appeal on May 9, 2022, EPA was required to reassign this matter to legal staff who were not substantively familiar with the Los Alamos National Security facility NPDES permit. The scope of EPA's review is large, as Petitioner seeks denial of NPDES permit coverage for six separate outfalls and asserts legal theories under both the Clean Water Act and the Resource Conservation and Recovery Act. Additionally, EPA estimates the supporting documents for this permit decision number at least several hundred pages. A thirty (30) day extension is necessary for EPA to provide an adequate response.

EPA believes a thirty (30) day extension of time from the June 8, 2022, deadline, or until July 8, 2022, would allow EPA to provide an adequate response to Concerned Citizens for Nuclear Safety's Petition for Review of EPA's permit decision and will not prejudice the Petitioner. Based on a May 18, 2022, telephone conversation and exchange of emails with opposing counsel, EPA represents that Opposing Counsel does not oppose the motion.

For the reasons set forth above, EPA respectfully requests that its Motion for Extension of Time to respond to Concerned Citizens for Nuclear Safety's Petition for Review of EPA's permit decision be granted and that the EAB extend the deadline for EPA's response to July 8, 2022.

Respectfully submitted,

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Date: May 19, 2022

Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2022, I served the foregoing document on the following persons by email in accordance with the Environmental Appeals Board's September 21, 2020 Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals:

By Email:

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