



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
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June 28, 2022

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### **VIA ELECTRONIC FILING**

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RE: Los Alamos National Laboratory  
NPDES Permit No. NM 0028355  
Notice of Uncontested and Severable Permit Conditions

To all Interested Parties:

In accordance with 40 C.F.R. §§ 124.16 and 124.60, Region 6 of the United States Environmental Protection Agency (“EPA”) is providing notice of uncontested and severable permit conditions in connection with National Pollutant Discharge Elimination System Permit No. NM0028355, issued for the Los Alamos National Laboratory (“LANL”) on March 30, 2022, with the United States Department of Energy and Triad National Security, LLC as permittees (“2022 Permit”). When effective, the 2022 Permit will supersede the previous permit, which has been administratively continued since its expiration on September 30, 2019.

On May 9, 2022, Concerned Citizens for Nuclear Safety, Honor Our Pueblo Existence, and Veterans for Peace (“Petitioners”) filed a petition under 40 C.F.R. 124.19(a) requesting that the Environmental Appeals Board review EPA’s decision. While Petitioners did not list specific permit provisions for review, they requested denial of permit authorization for Outfalls 051, 13S, 03A027, 03A113, 03A160, and 05A055. Such authorization is individually set forth for each outfall in section I.A of the permit, and thus each of these outfall subsections constitute “contested conditions” under 40 C.F.R. 124.16(a) and 124.60:

Outfall 13S, Permit section I.A, pages 4-6  
Outfalls 051, Permit section I.A, pages 7-8  
Outfall 05A055, Permit section I.A, pages 9-11  
Outfall 03A113, Permit section I.A, pages 16-17  
Outfall 03A027, Permit section I.A, pages 18-19  
Outfall 03A160, Permit section I.A, pages 22-23

When a permit appeal is filed, EPA must issue a notification identifying which permit conditions are stayed as a result of the appeal and which permit conditions will go into effect. While an appeal is pending, contested permit conditions are stayed. Uncontested permit conditions that are inseparable from contested conditions are also considered to be contested and are stayed. Uncontested permit conditions that are severable from contested conditions are not stayed and become enforceable conditions of the permit.

The Region is notifying you that the contested conditions listed above are stayed pending final agency action. All other provisions of the 2022 Permit become fully effective and enforceable thirty (30) days after the date of this notification. As the holder of an existing, administratively continued permit, LANL must continue to comply with the provisions of that permit that correspond to the stayed conditions.

If you have any questions or concerns, please feel free to contact Jay Przyborski of our Office of Regional Counsel at (214) 665-6605.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Maguire". The signature is fluid and cursive, with a prominent loop at the end.

Charles W. Maguire  
Director  
Water Division