



# United States Environmental Protection Agency

Region 6

1445 Ross Avenue, Suite 1200

Dallas, Texas. 75202-2733



## FAX FORM

Number of Pages, including cover sheet: 6

To: Clerk of the Board, Environmental Appeals Board.	From: Renea Ryland
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ENVIRONMENTAL APPEALS BOARD  
 APR 17 3 37 PM '09



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

APR 17 2009

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APPEALS BOARD

April 17, 2009

VIA FAX AND FEDERAL EXPRESS

04/17/2009

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 Sir or Madam:

Enclosed please find the original and four (4) copies of EPA Region 6's Motion for Extension of Time in Which to File Region 6's Response to Petition for Review in the above-referenced matter. If you have any questions, please call me at (214) 665-2130. Thank you.

Sincerely,

E. Renea Ryland

Enclosures



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 and the U.S. Department of Energy 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 17, 2009, the Petitioners filed with the Board a timely Petition for Review of the Permit and Request for Oral Argument. On April 13, 2009, Co-Permittees United States Department of Energy and Los Alamos National Security, LLC filed a Motion to Intervene and Request for Leave to Respond to the Petition for Review.

4. The Petition for Review raises complex issues of national significance for EPA, 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. These issues are further complicated by the unique nature of the LANL facility and its industrial discharges.

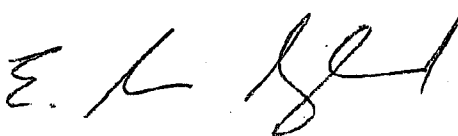
5. Due to the complexity of the issues raised in the Petition, as well as the unique circumstances underlying the Permit itself, EPA Region 6 will need to coordinate extensively with EPA Headquarters in preparing its response to the Petition for Review.

The sheer volume of documents involved in issuance of the Permit, the physical distance between the Region and EPA Headquarters, and the high level of Headquarters review necessary in this case will make coordination between the Region and Headquarters particularly time-consuming.

6. Counsel for Petitioners has indicated that Petitioners do not oppose this Motion.

For the foregoing reasons, the Region respectfully requests an additional six (6) weeks from April 30, 2009, or until June 11, 2009 to file its Response to the Petition for Review.

Respectfully submitted,



E. Renea Ryland  
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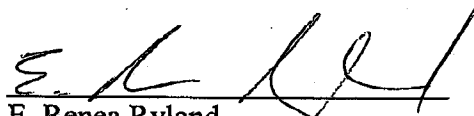
CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2009, copies of the foregoing Motion for Extension of Time in Which to File Region 6's Response 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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