

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

# REGION 8

## 999 18<sup>TH</sup> STREET- SUITE 200 DENVER, CO 80202-2466 Phone 800-227-8917

http://www.epa.gov/region08

Ref: 8RC

DEC - 6 2005

Ms. Eurika Durr, Clerk of the Board U.S. Environmental Protection Agency Environmental Appeals Board 401 M Street, S.W. Mail Code 1103-B Washington, D.C. 20460-0001 By FAX and U.S. Mail:

RE:

Pioneer Oil & Gas Permit Number: WY-0025607

NPDES Appeal Number: NPDES 05-16

Dear Ms. Durt:

Enclosed for filing with the Environmental Appeals Board please find a faxed copy of EPA Region 8's Motion for Extension of Time to File Response to Pioneer Oil & Gas's petition for review of a National Pollutant Discharge Elimination System (NPDES) permit in the above-captioned case. An original and five copies will be sent today via U.S. Mail.

Thank you very much for your attention to this matter.

Sincerely,

Kimi Matsumoto, Esq. Office of Regional Counsel

U.S. EPA, Region 8

#### Enclosures

cc: Greg Colton, Pioneer Oil & Gas Co. Tina Artemis, Regional Hearing Clerk Erin Perkins, Assistant Regional Counsel

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ENVIRONMENTAL APPEALS BOARD

In re:	
Pioneer Oil & Gas	) NPDES Appeal No. 05-1
NPDES Permit No. WY-0035607	<b>)</b>

### MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

Pioneer Oil & Gas Company (Petitioner) has appealed the National Pollutant
Discharge Elimination System (NPDES) permit issued to Petitioner by the United States
Environmental Protection Agency (EPA) for produced water discharges associated with
oil development in Wyoming. The Eastern Shoshone and Northern Arapahoe Tribes of
the Wind River Indian Reservation may have environmental, economic or other concerns
regarding the permit appeal. Considering the Tribes' potential interest, EPA has initiated
discussions with the Tribes, however, additional time is needed to continue this process
and to further consider all options available to EPA with regard to the issues raised by the
appeal.

The Environmental Appeals Board has the authority to grant the requested extension of time pursuant to 40 C.F.R. section 22.07(b). Under that subsection, a motion for extension can be granted for good cause, after consideration of the prejudice to other parties. EPA submits that continuing appropriate discussions with the Tribes constitutes good cause for the requested extension. EPA therefore respectfully requests

an extension of 60 days, until February 20, 2006, to file its response.

On December 6, 2005, EPA contacted counsel for Petitioner, which supports this Motion for Extension of Time to File Response, considering that pursuant to 40 C.F.R. section 124.16(a)(1), the permit is stayed pending final agency action on this appeal.

Please note that Erin Perkins will be EPA's attorney of record for all future correspondence on this matter. Ms. Perkins can be reached at (303) 312-6922. Her mailing address is:

Erin Perkins, Esq.
U.S. Environmental Protection Agency Region VIII
Office of Regional Counsel – 8RC
999 18<sup>th</sup> Street, Suite 300
Denver, Colorado 80202
FAX: (303) 312-6859

RESPECTFULLY SUBMITTED this 6th Day of December, 2005.

Kimi Matsumóto, Esq.

U.S. Environmental Protection Agency, Region 8

Office of Regional Counsel - 8RC

999 18<sup>th</sup> Street, Suite 300 Denver, CO 80202-2466