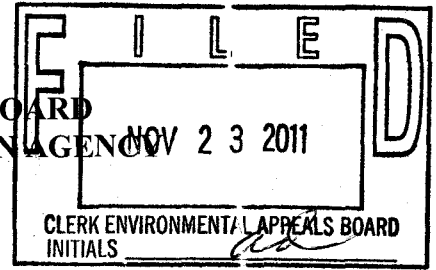


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re:)
)
MHA Nation Clean Fuels Refinery) NPDES Appeal Nos. 11-02,
) 11-03, and 11-04
NPDES Permit No. ND-0030988)
_____)

**ORDER GRANTING
MOTION TO INTERVENE**

The Mandan, Hidatsa, and Arikara Nation of the Fort Berthold Reservation (“MHA Nation”) seeks leave to intervene as a party respondent in the above-captioned matter. At present, three sets of petitioners have filed petitions for review of a National Pollutant Discharge Elimination System permit issued to MHA Nation for a new “Clean Fuels Refinery,” which is proposed for construction on reservation land near the Town of Makoti in Ward County, North Dakota. EPA Region 8, the permit issuer, is currently defending the permit decision.

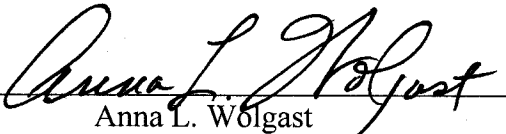
MHA Nation claims that it has unique interests as the permittee that are substantially different than those of EPA Region 8. It asserts that “[a]ny relief afforded in this proceeding will directly and substantially affect MHA Nation by imposing new or modified legal obligations” on MHA Nation under the permit. Motion at 3. MHA Nation states that if its motion to intervene is granted, it is prepared to file a response to the consolidated petitions for review on or before the due date set for EPA Region 8’s response (i.e., Friday, December 16, 2011).

Given the interest of MHA Nation in this proceeding, the Environmental Appeals Board hereby **GRANTS** the motion for leave to intervene as a party in this matter. MHA Nation must file a response to the petitions for review on or before **Friday, December 16, 2011**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: November 23, 2011

By: 
Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Motion to Intervene** in the matter of *MHA Nation Clean Fuels Refinery*, NPDES Appeal Nos. 11-02, 11-03, and 11-04, were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

Sparsh Khandeshi, Esq.
Environmental Integrity Project
1 Thomas Circle, Suite 900
Washington, D.C. 20005
telephone: (202) 296-8800
facsimile: (202) 296-8822

Thomas W. Fredericks, Esq.
Fredericks Peebles & Morgan, LLP
1900 Plaza Drive
Louisville, Colorado 80027
telephone: (303) 673-9600
facsimile: (303) 673-9155

By First Class U.S. Mail:

James Stafslie
Post Office Box 0094
Makoti, North Dakota 58756

Pastor Elise Packineau
Post Office Box 496
New Town, North Dakota 58763

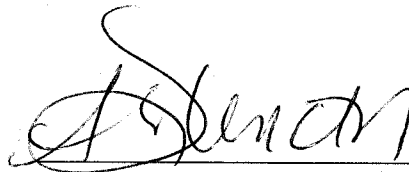
By Facsimile and EPA Pouch Mail:

Erin E. Perkins, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 8
Office of Regional Counsel
1595 Wynkoop Street
Denver, Colorado 80202-2466
telephone: (303) 312-6922
facsimile: (303) 312-6859

By EPA Interoffice Mail:

Thomas S. Marshall, Dawn M. Messier, and Pooja Parikh, Esqs.
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Mail Codes 2322A and 2355A
Washington, D.C. 20460

Dated: NOV 23 2011



Annette Duncan
Secretary