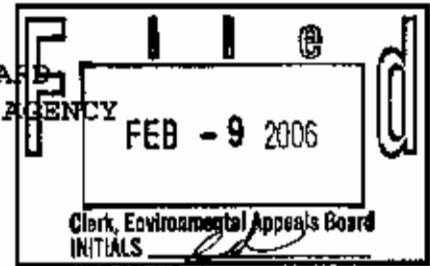


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
 )  
Pioneer Oil & Gas )  
 )  
NPDES Permit No. WY-0035607 )  
\_\_\_\_\_ )

NPDES Appeal No. 05-16

ORDER GRANTING JOINT MOTION TO SUBSTITUTE PETITIONER

AND

GRANTING JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

On February 9, 2006, the Environmental Appeals Board ("Board") received a joint motion from the parties in the above-captioned matter requesting the Board to substitute the Petitioner in this case and to extend the deadline for EPA Region VIII (the "Region") to file its response. The joint motion explains that on January 1, 2006, Pioneer Oil & Gas<sup>1</sup> assigned its interest in the facility at issue in this appeal to Kirkwood Oil and Gas LLC. As a result, Wesco Operating, Inc., an operator of Kirkwood-owned properties, now operates and currently holds the permit under appeal. The parties in this case request that the

---

<sup>1</sup> On October 26, 2005, Pioneer Oil & Gas filed a petition for review challenging some of the conditions in its recently issued National Pollutant Discharge Elimination System ("NPDES") permit.

Board substitute Wesco Operating Inc., for Pioneer Oil and Gas Company as the petitioner in this matter.

In addition, the parties request a 90-day extension of time for the Region to file its response. Currently, the Region has until February 20, 2006, to file its response to the petition. The joint motion explains that the time is necessary to continue discussions with the new petitioner and the Eastern Shoshone and Northern Arapahoe Tribes of the Wind River Indian Reservation, who have concerns regarding the permit appeal, and to further consider all options for resolution of this matter, including possible settlement.

For good cause shown, the Board hereby grants the parties' request to substitute Wesco Operating Inc., for Pioneer Oil and Gas Company as the petitioner in this matter,<sup>2</sup> and extends the Region's deadline for filing its response to Monday, May 22, 2006.

---

<sup>2</sup> The caption in this matter will prospectively read: In re Wesco Operating, Inc. NPDES Permit No. WY-0035607.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 2/9/06

By: Kathie A. Stein

Kathie A. Stein  
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Joint Motion to Substitute Petitioner and Granting Joint Motion for Extension of Time to File Response in the matter of Pioneer Oil & Gas, NPDES Appeal No. 05-16, were sent to the following persons in the manner indicated:

By EPA Pouch Mail:

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

By U.S. First Class Mail:

Don J. Colton  
Gregg Colton  
Pioneer Oil & Gas  
1206 W. South Jordan Parkway  
Unit B  
South Jordan, Utah 84095

Robert Kirkwood  
Wesco Operating, Inc.  
Oil and Gas Operations  
120 S. Durbin  
P.O. Box 1706  
Casper, WY 82602

Dated:           FEB 10 2006          

  
Annette Duncan  
Secretary