

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

In re: Wesco Operating, Inc.)
Winkleman Dome Field)
)
)
) NPDES Permit Appeal No. 15-02
)
)
NPDES Permit Number WY-0025232)
)

JOINT MOTION FOR EXTENSION OF TIME

1. On March 12, 2015, the United States Environmental Protection Agency Region 8 (EPA or Region 8) issued a final National Pollutant Discharge Elimination System (NPDES) permits to Wesco Operating, Inc. (Wesco) for its facility at the Winkleman Dome Field (WY-0025232).
2. On April 8, 2015, Wesco filed a motion for extension of time to submit a petition for review of that permit. On April 16, 2015, the Environmental Appeals Board (EAB or the Board) granted Wesco's request for an extension, giving them until May 18, 2015 to file their petitions for review.
3. On April 30, 2015, Wesco filed an unopposed summary petition indicating its intent to appeal the Winkleman Dome permit and expressly preserving its ability to "raise any and all factual and legal challenges it has to the Permit or the terms and conditions contained

therein.” This filing, and a similar summary petition filed by Phoenix Production Co., allowed Region 8 to issue a Notification of Stay of Contested Permit Conditions pursuant to 40 CFR § 124.16(a)(2). Region 8 issued this notification on that same day.

4. On May 8, 2015, the Board issued an order consolidating Wesco’s pending NPDES permit appeal with three related NPDES permit appeals filed by Public Employees for Environmental Responsibility (PEER), the Natural Resources Defense Council (NRDC), and Phoenix Production Co. The consolidation order did not change the date by which Wesco must file its permit appeal, and Wesco is required to submit its final petition by May 18, 2015.
5. In its April 30, 2015 summary petition, Wesco indicated its intent to appeal two permit conditions based on water quality standards adopted by the Northern Arapaho Tribe and the Eastern Shoshone Tribe. Both permit conditions were developed by Region 8 to protect the aquatic life use of the receiving water, and are predicated on the Region’s decision that the receiving water for the discharges should be classified as a Class 3B water under the Tribes’ water quality standards. The two conditions in the Winkleman Dome permit Wesco intends to appeal are the permit limit for sulfide and the WET monitoring requirement. Wesco also indicated that it intends to appeal Region 8’s decision to treat the receiving water for the Winkleman Dome permit as a Class 3B water under the water quality standards adopted by the Tribes.
6. The Region and Wesco have initiated discussions over potential routes to compliance with the permit limits, as well as other means by which Wesco’s claims regarding the water quality based effluent limitations in its permit may be resolved. Moreover, the Eastern Shoshone Tribe and the Northern Arapahoe Tribe of the Wind River Indian

Reservation likely have environmental, economic or other interests in the resolution of Wesco's claims regarding the water quality based effluent limits, and the Region and Wesco have reached out to both Tribes to involve them in these discussions. Given these facts, additional time is needed to continue this process and to further consider all options, including possible settlement options, available to EPA and Wesco with regard to the issues raised in Wesco's summary petition.


7. The Environmental Appeals Board has the authority to grant extensions of time pursuant to 40 C.F.R. § 22.07(b). Under that subsection, a motion for extension can be granted for good cause, after consideration of the prejudice to other parties. The parties submit that in light of the ongoing discussions between EPA and Wesco, and the forthcoming discussion between both parties and the Tribes, good cause exists for an extension.
8. The Region and Wesco further submit that such an extension would not prejudice any of the other parties that have raised claims based on Wesco's Winkleman Dome permit. Both the PEER and the NRDC petitions are appeals of the technology based effluent limits included in Wesco's permit. These effluent limits are based on the requirement of 40 CFR Part 435 Subpart E, and are developed to ensure that discharges of produced water are of good enough quality for wildlife or livestock watering, or other agricultural uses. Because Region 8 and Wesco are discussing issues pertaining a different set of effluent limits with a different legal basis, such discussions and any potential resolution that arise out of such discussions, would not affect the claims raised by PEER and NRDC or the effluent limits underlying those claims.

9. For the reasons outlined above, Region 8 and Wesco respectfully request an extension of 60 days until July 17, 2015, for Wesco to file its petition for review of the Winkleman Dome permit.

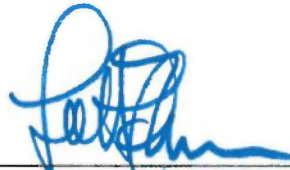
Respectfully submitted this 13th day of May, 2015.

On behalf of EPA Region 8:

On behalf of Wesco Operating, Inc.



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Certificate of Service

I, Lee H. Johnson, hereby certify that true and correct copies of this Joint Motion for Extension of Time were served:

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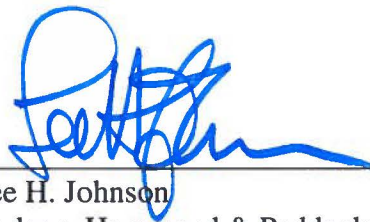
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