



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

ENVIRONMENTAL APPEALS BOARD

APR 11 2007

Edward Kowalski  
Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Re: Teck Cominco Alaska, Inc., Red Dog Mine  
Permit Number: AK-003865-2  
Appeal Number: NPDES 07-08

Dear Mr. Kowalski:

Enclosed is a petition dated April 6, 2007 (received by the Environmental Appeals Board on April 9, 2007) filed by Luke W. Cole, Christine Billy, and Elena Gil, Attorneys, on behalf of Kivalina, asking the Environmental Appeals Board to review a permit determination reissued by the United States Environmental Protection Agency, Region 10 in this case.

To assist the Environmental Appeals Board in deciding whether the matters raised by petitioners should be reviewed, please have your staff prepare a response that addresses the petitioners' contentions and whether petitioners have satisfied the requirements for obtaining review under 40 C.F.R. §124.19(a). Include relevant portions of the administrative record with the response, together with a certified index of the entire administrative record. Please file an original (signed in blue ink) and five copies of these materials no later than May 29, 2007, and send a copy of the response and the certified index to petitioner with a certificate of service showing the date and method of service.<sup>1</sup>

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<sup>1</sup>The Environmental Appeals Board has an innovative system that allows parties to submit copies of documents, including exhibits, electronically in PDF. Instructions on registration and document submission, are available by using the "Electronic Submission" link on the Board's website. Please note that, at the present time, electronic submissions will not be considered a substitute for filing an original document with the Clerk of the Board. The Clerk of the Board still must actually receive the original document by the document's due date in order for it to be timely filed. However, Agency offices and private parties that use this system for submitting electronic copies will be excused from the requirement to submit multiple paper copies with their original filing.

All documents, including the materials due May 29, 2007, must reference the appeal number. **IMPORTANT:** In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and appeal number in the lower left hand corner.

### **Mailing and Hand Delivery Instructions<sup>2</sup>**

**All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, via courier must include the name of the organization, address, facsimile number, telephone number, and an email address, if available.**

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
1341 G Street, N.W. Suite 600  
Washington, D.C. 20005

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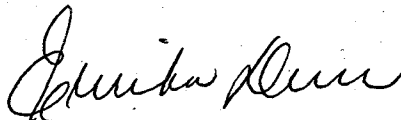
<sup>2</sup> The Environmental Protection Agency is experiencing delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website ([www.epa.gov/eab](http://www.epa.gov/eab)) at the Clerk of the Board or Frequently Asked Questions.

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

A copy of this letter is being sent to the petitioners as notification of these filing requirements.

Thank you for your attention to these matters.

Sincerely,



Eurika Durr  
Clerk of the Board

Enclosure

cc: w/o enclosure: Luke W. Cole  
Christine Billy  
Elena Gil  
Center on Race, Poverty & the Environment  
450 Geary Street, Suite 500  
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enclosure: Randall F. Smith, Director  
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