

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

In re: Wesco Operating, Inc.)
)
)
)
) Appeal No. NPDES _____
)
)
 NPDES Permit Number:)
 WY-0025232)
)
)

EPA REGION 8'S RESPONSE TO MOTION FOR EXTENSION OF TIME

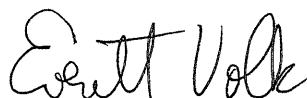
Region 8 of the United States Environmental Protection Agency (the Region) respectfully submits this response to the April 8, 2015 motion filed with the Environmental Appeals Board (EAB) by Wesco Operating, Inc. (Wesco). The Motion seeks a 60-day extension of the 30-day period provided under the EAB's regulations at 40 C.F.R. § 124.19(a)(3) to file a petition for review of a NPDES permit. The Region does not object to an extension of time for Wesco to file a petition for review, but does object to the 60-day period of the request. The Region has spoken with a representative of Wesco, as well as counsels for both the Northern Arapaho and Eastern Shoshone Tribes, and agrees that there are issues raised in the Motion for Extension of Time that may be clarified or resolved by consultation between Wesco, the Region and the two Tribes. However, these issues are not extensive and EPA believes a 30-day extension would provide all parties sufficient time to complete any necessary coordination while providing Wesco a full 60 days from the date of issuance of its permit to submit a petition for review.

Accordingly, the Region would not object to a 30-day extension – until May 17, 2015 – of the period in which Wesco has to file a permit appeal.

Respectfully submitted,

4/13/15

Date



Everett Volk

Everett Volk
EPA Region 8
Mail Code: 8RC
1595 Wynkoop St.
Denver, CO 80202-2466
Tel: 303-312-7290
Fax: 303-312-6859
Email: volk.everett@epa.gov

Of Counsel:

Pooja Parikh
U.S. EPA Office of General Counsel
1200 Pennsylvania Ave., NW
Washington, DC 20460

Certificate of Service

I, Everett Volk, hereby certify that true and correct copies of EPA Region 8's Response to Motion for Extension of Time were served:

Via the EPA's E-Filing System to:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

Via U.S. Mail to:

Robert W. Kirkwood – President
Wesco Operating, Inc.
PO Box 1650
Casper, WY 82602

4/13/15
Date

Everett Volk
Everett Volk
Associate Regional Counsel
Office of Regional Counsel, EPA Region 8