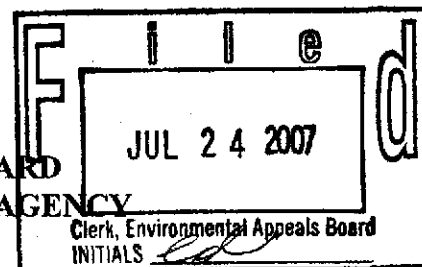


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_)  
In re: \_\_\_\_\_)  
\_\_\_\_\_)  
Teck Cominco Alaska, Inc. \_\_\_\_\_)  
Red Dog Mine \_\_\_\_\_)  
\_\_\_\_\_)  
NPDES Permit No. AK-003865-2 \_\_\_\_\_)  
\_\_\_\_\_)

NPDES Appeal Nos. 07-08 & 07-09

**ORDER GRANTING SECOND EXTENSION OF TIME FOR FILING RESPONSES**

On or about March 7, 2007, U.S. Environmental Protection Agency Region 10 (the "Region") issued National Pollutant Discharge Elimination System (NPDES) Permit No. AK-0003865-2 (the "Permit") to Teck Cominco Alaska, Inc. ("Teck Cominco"). On April 9, 2007, the following entities and individuals jointly filed<sup>1</sup> a petition (NPDES Appeal No. 07-08) seeking review of certain conditions of the Permit: the City of Kivalina; the Native Village of Kivalina IRA Council; Jerry Norton, as an individual and in his capacity as President of the Native Village of Kivalina IRA Council; Austin Swan, as an individual and in his capacity as Mayor of the City of Kivalina; Collene Swan, as an individual and in her capacity as Administrator of the Native Village of Kivalina IRA Council; Enoch Adams, Jr., as an individual and in his capacity as Vice

<sup>1</sup> A document is "filed" on the date it is received by the Clerk of the Environmental Appeals Board.

Mayor of the City of Kivalina; Leroy Adams; Andrew Koenig; Joseph Swan, Sr.; the Alaska Center for the Environment; Alaska Community Action on Toxics; and Northern Alaska Environmental Center (collectively the "Kivalina Petitioners"). On April 11, 2007, Teck Cominco filed a petition (NPDES Appeal No. 07-09) seeking review of certain conditions of the Permit.

On April 11, 2007, in accordance with the Environmental Appeals Board's practice, the Clerk of the Board sent a letter to the Region requesting the Region to file a response to the Kivalina Petitioners' petition for review, and on April 13, 2007, the Clerk sent a similar letter to the Region requesting a response to Teck Cominco's petition for review. By Order dated May 23, 2007, the Board consolidated the two permit appeals for administrative purposes, and the Board granted the Region a sixty-day extension of time through July 30, 2007, to respond to both petitions.

Before the Board at this time is the Region's request for a second sixty-day extension of time through September 28, 2007, to respond to the petitions. The Region states that the Kivalina Petitioners and Teck Cominco have indicated their consent to the Region's request. The Region explains that the petitions together raise approximately 70 complex issues. The Region also states that it has had several technical staff and lawyers working diligently on this appeal.

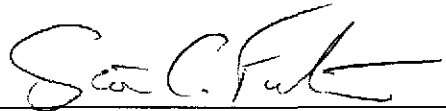
Upon consideration, the Region's request for an extension of time to file its response to the petitions is hereby granted. Accordingly, the Region shall file its responses to the petitions (along with the certified index to the administrative record and pertinent portions of the administrative record) on or before Friday, September 28, 2007. The time within which Teck

Cominco and the Kivalina Petitioners may file responses to each other's petitions is similarly extended to September 28, 2007.

So ordered.

Dated: JUL 24 2007

ENVIRONMENTAL APPEALS BOARD

By:   
Scott C. Fulton,  
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Second Extension of Time for Filing Responses, in the matter of Teck Cominco Alaska, Inc., NPDES Appeal Nos. 07-08 & 07-09, were sent to the following persons in the manner indicated:

Telecopier and Pouch Mail:

Keith E. Cohon  
U.S. EPA, Region 10  
1200 Sixth Avenue  
Seattle, WA 98101  
Fax: 206-553-0163

Telecopier and U.S. Mail:

Robert K. Reges, Jr.  
Hartig, Rhodes, Hoge & Lekisch, P.C.  
500 L Street, Suite 300  
Anchorage, AK 99501  
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Luke W. Cole  
Center on Race, Poverty & the Environment  
47 Kearny Street, Suite 804  
San Francisco, CA 94108  
Fax: 415-346-8723

Dated: JUL 24 2007



\_\_\_\_\_  
Annette Duncan  
Secretary