

RECEIVED
U.S. E.P.A.

2007 MAY 14 AM 8:42

ENVIR. APPEALS BOARD

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

In re:)	
)	Appeal No. NPDES 07-09
TECK COMINCO ALASKA, INC.)	
Red Dog Mine)	
NPDES Permit No. AK-003865-2)	MOTION TO CONSOLIDATE APPEALS
_____)	

The Environmental Protection Agency, Region 10 ("the Region"), respectfully moves the Environmental Appeals Board ("EAB") to consolidate this appeal into Appeal No.

NPDES 07-08. Luke Cole, counsel for the petitioner in Appeal No. NPDES 07-08, has given the undersigned counsel his consent to this motion. The undersigned counsel has also discussed this motion with co-counsel for the petitioner in this appeal (No. NPDES 07-09), Eric Fjelstad, who has indicated his intention to inform the Region by Monday, May 14, 2007, whether his client consents to this motion. The grounds for this motion are set forth below.

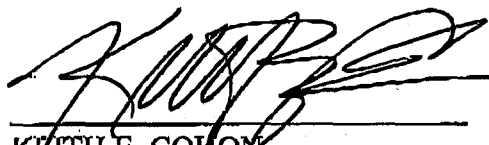
The two appeals that the Region proposes to consolidate each challenge the issuance of the same permit, NPDES Permit No. AK-003865-2. Counsel for the petitioners have indicated to the undersigned counsel that they intend to seek to intervene in one another's appeals. The Region would not oppose those interventions, as the two petitions challenge a number of the same permit limits. Maintaining separate appeals would subject the parties to duplicate or overlapping briefing requirements, and potentially inconsistent briefing deadlines. It would also

subject the EAB to receiving duplicate and overlapping briefs, and to issuing separate decisions covering many of the same permit limits in the same permit, but based on separate petitions and responses. The Region submits that it is in the interests of judicial economy, and a just resolution of these petitions, to have all of the issues pertaining to this permit briefed and decided in a single appellate proceeding that involves both petitioners.

The Region is submitting a corresponding motion in the related appeal (Appeal No. NPDES 07-08).

Respectfully submitted this 11th day of May, 2007.

ENVIRONMENTAL PROTECTION AGENCY, REGION 10



KEITH E. COHON

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue

Seattle, Washington 98101

Tel: (206) 553-4772

Fax: (206) 553-0163

CERTIFICATE OF SERVICE

I certify that the foregoing "Motion for Extension of Time" was sent to the following persons, in the manner specified, on the date below:

Original and five copies by Federal Express, and facsimile copy, to:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005
Fax: (202) 233-0121

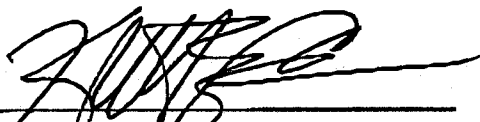
One copy, by facsimile and Federal Express, to:

Luke W. Cole
Center on Race, Poverty & the Environment
450 Geary Street, Suite 500
San Francisco, CA 94102
Fax: (415) 346.8723

One copy, by facsimile and Federal Express, to:

Robert K. Reges Jr.
Hartig, Rhodes, Hoge & Lekisch, P.C.
500 L Street, Suite 300
Anchorage, Alaska 99501
Fax: (907) 222-7199

Dated: 5/11/07



Keith E. Cohen
U.S. EPA, Region 10