

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

In re:)
)
)
Eagle Oil and Gas Co.)
Phoenix Production Co.)
Wesco Operating, Inc.)
)
)
) NPDES Permit Appeal Nos. 15-02, 15-03, 15-04 & 15-05
)
)
NPDES Permit Numbers:)
WY-0020338, WY-0024945,)
WY-0024953, WY-0025232,)
WY-0025607)
)

MOTION FOR EXTENSION OF TIME TO RESPOND

On March 12, 2015, the United States Environmental Protection Agency Region 8 (EPA or Region 8) issued final National Pollutant Discharge Elimination System (NPDES) permits to five conventional oil production facilities operating on the Wind River Indian Reservation in Wyoming. These permits included one permit issued to Eagle Oil and Gas Co. (WY-0020338); two permits issued to Phoenix Production Co. (WY-0024945, WY-0024953), and two permits issued to Wesco Operating, Inc. (WY-0025232, WY-0025607). On April 8, 2015, Wesco Operating, Inc. (Wesco) filed a motion for extension of time to submit a petition for review of permit WY-0025232. On April 13, 2015, Phoenix Operating Co. (Phoenix) filed a motion for extension of time to submit a petition for review of both of its permits. On April 14, 2015, Public

Employees for Environmental Responsibility (PEER) and the Natural Resources Defense Council (NRDC) both filed separate petitions for review of some or all of the five permits.

The Environmental Appeals Board (EAB or the Board) subsequently responded to each of the four filings. On April 16, 2014, the Board granted both operators' requests for extensions, giving them until May 18, 2015 to file their petitions for review. On April 17, 2014, the Board offered PEER, NRDC and Region 8 the opportunity to participate in the Board's Alternative Dispute Resolution (ADR) program, and giving each party until April 30, 2015, to notify the Board of their intent to participate in ADR.

EPA now faces two deadlines relating to these five permits. First, Region 8 must determine whether to participate in ADR by April 30, 2015. Second, under the EAB's regulations at 40 CFR § 124.19(b)(2), Region 8 must submit its response to the PEER and NRDC petitions, a certified index of the administrative record, and the relevant portions of the administrative record by May 14, 2015.

EPA now moves for extensions of time to these two deadlines for submittals to the Board. First, EPA respectfully requests an extension until June 2, 2015, to respond to the Board's offer of ADR. Second, EPA respectfully requests an extension until June 17, 2015, to file a response, including the required portions of its administrative record, to the petitions submitted by PEER and NRDC. These proposed deadlines correspond to dates 15 day and 30 days, respectively, after the May 18, 2015 due date for the petitions from Wesco and Phoenix. In support of this motion, EPA states that engaging in separate, essentially parallel, processes with PEER and NRDC, and Wesco and Phoenix, will require significant time and resources from Region 8. While Region 8 cannot predict what issues will be raised by Wesco and Phoenix, their claims by necessity arise out of the same basic set of facts and law, and may overlap with the

claims raised by PEER and NRDC. Region 8 believes that to the extent the four parties' claims relate to operational aspects and production technologies of the permitted facilities, such claims may be amenable to clarification, and possibly resolution, through an ADR proceeding that includes both the operators of the permitted facilities and representatives of the environmental groups. Even if some or all of the parties decline to participate in ADR, given the same underlying basis of facts and law, Region 8 believes the claims raised in the various parties' petitions would be best addressed in the same response brief from EPA. Should either or both operators decline to submit a petition for review of their respective permits, EPA believes that the delay in responding to the offer of ADR or the initial two petitions from PEER and NRDC will not result in prejudice to either group.

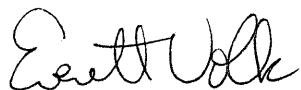
Counsel for Region 8 contacted Jeff Ruch from PEER and Peter DeMarco from NRDC by telephone on April 24, 2015, to inform them of EPA's intent to file a motion for extension of time to respond. On April 27, 2015, both PEER and NRDC informed Region 8 by telephone that they do not oppose this motion.

For the reasons described above, Region 8 respectfully requests that the Board grant this Motion for Extension of Time to Respond, and 1) extend the time in which PEER, NRDC and Region 8 must respond to the offer of ADR until June 2, 2015, and 2) extend the time in which Region 8 must submit its response to the petitions from PEER and NRDC until June 17, 2015.

Respectfully submitted,

4/29/15

Date



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 Motion for Extension of Time to Respond 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:

Jeff Ruch – Executive Director
Public Employees for Environmental Responsibility
2000 P St., N.W., Suite 240
Washington, DC 20036

Peter J. DeMarco
Matthew McFeeley
Natural Resources Defense Council
1152 15th Street, N.W., Suite 300
Washington, D.C. 20005

Sarah Tallman
Natural Resources Defense Council
20 N. Wacker Drive, Suite 1600
Chicago, IL 60606

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

Chris Williamson, Vice President
Phoenix Production Company
PO Box 2653 Cody, WY 82414

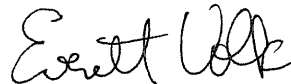
John C. Martin
Susan M. Mathiascheck
Daniel H. Leff
Crowell & Moring, LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Kelly Rudd
Baldwin, Crocker, & Rudd P.C.
Attorneys for Northern Arapaho Tribe
P.O. Box 1229
Lander, WY 82520-1229

Robert S. Hitchcock
Attorney General
Eastern Shoshone Tribe
P.O. Box 1644
Ft. Washakie, WY 82514

4/29/15

Date



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