

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

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In re: Wind River Oil and Gas Permits	)	
NPDES Permit Nos. WY-0020338,	)	NPDES Permit Appeal Nos. 15-02,
WY-0024945, WY-0024953,	)	15-03, 15-04, and 15-05
WY-0025232, WY-0025607	)	
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	)	
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**UNOPPOSED JOINT MOTION TO DISMISS PETITIONS FILED BY WESCO  
OPERATING INC., NATURAL RESOURCES DEFENSE COUNCIL, PEER, AND  
PHOENIX PRODUCTION COMPANY**

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Pursuant to the Settlement Agreement entered on December 11, 2015, in NPDES Appeal Nos. 15-02, 15-03, 15-04, and 15-05, Wesco Operating, Inc. (“Wesco”), Natural Resources Defense Council (“NRDC”), Public Employees for Environmental Responsibility (“PEER”), and Phoenix Production Company (“Phoenix”) (collectively, “Petitioners”), hereby respectfully request that the Board dismiss with prejudice the Petitions for Review submitted by Petitioners in NPDES Appeal Nos. 15-02, 15-03, 15-04, and 15-05. EPA Region 8, the Northern Arapaho Tribe, and the Eastern Shoshone Tribe have consented to this motion. In support of this unopposed joint motion to dismiss with prejudice, Petitioners state as follows:

1. On March 12, 2015, the U.S. Environmental Protection Agency Region 8 (“EPA” or the “Region”) issued five National Pollutant Discharge Elimination System (“NPDES”) permits to oil and gas facilities operating on the Wind River Indian Reservation in Wyoming.

2. These permits included two permits for oil production facilities operated by Wesco Operating, Inc. (“Wesco”) at the Winkleman Dome Field (WY-0025232) and the Sheldon Dome Field (WY-0025607). These permits also included two permits for oil production facilities operated by Phoenix Production Co. (“Phoenix”) at the Rolff Lake Unit (WY-0024945) and the Sheldon Dome Field (WY-0024953). These permits further included one permit for an oil production facility operated by Eagle Oil and Gas Co. (“Eagle”) at the Sheldon Dome Field (WY-0020338).

3. On April 14, 2015, NRDC timely filed a petition for review of the permits issued to Phoenix for the Rolff Lake Unit facility and the Sheldon Dome Field facility, as well as the permit issued to Wesco for the Winkleman Dome Field facility.

4. On April 14, 2015, PEER timely filed a petition for review of all five permits issued to Wesco, Phoenix, and Eagle.

5. On April 29, 2015, Phoenix timely filed a petition for review of the two permits issued for its Rolff Lake Unit and Sheldon Dome Field facilities.

6. On April 30, 2015, Wesco timely filed a summary petition for review of the permit issued to its Winkleman Dome Field facility.

7. On December 11, 2015, Wesco, Phoenix, NRDC, and PEER, as well as the Northern Arapaho Tribe and the Eastern Shoshone Tribe, entered into a Settlement Agreement with the EPA. Pursuant to the terms of the Settlement Agreement, EPA modified the permit, fact sheet, and permit record for Phoenix permits WY-0024945 and WY-0024953, and Wesco permit WY-0025232.

8. Final permits and statements of basis were issued by EPA for Phoenix permits WY-0024945 and WY-0024953, and Wesco permit WY-0025232 on July 21, 2016.

9. Pursuant to the terms of paragraph I.H. of the Settlement Agreement, petitioners NRDC, PEER, Phoenix, and Wesco must file a joint motion to dismiss their respective petitions with prejudice within ten days of the date of the Region's final action on the modifications.

Wherefore, Petitioners respectfully request that the Board enter an order dismissing the petitions filed by Petitioners in Appeal Nos. 15-02, 15-03, 15-04, and 15-05 with prejudice.

Respectfully submitted this 15<sup>th</sup> day of Aug 2016.



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**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2016, true and correct copies of the Unopposed Joint Motion to Dismiss Petitions Filed by Wesco Operating Inc., Natural Resources Defense Council, PEER, and Phoenix Production Company 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



Sarah Tallman  
Natural Resources Defense Council

I hereby certify that on August 1, 2016, true and correct copies of the Unopposed Joint Motion to Dismiss Petitions Filed by Wesco Operating Inc., Natural Resources Defense Council, PEER, and Phoenix Production Company were served:

By U.S. Post and electronic mail:

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