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U.S. Environmental Protection Agency
Region 8, Denver, CO
Office of Regional Counsel-SRC
999 18th Street, Suite 300
Denver, CO 80202

DATE: 12/6/05

TO: Ms. Eurika Durr, Clerk of the Board
Environmental Appeals Board

FAX No. (202) 233-0121

FROM: Erin Perkins

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Total No. of Pages (including cover sheet): 4

REMARKS:

Enclosed please find EPA Region 8's Motion for Extension
of Time to File Response to NPDES Appeal No. 05-16.
Thank you for your attention to this matter.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 200

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8RC.

DEC - 6 2005

Ms. Eureka Durr, Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
401 M Street, S.W.
Mail Code 1103-B
Washington, D.C. 20460-0001
By FAX and U.S. Mail:

RE: Pioneer Oil & Gas Permit Number: WY-0025607
NPDES Appeal Number: NPDES 05-16

Dear Ms. Durr:

Enclosed for filing with the Environmental Appeals Board please find a faxed copy of EPA Region 8's Motion for Extension of Time to File Response to Pioneer Oil & Gas's petition for review of a National Pollutant Discharge Elimination System (NPDES) permit in the above-captioned case. An original and five copies will be sent today via U.S. Mail.

Thank you very much for your attention to this matter.

Sincerely,

Kimi Matsumoto, Esq.
Office of Regional Counsel
U.S. EPA, Region 8

Enclosures

cc: Greg Colton, Pioneer Oil & Gas Co.
Tina Artemis, Regional Hearing Clerk
Erin Perkins, Assistant Regional Counsel



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD**

In re:

Pioneer Oil & Gas

NPDES Permit No. WY-0035607

NPDES Appeal No. 05-16

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

Pioneer Oil & Gas Company (Petitioner) has appealed the National Pollutant Discharge Elimination System (NPDES) permit issued to Petitioner by the United States Environmental Protection Agency (EPA) for produced water discharges associated with oil development in Wyoming. The Eastern Shoshone and Northern Arapahoe Tribes of the Wind River Indian Reservation may have environmental, economic or other concerns regarding the permit appeal. Considering the Tribes' potential interest, EPA has initiated discussions with the Tribes, however, additional time is needed to continue this process and to further consider all options available to EPA with regard to the issues raised by the appeal.

The Environmental Appeals Board has the authority to grant the requested extension of time pursuant to 40 C.F.R. section 22.07(b). Under that subsection, a motion for extension can be granted for good cause, after consideration of the prejudice to other parties. EPA submits that continuing appropriate discussions with the Tribes constitutes good cause for the requested extension. EPA therefore respectfully requests


an extension of 60 days, until February 20, 2006, to file its response.

On December 6, 2005, EPA contacted counsel for Petitioner, which supports this Motion for Extension of Time to File Response, considering that pursuant to 40 C.F.R. section 124.16(a)(1), the permit is stayed pending final agency action on this appeal.

Please note that Erin Perkins will be EPA's attorney of record for all future correspondence on this matter. Ms. Perkins can be reached at (303) 312-6922. Her mailing address is:

Erin Perkins, Esq.
U.S. Environmental Protection Agency Region VIII
Office of Regional Counsel - 8RC
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Denver, Colorado 80202
FAX: (303) 312-6859

RESPECTFULLY SUBMITTED this 6th Day of December, 2005.


Kimi Matsumoto, Esq.
U.S. Environmental Protection Agency, Region 8
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Denver, CO 80202-2466