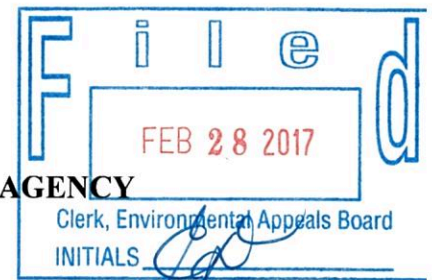


**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:

Ponderosa Compressor Station

Permit No. SMNSR-UO-002178-2015.002

)
)
) NSR Appeal No. 16-02
)
)
)

ORDER GRANTING SECOND JOINT MOTION FOR EXTENSION OF TIME

On December 30, 2016, Tesoro Logistics, LP – Rockies (“TLLP”) petitioned the Environmental Appeals Board to review the Tribal Minor New Source Review Permit issued by the U.S. Environmental Protection Agency, Region 8 (“Region”) to TLLP for the Ponderosa Compressor Station. The Board previously granted the parties’ joint motion for an extension of time, to and including February 28, 2017, for the Region to file its response to the Petition, the associated certified index of the administrative record, and the relevant portions of the administrative record. *See* Order Granting Motion for Extension of Time (Jan. 17, 2017). The Region and TLLP now jointly seek a further extension of time to March 30, 2017, for the Region to file and serve its response materials. *See* Joint Motion for Extension of Time (Feb. 23, 2017) (“Motion”).

In support of the first joint extension motion, the parties indicated that they planned to meet to discuss resolving this matter without the need for further proceedings before the Board, and needed additional time to allow that meeting to occur (indeed, they represented that an *initial* meeting between representatives of TLLP and the Region could not occur until January 17, 2017). The parties indicate in their second joint extension motion that they have had “productive

conversations” and “continue to believe that it is in their mutual interest to take additional steps before proceeding with th[is] appeal.” Motion at 1-2. The parties represent, however, that more time is needed to complete those additional steps. The parties request a further extension of the Region’s deadline to file and serve its response materials to avoid the unnecessary expenditure of resources. *Id.* at 2. For the reasons that follow, the Motion is granted.

The Board strives to resolve all appeals expeditiously. Due to their time-sensitive nature, the Board gives highest priority to the timely resolution of new source review permit appeals. *See* Revisions to Procedural Rules to Clarify Practices and Procedures Applicable in Permit Appeals Pending Before the Environmental Appeals Board, 78 Fed. Reg. 5281 (Jan. 25, 2013) (codified at 40 C.F.R. § 124.19); Order Governing Petitions for Review of Clean Air Act New Source Review Permits (EAB Mar. 27, 2013), available at www.epa.gov/eab. The Board, however, also encourages parties to resolve matters without the need for further review to avoid any unnecessary expenditures of resources by the parties and the Board.

Having considered the Motion, jointly filed by the parties, and the parties’ representations as to the need for more time to resolve this matter, the Board grants the second Joint Motion for Extension of Time. Accordingly, and pursuant to 40 C.F.R. § 124.19(n), the Region’s response (and any other response) to the petition, as well as the associated certified index of the administrative record, and the relevant portions of the administrative record are due on or before **March 30, 2017**.

In the interest of encouraging progress on this matter, the Board notes that it expects that, on or before March 30, 2017, one of the following will occur:


- a) Petitioner will move for dismissal of the petition pursuant to 40 C.F.R. § 124.19(k);
- b) The Region will unilaterally withdraw the permit pursuant to 40 C.F.R. § 124.19(j);

- c) The Region will move for a voluntary remand of the permit (for further consideration); or
- d) The Region will file its response to the Petition, the associated certified index of the administrative record, and the relevant portions of the administrative record, *see* 40 C.F.R. § 124.19(b)(1).

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 02/28/17

By: 
Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the forgoing *Order Granting Second Joint Motion for Extension of Time* in the matter of Ponderosa Compressor Station, NSR Appeal No. 16-02, were sent to the following persons in the manner indicated:

By First Class Mail:

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Dated: FEB 28 2017



Annette Duncan
Administrative Specialist