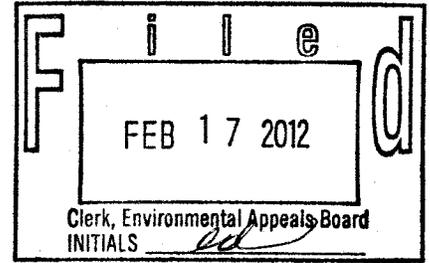


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
)
MHA Nation Clean Fuels) NPDES Appeal Nos. 11-02
Refinery)
)
NPDES Permit No. ND-0030988)



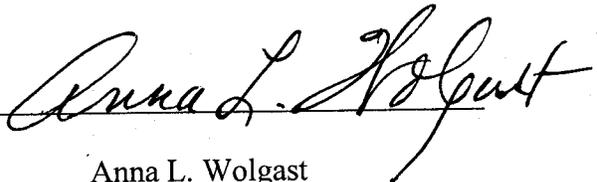
ORDER TO SHOW CAUSE

On September 7, 2011, Mr. James Stafslie, filed a petition seeking review of a National Pollutant Discharge Elimination System ("NPDES") permit decision issued by U.S. Environmental Protection Agency Region 8 to The Three Affiliated Tribes, Mandan, Hidatsa, and Arikara Nation (collectively known as "MHA Nation"). On December 29, 2011, the Environmental Appeals Board ("Board") received a copy of a letter the Permittee, MHA Nation, sent to Petitioner, Mr. Stafslie. Letter from Tex G. Hall, Chairman MHA Nation Tribal Business Council, to Mr. James Stafslie, *MHA Nation Refinery NPDES Permit Appeal Letter* (Dec. 14, 2011). The letter explains that MHA's environmental consultant had a telephone conversation with Mr. Stafslie on November 11, 2011, and a subsequent call on November 17, 2011, to discuss Mr. Stafslie's concerns regarding the permit. *Id.* at 1. In its letter, MHA Nation represents that the telephone conversations addressed Mr. Stafslie's concerns and that MHA is "working to conclusively resolve concerns as expressed in [Mr. Stafslie's] appeal letter." *Id.* at 1-2.

In light of the above representations, the Board hereby **DIRECTS** Mr. Stafslie to confirm whether his concerns have been actually addressed, in which case the Board will proceed to dismiss his Petition on mootness grounds,¹ or show cause why the Board should not dismiss his Petition. Any such response to this show cause order must be filed no later than Friday, March 2, 2012.²

So Ordered.

ENVIRONMENTAL APPEALS BOARD

By: 

Anna L. Wolgast
Environmental Appeals Judge

Dated: *February 17, 2012*

¹ Mootness refers to the principle that a court will not decide cases in which there is no longer any actual controversy. Black's Law Dictionary (9th ed. 2009). To the extent that Mr. Stafslie's concerns have been addressed to his satisfaction his Petition will be considered moot, and therefore will be dismissed with prejudice.

² Documents are "filed" with the Board on the date they are *received* by the Clerk.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order to Show Cause** in the matter of *MHA Nation Clean Fuels Refinery*, NPDES Appeal No. 11-02 were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

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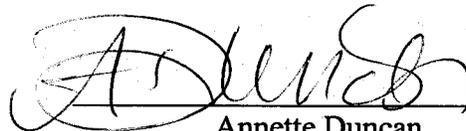
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Dated: FEB 17 2012



Annette Duncan
Secretary