

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

In re:)
)
)
Wind River Oil & Gas Permits)
) NPDES Permit Appeal Nos. 15-02, 15-03, 15-04 & 15-05
NPDES Permit Nos. WY-0020338,)
WY-0024945, WY-0024953,)
WY-0025232, WY-0025607)
)

UNOPPOSED JOINT MOTION FOR STAY OF BRIEFING SCHEDULE

On May 18, 2015, the Environmental Appeals Board (the Board) issued an order requiring Petitioners Wesco Operating, Inc. (Wesco), Phoenix Production Co. (Phoenix), Natural Resources Defense Council (NRDC), and Public Employees for Environmental Responsibility (PEER) to file supplements to their petitions for review (if any) by Wednesday, June 17, 2015, and EPA Region 8, the Northern Arapaho Tribe (NAT), and the Eastern Shoshone Tribe (EST) to file responses to the petitions and supplements (if any, for NAT and EST) by Friday, July 17, 2015. On June 8, 2015, the Board issued an order staying the proceedings in this matter to allow the parties to participate in the Board's Alternative Dispute Resolution (ADR) Program, and requiring all parties to submit issue summaries to the Settlement Judge by July 24, 2015. That order did not modify the original order establishing the briefing schedule, however, and the parties must now submit petitions and response briefs on the timeline described above.

For the reasons described below, EPA, Wesco, Phoenix, NAT and EST now respectfully request the Board stay the briefing schedule established in its May 18, 2015 order. The five parties seeking this stay believe that these appeals are likely amenable to resolution through the

ADR process. EPA, Wesco, Phoenix, NAT and EST are concerned, however, that by filing petitions or response briefs, they will be required to take litigation positions that may not be conducive to the types of discussions necessary to reach settlement of these appeals. The five parties believe that the issue summaries required by the Board's ADR rules, and referenced in the June 8, 2015 order, will provide the Settlement Judge with a comprehensive discussion of the legal and policy issues raised by these appeals without the same risk. If the Settlement Judge were to ultimately determine that ADR is not appropriate or making substantial progress, all parties would then be free to file supplemental petitions or response briefs with the Board containing their litigation positions without fear of affecting any settlement discussions.

Counsel for EPA Region 8 contacted Jeff Ruch from PEER and Peter DeMarco from NRDC to ask whether they would like to join EPA Region 8, Wesco, Phoenix, NAT and EST in submitting this motion. Both parties indicated that while they would not join this motion, they do not oppose this motion.

Thus, for the reasons described above, EPA Region 8, Wesco, Phoenix, NAT and EST respectfully request that the Board grant this Unopposed Joint Motion for Stay of Briefing Schedule, and allow all the parties to proceed to ADR without filing supplemental petitions or response briefs, and after filing their issues summaries with the Settlement Judge by no later than July 24, 2015.

Respectfully submitted,

6/16/15
Date

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Certificate of Service

I, Everett Volk, hereby certify that true and correct copies of the Unopposed Joint Motion for Stay of Briefing Schedule were served:

Via the EPA's E-Filing System and via facsimile to:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

By electronic mail, upon prior agreement of the parties, to:

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