

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE OBJECTION)
TO NPDES PERMIT NO. WY0041025, AND)
NPDES PERMIT NO. WY004107) Docket No. 00-3802

ORDER

This matter came before the Environmental Quality Council at a public meeting on April 17, 2001 in Cheyenne, Wyoming. The Council members present at the meeting were Wendy Hutchinson, Nick J. Bettas, Robert Rawlings, Dr. Jason Shogren, Thomas Dunn, Olin D. Sims, and Lisa M. Lindemann. Terri A. Lorenzon, attorney for the Council, was also present at the meeting. The Council having reviewed the record and being fully advised finds and concludes as follows.

FINDINGS OF FACT

1. On September 1, 2000, the Department of Environmental Quality issued NPDES Permit Nos. WY-0041025 and WY-0041017 to Prima Oil and Gas Company.
2. The Wyoming Outdoor Council and the Powder River Basin Resource Council (the Petitioners) participated in the public comment process for those permits. On October 27, 2000, the Petitioners received notice from DEQ that the permits were issued.
3. The DEQ is not required to notify the participants when a permit is issued. It is the Petitioners responsibility to track and ascertain the status of a permit.
4. Chapter I, Section 16(a) of the DEQ Rules of Practice and Procedure, 1993 sets the deadline for filing this appeal to the EQC. It states: "Unless otherwise provided by these Rules or the Environmental Quality Act, all appeals to Council from final actions of the Administrators or Director shall be made within sixty (60) days of such action."
5. The Petitioners did not file an appeal of DEQ's decision to issue the permit before the October 31, 2001 deadline.
6. On December 20, 2000, the Petitioners filed a request for extension of time to appeal the permits until February 15, 2001.

CONCLUSIONS OF LAW

1. The Council is governed by Sections 35-11-101 through 35-11-1507, W.S. 1999, as amended, and the Department of Environmental Quality Rules of Practice and Procedure.
2. The request for extension of time to appeal filed on December 20, 2000 is untimely and the Council does not have jurisdiction to consider the merits of the request. The request should be denied.

IT IS HEREBY ORDERED:

That the Wyoming Outdoor Council and the Powder River Basin Resource Council's request for extension of time to file an appeal is hereby denied.

DATED this 4th day of May, 2001

FILED on May 4, 2001.

Wendy Hutchinson, Chair
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