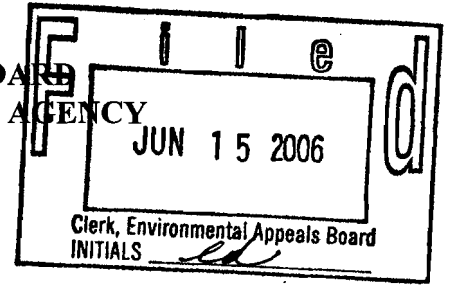


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Wasatch Propane, Inc.,)

Docket No. EPCRA-08-2004-0004)

) EPCRA Appeal No. 05 – 02

ORDER REQUIRING STATUS REPORT

On December 15, 2005, Wasatch Propane, Inc. (“Wasatch”), filed its Notice of Appeal from a Default Order/Initial Decision issued on November 15, 2005. On January 18, 2006, U.S. Environmental Protection Agency, Region 8 (the “Region”) filed its appellate brief in reply to Wasatch’s appeal. On January 19, 2006, Wasatch filed a motion stating that the parties have reached an agreement in principle to settle this matter in full and requesting a 30-day stay of this appeal. The Board granted that request by order dated January 21, 2006. By fax stamped by the Clerk on February 22, 2006, the parties filed a joint request that the Board extend the stay for an additional 20 days, which the Board granted by Order dated February 23, 2006. The stay expired on March 13, 2006, and the parties have not sought a further extension of the stay, or indicated to the Board that this matter is ripe for resolution, or requested dismissal.

The Board has received a facsimile copy of a Final Order and Consent Agreement entered by Acting Regional Judicial Officer Carol A. LeBoo. The Consent Agreement specifically reserves in paragraph 8.c the Region’s “right to pursue the full penalty” ordered by the Initial Decision if Wasatch fails to comply with the terms of the Consent Agreement. The Board,

through its counsel, has twice called counsel for Wasatch and once called counsel for the Region requesting that the parties file an appropriate pleading indicating whether this appeal has been fully resolved. As of this date, the Board has not received any such pleading from the parties.

In consideration of the foregoing, Wasatch and the Region are hereby directed to confer and jointly file a status report regarding the progress of their settlement and stating whether this appeal may be dismissed or, alternatively, whether the Board should proceed to consider Wasatch's appeal. The parties' status report must be filed with, and must be actually received by, the Clerk of the Board on or before 4:30 pm on Monday, June 26, 2006. Any failure by the parties (individually or together) to fully and timely comply with this Order shall constitute grounds for the Board to issue an order imposing sanctions pursuant to 40 C.F.R. § 22.4(a)(2).

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*
Kathie A. Stein,
Environmental Appeals Judge

Dated:

June 15, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Requiring Status Report in the matter of Wasatch Propane, Inc., EPCRA Appeal No. 05 – 02, were sent to the following persons in the manner indicated:

Pouch Mail and fax:

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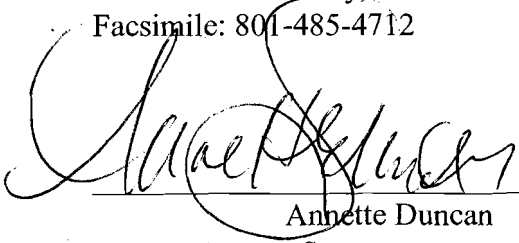
Michael T. Risner, Director
David J. Janik, Supervisory Enforcement
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Dated: **JUN 15 2006**



Annette Duncan
Secretary