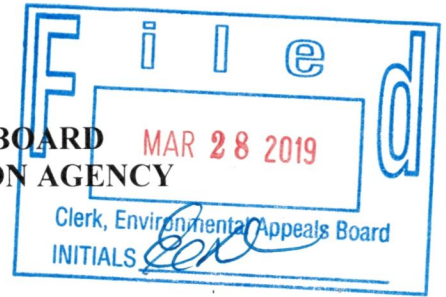


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: )

Goodnight Midstream Bakken, LLC )

) UIC Appeal No. 19-01

UIC Permit No. ND22349-11250 )  
\_\_\_\_\_)

**ORDER GRANTING JOINT MOTION FOR STAY OF PROCEEDINGS**

The Mandan, Hidatsa and Arikara Nation (“the Nation”) has petitioned for review of an Underground Injection Control permit issued by U.S. Environmental Protection Agency, Region 8, to Goodnight Midstream Bakken, LLC (“Permittee”). Shortly after submitting the petition, the Nation and the Permittee filed a joint motion requesting a 90-day stay of the appeal proceedings. The stay was requested so that the Nation and the Permittee could attempt to resolve the Nation’s objections to the permit. The stay motion also requests this appeal proceeding be “enter[ed] into the Environmental Appeals Board’s mediation process for sixty (60) days” if at the end of the initial 90-day period a resolution has not been reached but the parties wish to continue to negotiate. In a corrected Motion for Stay, the Nation and the Permittee indicate that Region 8 is not opposed to their request for a stay.

In the interest of conserving administrative resources and for good cause shown, the Environmental Appeals Board hereby **GRANTS** the motion and stays proceedings in this matter until **Friday, June 28, 2019**. The Nation, the Permittee, and Region 8 (“the parties”) shall file joint status reports with the Board on **Monday, April 29, 2019; Wednesday, May 29, 2019; and Monday, June 24, 2019**. In each status report, the parties shall inform the Board of the

progress the parties have made. In addition, the parties' third report should include the parties' requested path forward in this matter, whether that be a request that the Board: (1) establish a briefing schedule; (2) continue the stay (providing a justification and length for the proposed continuation); (3) accept the matter into the Board's alternate dispute resolution program; or (4) take some other appropriate action (providing a basis for such action).

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: March 28, 2019

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

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Joint Motion for Stay of Proceedings** in the matter of *Goodnight Midstream Bakken, LLC*, UIC Appeal No. 19-01, were sent to the following persons in the manner indicated:

### By First Class U.S. Mail:

Attorney for Petitioner

Peter Breuer  
Fredericks Law Firm  
10541 Racine Street  
Commerce City, CO 80022

Attorneys for Permittee

Carolyn L. McIntosh  
Darin J. Smith  
Squire Patton Boggs (US) LLP  
1801 California Street, #4900  
Denver, CO 80202

### By EPA Pouch Mail:

Attorney for Region 8

Lucita Chin  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Mail Code: 8RC  
Denver, CO 80202

Dated:           **MAR 23 2019**          



Eurika Durr  
Clerk of the Court