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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

ENVIR. APPEALS BOARD

**VIA FEDERAL EXPRESS AND ELECTRONIC MAIL**

U.S. Environmental Protection Agency  
Environmental Appeals Board (1103B)  
Eurika Durr, Clerk of the Board  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**FEB 23 2006**

Western Resource Advocates  
Sean Phelan, Esq.  
425 East 100 South  
Salt Lake City, Utah 84111

**Re: Notice of Withdrawal of UIC Permit UT20960-00000**

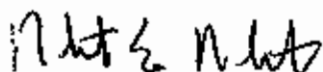
Dear Ms. Durr and Mr. Phelan:

By letter dated July 13, 2005, Western Resource Advocates ("WRA") filed, pursuant to 40 C.F.R. § 124.19(a), a Petition for Review ("Petition") of UIC Permit UT20960-00000 ("Permit") with the Environmental Appeals Board ("Board"). For good cause shown, the Board granted WRA's and EPA's joint motions for extensions of time for EPA to file a response to the Petition; the current response deadline is Monday, February 27, 2006. As a result of information considered by EPA subsequent to the filing of the Petition, EPA has determined that it will withdraw the existing UIC permit and undertake additional procedures related to the National Historic Preservation Act ("NHPA"), 16 U.S.C. 470 *et seq.* before issuing a new UIC permit. Consequently, with this letter, the Region hereby withdraws this Permit, pursuant to 40 C.F.R. § 124.19(d).

To address the Withdrawn Permit, the Region intends to issue for public comment a new draft permit after EPA has undertaken additional procedures related to the NHPA. The new draft permit will proceed through the same process of public comment and opportunity for a public hearing as would apply to any other draft permit subject to 40 C.F.R. Part 124.

If you have any questions regarding this correspondence, please feel free to contact Suzanne Bohan, the Region's legal counsel in this matter, at (303) 312-6925.

Sincerely,

Handwritten signature of Robert E. Roberts in black ink.

Robert E. Roberts  
Regional Administrator

cc: Robert Ward, SRC  
Suzanne Bohan, SRC  
Steven Tuber, SP  
Carol Campbell, SP  
Dan Jackson, SP-W-GW



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Ms. Eurika Durr, Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
401 M Street, S.W.  
Mail Code 1103-B  
Washington, D.C. 20460-0001

RE: Antelope Creek Steamflood Pilot Project  
UIC Appeal No. UIC 05-02

Dear Ms. Durr:

Enclosed for filing with the Environmental Appeals Board is the original and five copies of EPA Region 8's Notice of EPA Permit Withdrawal and Joint Motion to Dismiss related to the above-captioned case.

Thank you very much for your attention to this matter.

Sincerely,

Suzanne L. Bohan, Esq.  
Office of Regional Counsel  
U.S. EPA, Region 8

Enclosures

cc: Tina Artemis, Regional Hearing Clerk  
Suzanne Bohan, Assistant Regional Counsel  
Sean Phelan, Western Resources Advocates  
Joro Walker, Western Resources Advocates



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

ENVIR. APPEALS BOARD

In the Matter of:

Antelope Creek Steamflood Pilot Project  
UIC Permit No. UT20960-00000

UIC Appeal No. 05-10

**NOTICE OF EPA PERMIT WITHDRAWAL AND JOINT MOTION TO DISMISS**

The Region 8 Office of the United States Environmental Protection Agency ("EPA" or the "Region") and Western Resource Advocates ("WRA" or "Petitioner") (together, the "Parties") respectfully submit to the Environmental Appeals Board ("EAB" or "Board") this status report, notice of permit withdrawal and joint motion to dismiss the petition filed in connection with the above-captioned matter.

**BACKGROUND**

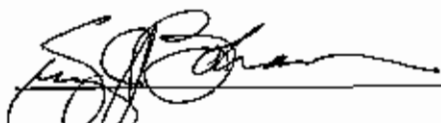
On June 23, 2005, EPA issued an underground injection control ("UIC") permit to Petroglyph Operating Company, Inc. for the proposed Antelope Creek Steamflood Oil Recovery Pilot Project - UIC Permit UT20960-00000 ("Permit"). On July 13, 2005, WRA timely filed a petition for review ("Petition") of the Permit with the Board. The Board directed the Region to submit a response by August 10, 2005, that addressed whether the Petitioner satisfied the requirements for obtaining review under 40 C.F.R. § 124.19(a). For good cause shown, the Board granted WRA's and EPA's joint motions for extensions of time for EPA to file a response to the Petition; the current response deadline is Monday, February 27, 2006.

WRA's Petition contested, among other things, the adequacy of EPA's compliance with the National Historic Preservation Act ("NHPA"), 16 U.S.C. § 470 *et seq.* As a result of information considered by EPA subsequent to the filing of the Petition, EPA has determined that it will withdraw the existing UIC permit and undertake additional procedures related to the NHPA for the issuance of a new UIC permit. Pursuant to 40 C.F.R. § 124.19(d), the Region is withdrawing the Permit which is the subject of the pending appeal before this Board and will prepare a new draft permit under 40 C.F.R. § 124.6 . . . Consequently, the above-captioned matter is now moot.

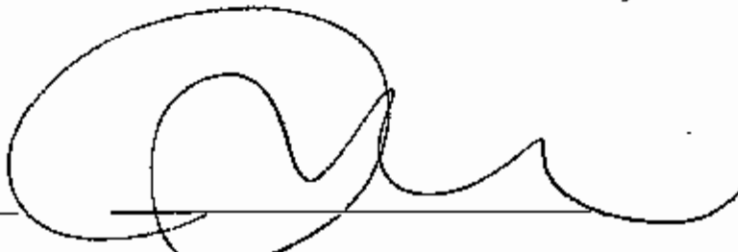
**REQUESTED RELIEF**

The Parties respectfully request the Board to dismiss the Petition in its entirety.

Respectfully submitted,



U.S. Environmental Protection Agency,  
Region 8



Western Resource Advocates

By its Attorney,  
Suzanne J. Bohan  
Office of Regional Counsel- 8RC  
U.S. Environmental Protection Agency  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466  
(303) 312-6925  
Fax (303) 312-6859

By its Attorney,  
Joro Walker  
425 East 100 South  
Salt Lake City, UT 84111  
(801) 487-9911  
Fax (801) 486-4233

Dated: February \_\_, 2006

Dated: February 22, 2006