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ENVIR. APPEALS BOARD

Bradley R. Cahoon (5925)  
Scott C. Rosevear (9953)  
**SNELL & WILMER L.L.P.**  
15 West South Temple, Suite 1200  
Salt Lake City, UT 84101  
Telephone: 801-257-1900  
Facsimile: 801-257-1800

*Attorneys for Wasatch Propane, Inc.*

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ENVIRONMENTAL APPEALS BOARD  
WASHINGTON, DC**

IN THE MATTER OF: )  
)  
**Wasatch Propane, Inc.** )  
**201 West 2700 South** )  
**South Salt Lake City, UT 84106** )  
)  
**Docket No. EPCRA-08-2004-0004** )  
)  
**Respondent** )

**JOINT MOTION TO  
EXTEND STAY  
EPCRA Appeal No. 05-02**

**JOINT MOTION OF THE PARTIES FOR STAY OF APPEAL**

Pursuant to section 22.16(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“**Rules of Practice**”), 40 C.F.R. § 22.16(a), the parties hereto, the United States Environmental Protection Agency, Region 8, (the “**Region**”), and Wasatch Propane, Inc. (“**Wasatch**”), file this JOINT MOTION TO EXTEND STAY for an additional 20 days.

Wasatch filed its Notice of Appeal and Brief in Support on or about December 15, 2005.

The Environmental Appeals Board, by ORDER dated January 6, 2006, granted an extension of time for the Region to file its Reply Brief on or before January 19, 2006.

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2006 MAR -1 PM 3:14

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On January 19, 2006, Wasatch filed a motion stating that the parties had reached an agreement to settle this matter in full and requesting a 30-day stay of this appeal to allow the parties to finalize their settlement in the form of a Consent Agreement and Final Order. On January 21, 2006, the Environmental Appeals Board granted Wasatch's motion and stayed this matter until February 21, 2006.

Since the date the stay was entered, the parties have agreed in principle on the form of a Consent Agreement. However, due to a recent corporate reorganization, Wasatch was delayed in signing the Consent Agreement while it determined who was authorized to sign the Consent Agreement on behalf of the company. Wasatch has now made the determination of who is authorized to sign the Consent Agreement and is ready to enter into the Consent Agreement.

The attorneys representing the parties herein have met by phone and have agreed in principle to an extension of the stay while the Consent Agreement is executed and forwarded to the Regional Judicial Officer along with a proposed Final Order, as required by 40 C.F.R. section 22.18(b)(2).

The attorneys for both parties have met and jointly make this motion. The attorney for the Region specifically concurs in this request. The parties believe that an additional stay of this appeal proceeding of twenty days' duration should be adequate to obtain a fully executed Consent Agreement and to submit same for issuance of a Final Order.

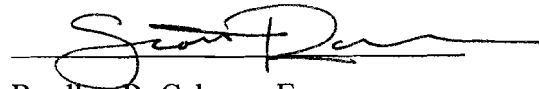
Granting this Motion for Extension of Time will not result in any prejudice to either party.

For the foregoing reasons, both parties submit that this motion is reasonable and proper. The undersigned attorney is authorized to state that the attorney for the Region

concurs in this motion, and that this statement of concurrence is made in lieu of signature for the express purpose of prompt notice to the Board of this request.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Scott Rosevear", written over a horizontal line.

Bradley R. Cahoon, Esq.

Scott C. Rosevear, Esq.

SNELL & WILMER L.L.P.

*Attorneys for Respondent-Appellant Wasatch  
Propane, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 21<sup>ST</sup> day of February, 2006, I caused a true and correct copy of the foregoing **JOINT MOTION TO EXTEND STAY** to be sent via telefax transmission (at the phone numbers indicated), as well as by first class mail, postage prepaid, upon the following:

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board (MC 1103B)  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

(via FAX @ (202) 233-0121)

and

Dana J. Stotsky, Esq.  
U.S. EPA Region 8  
Mail Code: 8ENF-L  
999 18th Street, Ste. 300  
Denver, Colorado 80202-2455

(via FAX: (303) 312-6953)

DATE: 2/21/2006

BY: 