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U.S. Environmental Protection Agency
Region 8, Denver, CO
Office of Regional Counsel-8RC
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DATE: 11/1/05
TO: Erika Durr
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Total No. of Pages (including cover sheet): 5

REMARKS:

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION 8****999 18TH STREET- SUITE 200****DENVER, CO 80202-2466****Phone 800-227-8917****<http://www.epa.gov/region08>**RECEIVED
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Ref: 8RC

NOV - 1 2005

Ms. Eureka 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 Joint Motion for Extension of Time to File Response to Western Resources Advocates' petition for review of an Underground Injection Control permit in the above-captioned case.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimi Matsumoto".

Kimi Matsumoto, Esq.
Office of Regional Counsel
U.S. EPA, Region 8

Enclosures

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



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD

In re:

Antelope Creek Steamflood Pilot Project

UIC Permit No. UT20960-0000

UIC Appeal No. 05-02

JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

The United States Environmental Protection Agency (EPA) and Western Resources Advocates (Petitioner) are engaged in ongoing settlement negotiations to resolve Petitioner's appeal of the Underground Injection Control permit issued by EPA to Petroglyph Operating Company, Inc. for the Antelope Creek Steamflood Pilot Project. While these negotiations are productive and may result in resolution of the petition without further litigation, additional time is needed for EPA to coordinate with the two other federal agencies involved in the Antelope Creek Steamflood Pilot Project, the Bureau of Land Management and the Bureau of Indian Affairs, and to further consider all options available to EPA with regard to the issues raised by the appeal. Settlement negotiations are further complicated by the fact that several different statutes (Safe Drinking Water Act, National Environmental Policy Act, National Historic Preservation Act and Endangered Species Act) are implicated in Petitioner's appeal. Moreover, if settlement negotiations fail, EPA believes that additional time will be needed to respond to the petition because EPA will need to address in its response the multiplicity of

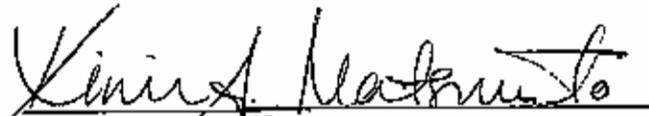
statutory authorities and federal agency authorities associated with the Antelope Creek Steamflood Pilot Project.

The Environmental Appeals Board has the authority to grant the requested extension of time pursuant to 40 C.F.R. section 22.07(b). Under that subsection, a motion for extension can be granted for good cause, after consideration of the prejudice to other parties. EPA submits that the following constitute good cause for the requested extension: 1) the prospect of a near-term settlement without further litigation; 2) the need for coordination between EPA and other federal agencies; and 3) the fact that because multiple statutes are implicated by the permit appeal, an extensive evaluation and briefing of the matter will be required. EPA therefore respectfully requests an extension of 3 months, until February 25, 2006, to file its response.

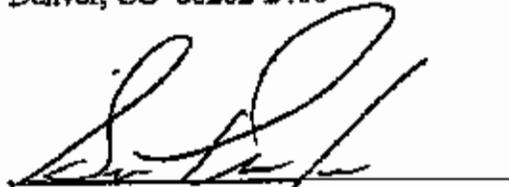
On October 31, 2005, EPA contacted counsel for Petitioner, which joins in this Motion for Extension of Time to File Response, considering that pursuant to 40 C.F.R. section 124.16(a)(1), the permit is stayed pending final agency action on this appeal.

Please note that Suzanne Bohan will be replacing Kimi Matsumoto as EPA's attorney of record for all future correspondence on this matter. Ms. Bohan can be reached at (303) 312-6925. The mailing address and fax for EPA's attorney of record remains unchanged.

RESPECTFULLY SUBMITTED this 1st day of November, 2005.



Kimi Matsumoto, Esq.
U.S. Environmental Protection Agency, Region 8
Office of Regional Counsel - 8RC
999 18th Street, Suite 300
Denver, CO 80202-2466



Sean Phelan, Esq.
Western Resources Advocates
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