

**JUL 27 2005**

Mr. William R. Ward  
 Regional Counsel  
 Office of Regional Counsel  
 U.S. EPA, Region 8  
 999 18<sup>th</sup> Street Suite 300  
 Denver, CO 80202-2466

Re: Antelope Creek Steamflood Pilot Project  
 Permit Number: UT20960-0000  
 Appeal Number: UIC 05-02

Dear Mr. Ward:

Enclosed is a petition dated July 13, 2005 (received by the Environmental Appeals Board (the "Board") on July 22, 2005), filed by Sean Phelan, Attorney, Western Resource Advocates, on behalf of Western Resource Advocates, asking the Board to review a UIC determination by the Environmental Protection Agency, Region 8.

To assist the Board in deciding whether the matters raised by Petitioner should be reviewed, please have your staff prepare a response that addresses Petitioner's contentions and whether Petitioner has satisfied the requirements for obtaining review under 40 C.F.R. Section 124.19.

Response Seeking Summary Disposition. If you believe that the petition in its entirety may be appropriate for summary disposition, either because the Board does not have jurisdiction to consider the petition, the appeal is untimely, Petitioner lacks standing to file an appeal, or none of the issues raised in the petition were preserved for review, please file a response to that effect by no later than August 10, 2005. Please include relevant portions of the administrative record with your response.

File an original (signed in blue ink) and five copies of these materials with the Board (at the address shown below) by the date specified above, and send a copy to Petitioner, with a certificate of service showing the date and method of service. Petitioner shall have 10 days from the date of service of a response seeking summary disposition to file a reply with the Board.

If the Board determines that summary disposition is appropriate, the Board will issue an order to that effect. If the Board determines that summary disposition is not appropriate, or that the issue of summary disposition should be reserved until after a response to the merits of the

petition is filed, the Board will issue an order directing that a response to the merits of the

CONCURRENCES

SYMBOL						
SURNAME	Ward					
DATE	7/28/05	7/26/05				

petition be filed within 15 days of the Board's order.

**Response not Seeking Summary Disposition.** If you do not file a response seeking summary disposition, please file a response to the merits of the petition by not later than August 25, 2005. Please include with your response relevant portions of the administrative record, together with a certified index of the entire administrative record.

File an original (signed in blue ink) and five copies of these materials with the Board, and send a copy to petitioners, with a certificate of service showing the date and method of service.

**Environmental Appeals Board's Mailing Address**

**All documents** that are sent through the U.S. Postal Service (Except by Express Mail) **MUST be addressed to the Environmental Appeals Board's mailing address which is:**

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

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

**Hand Delivery Address**

Documents that are **hand-carried** in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST be delivered to:**

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
1341 G Street NW, Suite 600  
Washington, D.C. 20005

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

**Filing Requirements**

**IMPORTANT:** All documents, including the materials due August 10, 2005 and August 25, 2005, must reference the appeal number. In addition, any envelope or other packaging containing documents sent to the address, as prescribed above, must bear a complete and

accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and case identifier in the lower left hand corner.

No further briefing will be allowed except by order of the Board.

A copy of this letter is being sent to the petitioner as notification of these filing requirements.

Thank you for your attention to this matter.

Sincerely,



Eurika Durr  
Clerk of the Board

Enclosure

cc: w/o encl: Sean Phelan  
Staff Attorney  
Western Resource Advocates  
425 East 100 South  
Salt Lake City, Utah 84111

w/encl: Carol A. Rushin  
Assistant Regional Administrator  
Office of Enforcement, Compliance, and Environmental Justice  
U.S. EPA, Region 8  
999 18<sup>th</sup> Street Suite 300  
Denver, CO 80202-2466



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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ENVIRONMENTAL APPEALS BOARD

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Regional Counsel  
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Erika Durr  
Clerk of the Board

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Staff Attorney  
Western Resource Advocates  
425 East 100 South  
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