



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

_____))
In re:))
))
Goodnight Midstream Bakken, L.L.C.) UIC Appeal No. 19-01
))
UIC Permit No. ND22349-11250))
_____))

ORDER GRANTING WITHDRAWAL OF PETITION

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, L.L.C. The permit authorized Goodnight Midstream Bakken to construct and operate a saltwater disposal well, known as Red Murphy SWD No. 1, in Dunn County, North Dakota. Shortly after submission of the petition, the Nation and the Goodnight Midstream Bakken entered negotiations concerning the disputed permit and sought a stay in this proceeding. Region 8 did not oppose the stay request. The Board granted a stay for 90 days, and later extended the stay for another 60 days. Order Granting Joint Motion for Stay of Proceedings (Mar. 28, 2019); Order Granting Joint Motion for Extension of Stay (June 25, 2019).

At the conclusion of the extended stay, the Nation notified the Board that Goodnight Midstream Bakken had requested and received termination of the permit for Red Murphy SWD No. 1 well from Region 8. Unopposed Motion to Dismiss Appeal as Moot (Aug. 2, 2019). The Nation has submitted a copy of an August 1, 2019, letter from Region to Goodnight Midstream Bakken stating that the permit has “expired,” and that “if in the future Goodnight Midstream

would like to construct and operate a well at this site, it must re-apply for a permit.” *Id.* attach. 1 (Letter from Sarah Bahrman, Region 8, U.S. EPA, to Patrick Walker, CEO, Goodnight Midstream Bakken, L.L.C. (Aug. 1, 2019)). Accordingly, the Nation has asked to withdraw its petition for review of the now expired permit as that petition has become moot. We hereby grant the Nation’s motion to withdraw its petition and dismiss this permit appeal.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: August 6, 2019

By: 
Kathie A. Stein
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

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

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Dated: August 6, 2019



Annette Duncan
Administrative Specialist