

RECEIVED  
U.S. E.P.A.

2006 JAN 25 AM 9: 53

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  
STAY APPEAL**

**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 OF THE PARTIES FOR STAY OF APPEAL.

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.

The attorneys representing the parties herein have met by phone and through an exchange of email communications and have agreed in principle to settle this matter in full. Full and final execution of a Consent Agreement is expected within ten days of this date, and at which time such Consent Agreement will be 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 a stay of this appeal proceeding of thirty 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:



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 18<sup>th</sup> day of January, 2006, I caused a true and correct copy of the foregoing **JOINT MOTION TO STAY APPEAL** 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:

Jan. 18, 2006

BY:

Julie S. McKenzie