



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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ENVIR. APPEALS BOARD

Ref: 8RC

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Ms. Eurika 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,

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

Enclosures

cc: Tina Artemis, 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  
APR 1977 PM 2:04  
ENV. 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.

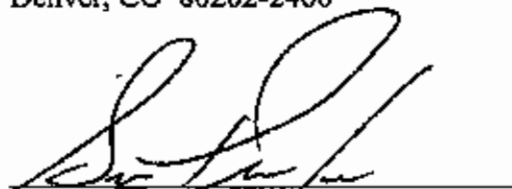
On October 31, 2005, EPA contacted counsel for Petitioner, which joins in this Motion for Extension of Time to File Response, considering that pursuant to 40 C.F.R. section 124.16(a)(1), the permit is stayed pending final agency action on this appeal.

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.  
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