

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Docket No. SDWA-08-2007-0084

2007 OCT 4 PM 2:47
EPA REGION VIII
HEARING CLERK

In the Matter of:)
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)
Pendragon Energy Partners, Inc.)
a Colorado Corporation)
)
)
)
Respondent.)
)
)
Proceedings under Section 1423(c))
of the Safe Drinking Water Act)
42 U.S.C. § 300h-2(c))

JOINT MOTION FOR EXTENSION OF TIME
FOR RESPONDENT TO PAY PENALTY IN
FULL PER 40 C.F.R. § 22.18(a)

Pursuant to 40 C.F.R. §§ 22.16(a) and 22.18(a), Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Pendragon Energy Partners, Inc. (collectively the Parties), by their undersigned representatives, hereby request an extension of time for Respondent to pay the penalty in full for the reasons set forth below.

1. On September 12, 2007, Complainant issued a complaint alleging certain violations of the Safe Drinking Water Act (the Act), 42 U.S.C. §§ 300f to 300j-26. The complaint proposed a civil penalty for the violations alleged therein.
2. According the return receipt (tracking number 70012510000632020821), Respondent received the complaint on September 14, 2007.
3. Per 40 C.F.R. § 22.15, Respondent is required to file an answer with the Regional Hearing Clerk within 30 days after service of the complaint; specifically, October 19, 2007.
4. As required by the Act and 40 C.F.R. part 22, prior to the assessment of a civil penalty, EPA provides public notice of the proposed penalty set forth in a complaint, reasonable opportunity for people to comment on the matter and present evidence in the event a hearing is held. 42 U.S.C. § 300h-2(c)(3)(B) and 40 C.F.R. § 22.45(b).
5. On September 24, 2007, and pursuant to 42 U.S.C. § 300h-2(c)(3)(B) and 40 C.F.R. § 22.45(b), EPA provided public notice of the proposed penalty in this matter.
6. On September 26, 2007, Complainant's and Respondent's representatives reached a

settlement in principle that resolved the violations alleged in the complaint. Respondent agreed to pay the full penalty proposed in the complaint in accordance with 40 C.F.R. § 22.18(a).

7. According to 40 C.F.R. §§ 22.18(a) and 22.45(c)(3), no proceeding subject to the public notice and comment provisions of the Act may be resolved under 40 C.F.R. § 22.18 until 10 days after the close of the comment period.
8. The Consolidated Rules of Practice specify that in a proceeding subject to the public comment provisions of 40 C.F.R. § 22.45, a quick resolution is not available until 10 days after the close of the comment period. 40 C.F.R. § 22.18(a)(2). Therefore, the earliest Respondent can pay the penalty in full is November 3, 2007.
9. Pursuant to 40 C.F.R. § 22.18(a)(2), Respondent agrees to pay the penalty amount in full as set forth in the complaint in this matter within 60 days of receipt of the complaint. The specific date for payment is between November 3, 2007 and November 13, 2007 to avoid a default pursuant to 40 C.F.R. § 22.17.

Based on this rationale, the Parties request a 60 day extension for Respondent to pay the full penalty amount between November 3, 2007 and November 13, 2007.

Respectfully submitted,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,**

Complainant.

Michelle Marcu

By:
Michelle Marcu
Enforcement Attorney
Legal Enforcement Program

Date: 10/4/07

PENDRAGON ENERGY PARTNERS, INC.,

Respondent.

By:
James Rooney, Jr.

James Rooney, Jr.

Date: 9/27/07

CERTIFICATE OF SERVICE
In the Matter of Pendragon Energy Partners, Inc.
Docket No. SDWA-08-2007-0084

I hereby certify that the original and a true copy of the "Joint Motion for Extension of Time for Respondent to Pay Penalty In Full Per 40 C.F.R. § 22.18(a)" bearing the above-referenced Docket number were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202; a true copy of the same was hand delivered to Elyana R. Sutin, Regional Judicial Officer, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202; and a true copy was sent via Certified Mail Return Receipt Requested mail to:

Reid A. Godbolt, Registered Agent
Pendragon Energy Partners, Inc.
1625 Broadway, 16th Floor
Denver, Colorado 80202

and

James Rooney
Pendragon Energy Partners, Inc.
415 Wall Street, Suite 1411
Midland, Texas 79701

Dated: 10/4/07

By: Judith McTernan
Judith McTernan