



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

2007 OCT -9 PM 3:41

REGION 8  
HEARING CLERK

In the Matter of: )  
)  
)  
Pendragon Energy Partners, Inc. )  
a Colorado Corporation )  
)  
)  
Respondent )  
)  
)  
\_\_\_\_\_ )

Docket No. SDWA-08-2007-0084

Proceeding under Section 1423(c) of  
the Safe Drinking Water Act  
42 U.S.C. § 300h-2(c)

**ORDER GRANTING MOTION FOR EXTENSION OF TIME**

On October 4, 2007, a Joint Motion for Extension of Time for Respondent to Pay Penalty in Full per 40 C.F.R. § 22.18(a) was filed. The parties request additional time to pay the full penalty beyond the 30 days contemplated by the quick resolution provisions of section 22.18(a). The Complaint was filed on September 12, 2007 and an Answer is due on October 19, 2007. The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties ("CROP") allow the Respondent to resolve this proceeding at any time by paying the specific penalty proposed thereby negating the need to file an Answer. 40 C.F.R. § 22.18(a)(1).

Pursuant to 40 C.F.R. § 22.18(a)(2):

Any respondent who wishes to resolve a proceeding by paying the proposed penalty instead of filing an answer, but needs additional time to pay the penalty, may file a written statement with the Regional Hearing Clerk within 30 days after receiving the complaint stating that the respondent agrees to pay the proposed penalty in accordance with paragraph (a)(1) of this section. The written statement need not contain any response to, or admission of, the allegations in the complaint.

The October 4, 2007 Motion serves as Respondent's written statement to pay the proposed penalty. Because 40 C.F.R. § 22.45(c) specifically states that a proceeding subject to the public

notice and comment provisions of the Safe Drinking Water Act may not be resolved until 10 days after the close of the comment period, the Respondent cannot pay the specific proposed penalty until after the Answer due date. Respondent has complied with the requirements of both the quick resolution and public notice requirements of CROP and is allowed to have additional time to pay the penalty.

Accordingly, Respondent shall pay the full penalty of \$ 5,400 between the dates of November 3, 2007 and November 13, 2007.

SO ORDERED the 9<sup>th</sup> day of October, 2007.



Elyana R. Sutin  
Regional Judicial Officer  
U.S. EPA Region 8

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER GRANTING MOTION FOR EXTENSION OF TIME** in the matter of **PENDRAGON ENERGY PARTNERS, INC.; DOCKET NO.: SDWA-08-2007-0084** was filed with the Regional Hearing Clerk was filed on October 9, 2007.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Michelle Marcu, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on October 10, 2007, to:

Reid A. Godbolt, Registered Agent  
Pendragon Energy Partners, Inc.  
1625 Broadway, 16<sup>th</sup> Floor  
Denver, CO 80202

And

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

October 10, 2007

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

