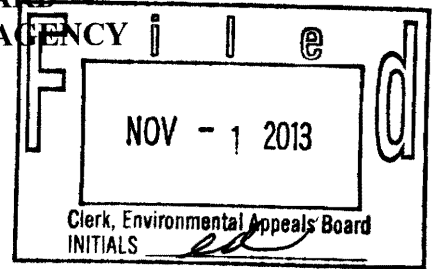


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



_____)
In re:)
Berry Petroleum Company)
Docket No. CAA-08-2013-0014)
_____)

CAA Appeal No. 13-03

ORDER TO SHOW CAUSE

By motion dated October 25, 2013, U.S. Environmental Protection Agency, Region 8, Office of Enforcement, Compliance and Environmental Justice, sought a thirty-day extension of time in which to file a Motion for Reconsideration of the Final Order issued in the above-captioned matter.

Under the Consolidated Rules of Practice at 40 C.F.R. part 22, the Environmental Appeals Board may consider motions for reconsideration of final orders “issued pursuant to 40 C.F.R. § 22.30.” 40 C.F.R. § 22.32. The title of 40 C.F.R. § 22.30 specifies that it covers those final orders that resolve “appeals from or review of initial decision[s].” 40 C.F.R. § 22.30. In contrast, the above-captioned matter appears to arise from the issuance of a consent agreement and final order pursuant to 40 C.F.R. §§ 22.13(b) and 22.18, and the final order issued in the matter did not result from the issuance of an initial decision under 40 C.F.R. § 22.27.

Accordingly, it does not appear that the Board is authorized to consider either a motion for reconsideration in this matter or an associated motion for extension of time in which to file such a motion for reconsideration. The Board hereby **DIRECTS** the Region to show cause why

the Board should not dismiss this matter. Any such response to this show cause order must be filed no later than **Monday, November 18, 2013**.

So ordered.

Dated: *November 1, 2013*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order to Show Cause in the matter of *Berry Petroleum Company*, CAA Appeal No. 13-03, were sent to the following persons in the manner indicated:

By Certified U.S. Mail, Return Receipt Requested and Fax:

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By EPA Intraoffice Mail:

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MC 2322A
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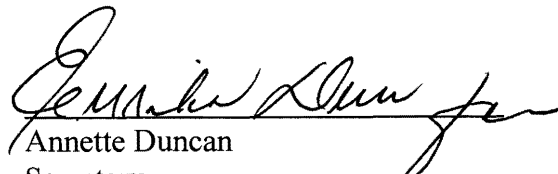
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Date: _____

11/1/2013


Annette Duncan
Secretary