



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 8
 1595 WYNKOOP STREET
 DENVER, CO 80202-1129
 Phone 800-227-8917
<http://www.epa.gov/region08>

2019 SEP -4 PM 3: 34

FILED
 EPA REGION VIII
 HEARING CLERK

DOCKET NO.: SDWA-08-2019-0022

IN THE MATTER OF:)
)
 CRESCENT POINT ENERGY U.S. CORP.) **ORDER**
)
)
)
)
)
)
 RESPONDENT)

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA’s Consolidated Rules of Practice, the Motion for Extension dated September 3, 2019, is hereby approved and incorporated by reference into this Order.

The Respondent is hereby **ORDERED** to file an answer to the complaint on or before November 5, 2019, if the matter is not otherwise resolved before that time.

SO ORDERED THIS 4th DAY OF September, 2019.


 Katherin E. Hall
 Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2019 SEP -4 AM 10:55

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
)
)
 Crescent Point Energy U.S. Corp.,)
)
)
 Respondent.)
)
)
 Proceedings under Section 1423(c) of the Safe)
 Drinking Water Act 42 U.S.C. 300h-2(c))

RESPONDENT'S THIRD MOTION
TO EXTEND TIME TO FILE AN
ANSWER

Docket No. SDWA-08-2019-0022

RESPONDENT'S THIRD MOTION TO EXTEND TIME TO FILE AN ANSWER

Respondent Crescent Point Energy U.S. Corp. respectfully requests that the Presiding Officer grant an additional sixty (60) day extension of time to file an Answer in the above captioned matter from September 6, 2019, until November 5, 2019. This motion is brought under 40 C.F.R. § 22.7 and is supported by Respondent's Memorandum in Support of Respondent's Motion to Extend Time to File Answer, filed herewith.



Dated: September 3, 2019

Radcliffe Dann IV
Lucas Satterlee
Davis Graham & Stubbs LLP
1550 17th Street, Suite 500
Denver, Colorado 80202
303.892.7453
Randy.Dann@dgsllaw.com

*Attorneys for Respondent
Crescent Point Energy U.S. Corp.*

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF)	RESPONDENT’S MEMORANDUM
)	IN SUPPORT OF MOTION
)	
Crescent Point Energy U.S. Corp.,)	
)	
Respondent.)	Docket No. SDWA-08-2019-0022
)	
Proceedings under Section 1423(c) of the Safe)	
Drinking Water Act 42 U.S.C. 300h-2(c))	

**MEMORANDUM IN SUPPORT OF RESPONDENT’S THIRD MOTION
TO EXTEND TIME TO FILE AN ANSWER**

A Complaint and Notice of Opportunity for Hearing (“Complaint”) was filed by the U.S. Environmental Protection Agency, Region 8 (“Complainant”) in this matter on June 3, 2019. Respondent accepted service of the Complaint on or about June 7, 2019. Under the Consolidated Rules of Practice, 40 C.F.R. § 22.15(a), Respondent’s Answer was originally due on or about July 8, 2019, which is thirty (30) days after receipt of the Complaint. Respondent filed a Motion to Extend Time to File an Answer in this matter on June 28, 2019, which the Regional Judicial Officer approved by order on July 1, 2019. Respondent filed a Second Motion to Extend Time to File an Answer in this matter on July 30, 2019, which the Regional Judicial Officer approved by order on August 1, 2019, extending the date for filing the Answer to September 6, 2019.

40 C.F.R. § 22(7)(b) states that the Presiding Officer may grant an extension of time to file an answer upon filing of timely motion, a showing of good cause, and after consideration of prejudice to other parties to the action.

This motion is timely, having been filed well in advance of the September 6, 2019 date for Respondent’s Answer to the Complaint.

This motion complies with the “good cause” requirement of 40 C.F.R. § 22.7(b). It is EPA’s policy to encourage settlement and avoid litigation when consistent with the provisions and objectives of the law at issue. *See* 40 C.F.R. § 22.18(b). Respondent and Complainant are in active negotiations to resolve the violations alleged in the Complaint. On July 29, 2019, Respondent and Complainant held a settlement teleconference, whereupon the parties agreed to reach settlement of the claims via a proposed consent agreement and final order resolving the matter.

Complainant has prepared a draft consent agreement to resolve this matter, which it provided to Respondent on August 29, 2019. Accordingly, Respondent requires some time to review the draft agreement and potentially discuss some changes to that document with Complainant. Even once Respondent executes the agreement, Complainant must still route the final agreement through its management, which we understand can take several weeks. Additionally, the parties are addressing some new and additional compliance issues that Respondent must address before a final agreement can be executed. It may take several weeks or more for Respondent to complete that action. In the meantime, the parties do not believe it is in their best interest to be expending resources on litigation. Therefore, Respondent believes that “good cause” exists for an extension of time until November 5, 2019, for Respondent to file its Answer in order to avoid the unnecessary use of resources by this forum and the parties on litigation when those resources would be better spent on efforts to resolve the matter.

Finally, granting this motion will not result in prejudice, as both parties have already agreed that seeking the additional extension is appropriate. On August 30, 2019, Counsel for Complainant, Mia Bearley, confirmed that Complainant supports this request for an extension.

For the reasons set forth above, Respondent respectfully requests that the Presiding Officer grant Respondent's request for a sixty (60) day extension of time to file its Answer in the above captioned matter.



Dated: September 3, 2019

Radcliffe Dann IV
Lucas Satterlee
Davis Graham & Stubbs LLP
1550 17th Street, Suite 500
Denver, Colorado 80202
303.892.7453
Randy.Dann@dgsllaw.com

*Attorneys for Respondent
Crescent Point Energy U.S. Corp.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing RESPONDENT'S THIRD MOTION TO EXTEND TIME TO FILE AN ANSWER and MEMORANDUM IN SUPPORT OF RESPONDENT'S THIRD MOTION TO EXTEND TIME TO FILE AN ANSWER in the matter of Crescent Point Energy U.S. Corp., Docket No. SDWA-08-2019-0022, was sent by courier and electronic mail to the following persons on the date specified:

Missy Haniewicz, Regional Hearing Clerk
U.S. EPA Region 8 (8ORC-IO)
1595 Wynkoop Street
Denver, Colorado 80202-1129
haniewicz.melissa@epa.gov

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202
bohan.suzanne@epa.gov

Mia Bearley
Senior Assistant Regional Counsel
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202
bearley.mia@epa.gov



Dated: September 3, 2019

Radcliffe Dann IV
Lucas Satterlee
Davis Graham & Stubbs LLP
1550 17th Street, Suite 500
Denver, Colorado 80202
303.892.7453
Randy.Dann@dgsllaw.com

*Attorneys for Respondent
Crescent Point Energy U.S. Corp.*

CERTIFICATE OF SERVICE

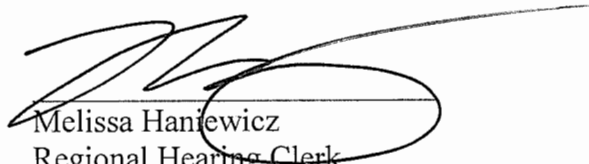
The undersigned certifies that the original of the attached **ORDER** for the **MOTION FOR EXTENSION OF TIME** in the matter of **CRESCENT POINT ENERGY U.S. CORP.;** **DOCKET NO.: SDWA-08-2019-0022** was filed with the Regional Hearing Clerk on September 4, 2019.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Mia Bearley, Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on September 4, 2019, to:

Respondent's legal representation

Radcliffe Dann IV
Davis Graham & Stubbs LLP
1550 17th Street, Suite 500
Denver, Colorado 80202

September 4, 2019



Melissa Haniewicz
Regional Hearing Clerk