

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 JUL 28 AM 9:23

IN THE MATTER OF:)

P&M Petroleum Management, LLC)

Respondent.)

Docket No. SDWA-08-2008-0047

ORDER PARTIALLY
GRANTING MOTION FOR
EXTENSION OF TIME

On July 24, 2008, Complainant filed a Motion for Extension of Time to Answer. The Motion requested an extension to August 29, 2008, to file an Answer to the Amended Penalty Complaint filed on July 3, 2008. The stated purpose of the extension is to allow the parties additional time to work on the details of a Consent Agreement and “[t]he parties wish to avoid the need for P&M Petroleum Management, LLC to expend the time and resources to formally file an answer by the current deadline....” The Motion states that counsel for Respondent concurs with the request.

The original Complaint was filed on May 8, 2008. Complainant requested its first extension of time to file an Answer on June 10, 2008. The extension was granted on June 11, 2008 allowing Respondent to file an Answer on or before July 18, 2008. On July 3, 2008, Complainant filed an Amended Penalty Complaint and Notice of Opportunity for Hearing. Respondent had 20 calendar days from the date of receipt of the Amended Complaint to file its Answer.

This is not the first matter where both parties have requested extensions of time to avoid filing pleadings by the required deadlines. See, *In Re P&M Petroleum Management, LLC*, Docket No. SDWA-08-2005-0060. Remarkably, the procedural history is very similar. This court understands that personal and professional conflicts arise that warrant extensions of time; and, I am willing to accommodate the parties under such circumstances. However, this presiding officer is very sensitive to the overall management of the docket and keeping proceedings moving in a timely manner. In addition, a pattern of extension requests for no other reason than avoiding the filing of pleadings is not acceptable. This court appreciates that the parties have been working diligently at reaching settlement and this particular matter has not lingered on the docket. For this reason, I am willing to allow a short extension of time. Please be advised that in the future, extensions will be granted only for legitimate conflicts.

The Respondent has been given several extensions to file an Answer and has had ample time to file an Answer to the Amended Complaint. If the parties cannot finalize a Consent Agreement by **August 15, 2008**, nothing precludes the parties from continuing

to negotiate a settlement after Respondent files an Answer. The filing of a Consent Agreement or an Answer shall be done by August 15, 2008. **The Motion for Extension of Time to Answer is PARTIALLY GRANTED. The Parties have until August 15, 2008 to file an Answer or submit a Consent Agreement for approval.**

SO ORDERED This 28th Day of July, 2008.

A handwritten signature in black ink, appearing to read "Elyana R. Sutin", written over a horizontal line.

Elyana R. Sutin
Presiding Officer


CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER PARTIALLY GRANTING MOTION FOR EXTENSION OF TIME** in the matter of **P & M PETROLEUM MANAGEMENT, LLC., DOCKET NO.: SDWA-08-2008-0047** was filed with the Regional Hearing Clerk on July, 28th 2008.

Further the undersigned certifies that a true and correct copy of the document was delivered to James H. Eppers, Senior 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 on July 28th, 2008, to:

Jerry L. Calley, Managing Member
P & M Petroleum Management, LLC.
518 17th Street, Suite 230
Denver, CO 80202

July 28th, 2008



Eduardo J. Perez
Acting Regional Hearing Clerk