

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2009 JUL 22 PM 2:54

Docket No. CAA-08-2009-0013

IN THE MATTER OF: )  
)  
BERRY PETROLEUM COMPANY )  
950 17<sup>th</sup> Street, Suite 2400 )  
Denver, CO 80202 )  
)  
Respondent. )  
\_\_\_\_\_ )

JOINT MOTION FOR A  
THIRD EXTENSION OF  
TIME FOR RESPONDENT TO  
FILE ITS ANSWER

COMES NOW the Complainant, United States Environmental Protection Agency Region 8 (EPA), by and through its attorney, Dana J. Stotsky, who jointly moves, with consent of Respondent's attorney, the Presiding Officer to grant the Respondent a third extension of time of 30 days to file its Answer to the Complaint. The Presiding Officer, on June 24, 2009, issued an ORDER GRANTING SECOND EXTENSION OF TIME TO FILE ANSWER. This ORDER gave Respondent until July 24, 2009, to file its Answer.

As grounds therefore, I state the following:

GROUNDS FOR MOTION

This motion is made pursuant to 40 C.F.R. § 22.7(b) and 40 C.F.R. § 22.16 of the Rules. Under the Rules, a motion must be in writing, state the grounds for the motion with particularity, set forth the relief or order sought, and be accompanied by any evidence or legal memorandum relied upon. Also, as provided for by rule, the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, or upon its own initiative. Any motion for an extension of time shall be filed sufficiently in advance of the due date so as to allow other parties reasonable

opportunity to respond and to allow the Presiding Officer reasonable opportunity to issue an order. 40 C.F.R. § 22.7(b).

The parties in this matter have reached a settlement in principle. The dollar amount of payments for penalties or SEP equivalents, or a combination of these two categories has been established in the settlement in principle. The remaining substantive task involves Respondent's submission of SEP(s) projects, and EPA's review and approval of these SEP(s) projects. The parties anticipate this remaining task will be accomplished promptly.

Respondent requests a third 30-day extension of time to file its Answer. This is the third such request made in this matter. This request is a joint request. The parties expect to fully execute the Consent Agreement in this matter within four weeks.

#### **REQUESTED RELIEF**

The relief requested is a revised due date for the Respondent to file its Answer, on or before August 21, 2009.

United States Environmental Protection  
Agency, Region 8



Date: July 22, 2009

By: \_\_\_\_\_

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the JOINT MOTION FOR A THIRD EXTENSION OF TIME FOR RESPONDENT TO FILE ITS ANSWER, was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street; Denver, Colorado 80202-1129, and that a true copy of the same was sent via U.S. Postal Service, postage prepaid, to


Gregory J. Patterson, Esq.  
Musick, Peeler & Garrett, LLP.  
One Wilshire Boulevard, Suite 2000  
Los Angeles, CA 90017

And also via e-mail transmission to:

G.Patterson@MPGLAW.com

Date: July 22, 2009

By:

  
Dana J. Stotsky