

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2014 JUL -2 AM 8:12
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:)
)
Legend Natural Gas IV, LP) Docket No. CWA-06-2014-1747
)
) ORDER GRANTING REQUEST
) FOR EXTENSION OF TIME TO
Respondent.) FILE AN ANSWER AND REQUEST
) A HEARING

This action, initiated by the Director of the Compliance Assurance and Enforcement Division, Region 6 (hereinafter, "Complainant"), United States Environmental Protection Agency, Region 6 ("EPA"), seeks to assess an administrative penalty under section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g). Such actions are governed by procedures set forth in the revised Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination and Suspension of Permits found at 40 Code of Federal Regulations (CFR) part 22, including the Supplemental Rules for Administrative Proceedings not Governed by the Administrative Procedures Act. See 40 C.F.R. Part 22, Subpart I, published at 64 Fed. Reg. 40138 (July 23, 1999).

Complainant filed the Administrative Complaint in this matter on April 3, 2014. The certified mail return receipt ("green card") indicating receipt of the Administrative Complaint by Respondent was filed on April 16, 2014. By delegation of the Regional Administrator dated September 23, 2011, the undersigned is serving as a Regional Judicial Officer for Region 6. On May 5, 2014, Respondent filed an unopposed Request for Extension of Time to File and Answer and Request a Hearing. On that same day, I granted that request and set a deadline for the filing of an Answer and Request for a Hearing of June 5, 2014. Respondent sent a second unopposed Request for Extension of Deadline to File and Answer and Request a Hearing by letter to Complainant's counsel dated June 4, 2014, a mere one day prior to the date on which an answer was due.

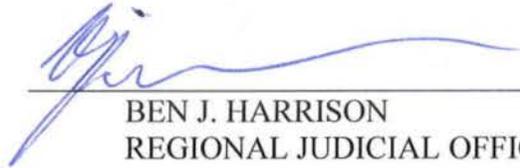
Under 40 C.F.R § 22.5(a), for matters pending before a Regional Judicial Officer, an original and one copy of each document is to be filed with the Regional Hearing Clerk. Respondent's first Request for Extension was filed correctly, so this instance will be deemed oversight. The Regulations also state that a document is considered filed when it is received by the appropriate Clerk. See, *id.* Therefore this Request was not filed until July 1, 2014, almost one month after the prior deadline. However, there being no pending Motion for Default, the Request was considered.

As noted above, even if it were filed properly, it was not received by the Region until June 4. Parties are admonished to make sure that all future filings in this matter are to be filed

more timely and with the Regional Hearing Clerk. As one final note, both Requests stated the basis was to allow parties sufficient time to meet and confer regarding resolution of this matter outside litigation. A future Request should include statements that parties have met and the likelihood of settlement, without going into any specific details regarding any terms of resolution.

After taking into account the Presiding Officer's responsibility to avoid delay in these proceedings and giving due consideration to the stated basis of the Request and the short duration of the extension being sought, the second unopposed Request for Extension of Deadline to File and Answer and Request a Hearing is hereby **GRANTED**. If a Consent Agreement and Final Order (CAFO) resolving this case has not been filed on or before **July 15, 2014**, the Respondent shall file an answer, which may include a request(s) for a hearing in accordance with 40 C.F.R. § 22.15. Parties may seek a further extension of this deadline only by filing a timely motion showing good cause for why such extension should be granted. Failure to file an answer or to obtain a further extension of time on or before this date may result in Respondent being found in default pursuant to 40 C.F.R. § 22.17.

SO ORDERED, this 2nd day of July, 2014



BEN J. HARRISON
REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk for the Region 6 office of the Environmental Protection Agency, hereby certify that a TRUE AND CORRECT copy of the Order in Docket No. Class I - CWA 06-2014-1747, was served upon the parties on the date and in the manner set forth below:

Aaron Thesman
Legend Natural Gas IV, LP
777 Main Street, Suite 900
Fort Worth, Texas 76102

U.S. FIRST CLASS MAIL -
RETURN RECEIPT REQUESTED

Russell Murdock
Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202

INTEROFFICE MAIL

DATE:

7/2/14



Lorena S. Vaughn
Regional Hearing Clerk