

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 APR 29 PM 2:47

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:)
)
Petroleum Development)
Corporation)
) Docket No. CWA-08-2009-0034
)
Respondent.)

MOTION TO DISMISS WITHOUT PREJUDICE

Region 8 of the United States Environmental Protection Agency (EPA) moves to dismiss Count 2 of the Administrative Penalty Complaint (complaint) in this matter, without prejudice. The respondent does not oppose this motion. The parties have reached an agreement to settle Count 1 of the complaint and expect to file an executed consent agreement in the near future.

Dated: April 28, 2010.

By: Margaret J. Livingston
Margaret J. (Peggy) Livingston
Enforcement Attorney
Office of Enforcement, Compliance and
Environmental Justice,
Region 8
United States Environmental Protection Agency
1595 Wynkoop Street (ENF-L)
Denver, CO 80202

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by a copy of the foregoing Motion to Dismiss Without Prejudice to:

Roger Freeman, Attorney
Davis, Graham & Stubbs, LLP
1550 17th Street, Suite 500
Denver, CO 80202
Certified Mail, Return Receipt Requested
No. 7004 1350 0001 5669 3341

On the same date, I hand delivered the original and one copy to:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

On the same date, I hand delivered a copy to:

Hon. Elyana R. Sutin
Regional Judicial Officer
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

Date: APR 29 2010 Raye Se Arnd