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**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

_____	)	
In re:	)	
	)	
BERRY PETROLEUM COMPANY	)	_____Appeal No._____
1999 BROADWAY, SUITE 3700	)	
DENVER, CO 80202	)	
	)	
[Docket No.: CAA-08-2013-0014]	)	
_____	)	

MOTION FOR EXTENSION OF TIME

Appellant-Complainant, U.S. Environmental Protection Agency, Region 8, Office of Enforcement, Compliance and Environmental Justice (Movant), requests that the Environmental Appeals Board (EAB) grant a thirty (30) day extension of time to file a Motion for Reconsideration from the Final Order issued on September 30, 2013, in the above-captioned matter, and attached hereto.

Movant seeks this additional time because of the potential nationally-significant issues associated with such a Motion for Reconsideration, and consequently the need to coordinate with U.S. Environmental Protection Agency (EPA) offices nation-wide.

Movant's counsel (the undersigned) believes that a thirty (30) day extension will allow Movant to provide a Motion for Reconsideration that appropriately presents the EPA's unified legal position, and further that granting the requested extension will not prejudice the Respondent-Appellee. The undersigned states that he has been unable to speak with Opposing Counsel regarding this motion, and so is unable to state whether or not Opposing Counsel opposes this motion.

Regarding computation of time in this proceeding, the Final Order was issued on September 30, 2013. By rule, a motion for reconsideration shall be filed within 10 days after service of the final order. 40 C.F.R. § 22.32. This means a motion for reconsideration should have been filed with the EAB on or before October 10, 2013. However, due to the shutdown of the federal

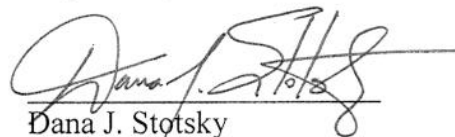
government from October 1 through October 16, 2013, it was not possible for the undersigned to timely file a motion for reconsideration or a motion for extension of time to file such a motion.

Since the federal government resumed operations on October 17, 2013, and using that date for the purposes of computation, 40 C.F.R. § 22.7(a), the Motion for Reconsideration in this proceeding is timely filed on or before October 28, 2013. The undersigned respectfully requests the EAB find that the shutdown of the federal government constitutes either excusable neglect or legal impossibility regarding the undersigned's delinquency in timely filing a motion for reconsideration or a motion for extension of time to file such a motion.

In the alternative, the undersigned respectfully requests the EAB grant this Motion for Extension of Time, and reserve for later determining whether excusable neglect or legal impossibility allow the otherwise out-of-time filing of a motion for reconsideration or a motion for extension of time to file such a motion in this proceeding.

For the reasons set forth above, Movant respectfully requests that its Motion for Extension of Time to file a Motion for Reconsideration be granted and that the EAB extend the deadline to file a Motion for Reconsideration to November 27, 2013.

Respectfully submitted,



Dana J. Stotsky  
Enforcement Attorney, Colorado Bar #14717  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6905

Date: Oct. 25, 2013

Attorney for Appellant-Complainant

## CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the attached MOTION FOR EXTENSION OF TIME in the matter BERRY PETROLEUM COMPANY; DOCKET NO.: CAA-08-2013-0014, \_\_\_\_\_ EAB Appeal No. \_\_\_\_\_, was placed in the United States Postal Service, postage prepaid, and sent via first-class mail on October 25, 2013, to the following address:

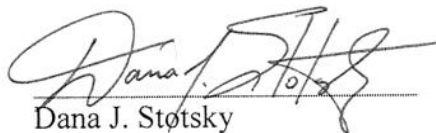
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103M  
Washington, D.C. 20460-0001

Further, I hereby certify that one copy of the attached MOTION FOR EXTENSION OF TIME in the matter BERRY PETROLEUM COMPANY; DOCKET NO.: CAA-08-2013-0014, \_\_\_\_\_ EAB Appeal No. \_\_\_\_\_, was placed in the United States Postal Service, postage prepaid, and sent via first-class mail on October 25, 2013, to the following address:  
Counsel for Respondent:

Lawrence E. Volmert, Esq.  
Holland & Hart, LLP  
555 Seventeenth Street, Ste. 3200  
Denver, CO 80202-3979

Further, I hereby certify that one copy of the attached MOTION FOR EXTENSION OF TIME in the matter BERRY PETROLEUM COMPANY; DOCKET NO.: CAA-08-2013-0014, \_\_\_\_\_ EAB Appeal No. \_\_\_\_\_, was hand-delivered to the following address:

Regional Judicial Officer Elyana Sutin  
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