



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
BP America Production Company,) **Docket No. CWA-08-2014-0037**
)
Respondent.)
)

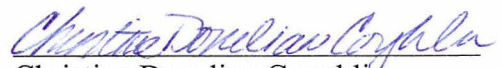
**ORDER ON RESPONDENT’S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINANT’S MOTION FOR PARTIAL ACCELERATED
DECISION ON LIABILITY AND REQUEST FOR EXPEDITED RULING**

On September 30, 2014, the U.S. Environmental Protection Agency, Region 8 (“Complainant”), initiated this proceeding by filing a Complaint and Notice of Opportunity for Hearing (“Complaint”) against BP America Production Company (“Respondent”). The Complaint alleges that Respondent violated Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and proposes the assessment of a civil administrative penalty in the amount of \$100,000 for the alleged violation. Through counsel, Respondent filed an Answer and Request for Hearing on November 12, 2014.

On December 29, 2014, Complainant filed a Motion for Partial Accelerated Decision on Liability (“Accelerated Decision Motion”) and Memorandum in support. According to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 (“Rules of Practice”), the deadline for Respondent’s response to the Accelerated Decision Motion is January 12, 2015. *See* 40 C.F.R. §§ 22.7, 22.16. On January 7, 2015, Respondent filed an Unopposed Motion for Extension of Time to Respond to Complainant’s Motion for Partial Accelerated Decision on Liability and Request for Expedited Ruling (“Motion for Extension”), explaining that Respondent and its counsel “have not had a sufficient opportunity to prepare a response” to the Accelerated Decision Motion “[d]ue to the intervening holidays and the complexity of the issues raised by the Motion.” Accordingly, Respondent requests a two-week extension of time to file its response. Respondent represents that Complainant does not object to its request “provided that [Respondent] does not object to the reasonable extension of time for [Complainant] to supplement its initial disclosures, if necessary.” Respondent also contends that its request will not prejudice Complainant as “this proceeding is at an early stage, disclosures have not yet been exchanged, and a hearing date has not been set.”

Section 22.7(b) of the Rules of Practice authorizes the undersigned to grant extensions 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.” 40 C.F.R. § 22.7(b). Upon consideration, I find that good cause has been shown for the requested extension of the filing deadline for Respondent’s response to the Accelerated Decision Motion and that such an extension will not prejudice Complainant. Thus, for good cause shown and after consideration of any prejudice, the Motion for Extension is hereby **GRANTED**. Respondent’s response to the Accelerated Decision Motion is now due on or before January 26, 2015.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: January 8, 2015
Washington, D.C.

In the Matter of BP America Production Company, *Respondent*
Docket Nos. CWA-08-2014-0037

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order On Respondent's Unopposed Motion For Extension Of Time To Respond To Complainant's Motion For Partial Accelerated Decision On Liability And Request For Expedited Ruling**, dated January 8, 2015, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Lead Legal Assistant

Original And One Copy By Hand Delivery To:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA / Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2001

One Copy By Electronic and Regular Mail To:

Margaret (Peggy) J. Livingston
Sr. Enforcement Attorney
U.S.EPA / Region VIII
Mail Stop 8ENF-L
1595 Wynkoop Street
Denver, CO 80202-1129
Email: Livingston.peggy@epa.gov

Andrea Wang
Nicole M. Abbott
Davis Graham & Stubbs, LLP
1550 17th Street, Suite 500
Denver, CO 80202
Email: andrea.wang@dgsllaw.com
nicole.abbott@dgsllaw.com

Dated: January 8, 2015
Washington, D.C.