

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 MAR 26 13 02 J

Docket No. CWA-08-2007-0025

Docket No. CWA-08-2007-0026

IN THE MATTER OF:

**Burke Oil Company, Inc., d/b/a
Presho Oil Company**

Burke Oil Company, Inc.

Respondent.

STATUS REPORT

Complainant, United States Environmental Protection Agency, Region 8 ("EPA"), files this STATUS REPORT for the purpose of providing a written summary of information previously conveyed this date to the Presiding Officer's staff attorney, Ms. Jessica Loreto, which occurred as a result of a telephonic inquiry from Ms. Loreto regarding the status of a previously ordered Joint Stipulations of Facts.

No Joint Stipulations of Facts was filed on the previously ordered date of March 23, 2009, because Complainant has received no communications, of any kind, from Respondent's attorney since January 21, 2009.

The undersigned has called the office of Respondent's attorney on March 18, 2009, March 20, 2009 and March 23, 2009, each time either leaving a message via voicemail or speaking directly with Ms. Peg Lundquist, paralegal within the office of Respondent's attorney. Each message left requested the courtesy of a call to the undersigned. To date the undersigned has not received a call or communication from Respondent's attorney.

EPA is interested in settling this matter and has conveyed via fax transmission as well as e-mail transmission a proposed Consent Agreement on this day to Respondent's attorney. This proposed Consent Agreement contains terms more favorable to Respondent than the terms Respondent proposed in its last offer to settle this matter.

STATUS REPORT

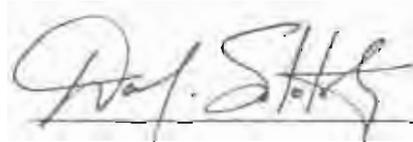
Respectfully submitted,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date:

3/25/09

By:

A handwritten signature in black ink, appearing to read "Dana J. Stotsky", written over a horizontal line.

Dana J. Stotsky,
Senior Enforcement Attorney
U.S. EPA, Region 8
1595 Wynkoop Street (8ENF-L)
Denver, CO 80202-1129
Colorado Atty. Reg. No. 14717
Telephone: (303) 312-6905
Facsimile: (303) 312-6953

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 25, 2009, the original and one copy of the COMPLAINANT'S STATUS REPORT were sent via inter-office mail to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that true copies of the same were sent as follows:

Via pouch mail and facsimile to:

The Honorable Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
1200 Pennsylvania Avenue, N.W.
Denver, CO 80202-1159
Washington, DC 20460
Facsimile: (202) 565-0044

Via regular mail, facsimile and e-mail to:

Steve Fox, Esquire
Larson, Sundall, & Fox, P.C.
P.O. Box 547
Chamberlain, SD 57325
Facsimile: (605) 734-5669
peglundquist@hotmail.com and asfox7@gmail.com

Date:

3/25/09

By:


Dana J. Stotsky, Esq.