

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

09 NOV 23 AM 11:00

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)

Stilwell Oil Company)
Stiwell, Kansas)

Respondent.)

) Docket No. CWA-07-2009-0093

) COMPLAINT AND NOTICE OF
) OPPORTUNITY FOR HEARING

) Proceeding to Assess Class II Civil Penalty
) Under Clean Water Act Section 311 for
) Spill Prevention Control and
) Countermeasure Violations

**RESPONDENT'S MOTION TO EXTEND ALTERNATIVE
DISPUTE RESOLUTION PROCESS**

COMES NOW respondent Stilwell Oil Company by and through its attorney Ernest C. Ballweg of the firm of Johnston, Ballweg & Tuley, L.C., and moves to extend the Alternative Dispute Resolution Process up to and including through December 23, 2009. In support thereof counsel states:

1. Negotiations between the parties are still ongoing.
2. Respondent has only recently had the opportunity to forward additional financial information and a new proposal to the complainant.
3. Counsel for respondent is advised that complainant has no objection to this extension.
4. It is in the best interests of the parties to continue negotiations.

JOHNSTON, BALLWEG & TULEY, L.C.

By: 
Ernest C. Ballweg, # 06898
9200 Indian Creek Parkway, Suite 500
Post Office Box 25866
Overland Park, Kansas 66225
(913) 491-6900
FAX (913) 491-4930
ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion was deposited in the United States mail, postage prepaid, this 20th day of November, 2009, to:

Demetra O. Salisbury
Attorney, Office of Regional Counsel
U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, Kansas 66101


Ernest C. Ballweg