

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:	
Stockton Oil Company,	
Respondent.	

DN AGENCY ATOR Docket No. RCRA-08-2014-0002

ORDER ON JOINT MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGES

The United States Environmental Protection Agency ("Agency"), Region 8 ("Complainant"), initiated this proceeding on February 27, 2014, by filing a Complaint and Notice of Opportunity for Hearing ("Complaint") against Stockton Oil Company ("Respondent"). Appearing *pro se*, Respondent, through its representative Mykel Stockton, responded to the Complaint by letter dated April 3, 2014, and requested a hearing on the charges against it.

By Prehearing Order dated May 15, 2014, the undersigned established deadlines for a number of prehearing procedures, including a settlement conference and a prehearing exchange of information by the parties. On June 13 and June 20, 2014, Complainant filed a Settlement Status Update and a Supplemental Settlement Status Update, respectively. In the Supplemental Settlement Status Update, Complainant notified the undersigned that the parties had scheduled an initial settlement conference for June 25, 2014, and that Complainant intended to file a motion requesting a stay of the schedule for the prehearing exchange of information by the parties due to the pendency of their settlement negotiations. Complainant subsequently filed a Joint Motion for Extension of Time to File Prehearing Exchanges ("Motion") on June 25, 2014, wherein Complainant, with the concurrence of Respondent, requests a two-month extension of the filing deadlines for the prehearing exchange of information by the parties and proposes a new schedule for these filings. As grounds for this request, Complainant relates that "the parties spoke on June 20, 2014, and determined that it is in their mutual best interests to resolve this matter outside of an administrative hearing." Complainant represents that the relief sought would enable the parties "to focus their efforts on settlement and possibly avoid the expenditure of time and financial resources associated with litigation." Finally, Complainant asserts that the Motion adheres to the procedural rules governing this proceeding in that it was timely filed in advance of the June 27, 2014 deadline for the filing of Complainant's Initial Prehearing Exchange and that it neither prejudices Respondent nor unduly delays this proceeding, among other considerations.

This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1–22.45 ("Rules of Practice"). 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, the undersigned finds that good cause has been shown for the requested extension of the filing deadlines established by the Prehearing Order. As noted in the Prehearing Order, Agency policy strongly supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are best served by the parties resolving this matter informally and expeditiously, and the undersigned recognizes that time and resources must be expended to prepare a prehearing exchange. In addition, Respondent agrees with the relief sought and does not otherwise appear to be prejudiced by it.

Thus, for good cause shown and after consideration of any prejudice, the Motion is hereby GRANTED. Upon agreement of the parties, the filing deadlines for their prehearing exchange are extended, as follows:

August 22, 2014	Complainant's Initial Prehearing Exchange
September 12, 2014	Respondent's Prehearing Exchange
September 26, 2014	Complainant's Rebuttal Prehearing Exchange

Should the parties reach a settlement, a fully-executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk, and a copy shall be served on the undersigned, in lieu of Complainant's Initial Prehearing Exchange on or before August 22, 2014.

SO ORDERED.

Christine D. Coyhlm Christine D. Coughlin

Administrative Law Judge

Dated: June 26, 2014 Washington, D.C. In the Matter of Stockton Oil Company, Respondent Docket No. RCRA-08-2014-0002

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Joint Motion For Extension Of Time To File Prehearing Exchanges,** dated June 26, 2014, was sent this day in the following manner to the addressees listed below:

Maria Whiting-Berle fr Mary Angeles

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

Copy By Electronic and Regular Mail To:

Amy Swanson, Esquire Sr. Enforcement Attorney U.S. EPA, Region VIII Mail Code ENF-L 1595 Wynkoop Street Denver, CO 80202-1129 Email: <u>swanson.amy@epa.gov</u>

Copy By Facsimile and Regular Mail To:

Mykel Stockton, President Stockton Oil Company 1607 4th Avenue, North P.O. Box 1756 Billings, MT 59103-1522 Fx: 406-259-9598

Dated: June 26, 2014 Washington, DC