

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 AUG 24 PH 1:51

DOCKET NO.: CWA-08-2010-0020

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
)
Pierce Oil Company, Inc.)
332 West Railroad Avenue)
Price, UT 84501)
)
Respondent.)
_____)

Proceeding under Section
311(b)(6)(B)(i) of the Clean Water Act,
33 U.S.C. §1321 (b)(6)(B)(i)

NOTICE AND ORDER

PLEASE TAKE NOTICE that the above action under Section 311(b)(6)(B)(i) of the Clean Water Act (“CWA”), 33 U.S.C. §1321(b)(6)(B)(i), is docketed and the undersigned designated the Presiding Officer to conduct these proceedings. This action is subject to Subpart I of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation or Suspension of Permits (“Consolidated Rules” or “CROP”), 40 C.F.R. Part 22. On October 4, 2010, the parties were advised of my designation by the Regional Hearing Clerk. (See, enclosed letter). It is unclear if this letter was ever sent to the parties. I apologize for the oversight and for the extreme delay in setting up a settlement status conference in this matter.

Correspondence with, or service upon, the undersigned shall be directed to:

Elyana R. Sutin
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129
Telephone: 303.312.6765
Fax: 303.312.6859

Counsel for Complainant is directed to confer with Respondent's Counsel and confirm a date and time on my calendar to schedule a telephone conference with my legal assistant (the Regional Hearing Clerk), Tina Artemis, **on or before September 9, 2011**. Ms. Artemis can be reached at 303.312.6765.

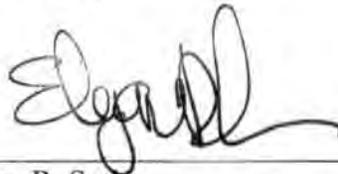
The purpose of the telephone conference is to establish a schedule for proceeding forward in this matter. Unless there are compelling reasons for a face-to-face conference, to minimize the costs in this proceeding, I plan to conduct all such conferences by telephone.

Each party shall advise me, prior to the conference of the telephone number at which they and others on their side participating in the conference call, wish to be contacted. For convenience, Complainant will normally participate on a conference phone located in the offices of the Presiding Officer. This is not considered an ex parte issue, since Respondent will be on the call at the same time. The parties shall have their calendars available for the telephone conference to schedule further proceedings in this matter.

Agency policy encourages settlement. 40 C.F.R. § 22.18(b). The benefits of a negotiated settlement often outweigh the uncertainty, time and expense associated with litigating the matter. The parties are encouraged to have settlement discussions and any efforts needed to reach settlement in this matter. The parties shall take precautions in any settlement negotiations to insulate and shield the Presiding Officer and the Regional Hearing Clerk from any knowledge regarding the details of the settlement including monetary amounts discussed. This can be best accomplished by being certain that the Presiding Officer does not receive a copy of any communications reflecting settlement amounts.

The Regional Hearing Clerk maintains the administrative record for this proceeding under 40 C.F.R. §22.5 of the Consolidated Rules. Please make sure that the originals and one copy of all documents you wish included in the record are properly filed with the Regional Hearing Clerk. A copy of each document also needs to be provided to the opposing party and the Presiding Officer.

SO ORDERED THIS 24th day of August, 2011.

A handwritten signature in black ink, appearing to read 'Elyana R. Suth', written over a horizontal line.

Elyana R. Suth
Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **NOTICE AND ORDER** in the matter of **PIERCE OIL COMPANY, INC., DOCKET NO.: CWA-08-2010-0020** was filed with the Regional Hearing Clerk on August 24, 2011.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Amy Swanson, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on August 24, 2011, to:

Gerald H. Kinghorn
Parsons, Kinghorn and Harris
111 East Broadway, 11th floor
Salt Lake City, UT 84111
Pkhlawyers.com

E-mailed to:

Honorable Elyana R. Sutin
Regional Judicial Officer
U. S. Environmental Protection Agency – Region 8
1595 Wynkoop Street (8RC)
Denver, CO 80202

August 24, 2011


Tina Artemis
Paralegal/Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 WYNKOOP STREET
DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

OCT 4 2010

Ref: 8RC

Honorable Elyana R. Sutin
Regional Judicial Officer
U. S. Environmental Protection Agency – Region 8
1595 Wynkoop Street (8RC)
Denver, CO 80202-1129

Re: **PIERCE OIL COMPANY, INC.**
DOCKET NO.: CWA-08-2010-0020

Dear Judge Sutin:

Pursuant to §22.21(a) of the Consolidated Rules of Practice, 40 CFR Part 22, the above-captioned matter is hereby referred to you for assignment of a Regional Judicial Officer. In accordance therewith, a copy of the entire Docket file is enclosed.

Respondent is represented by:

Gerald H. Kinghorn
Parsons, Kinghorn and Harris
111 East Broadway, 11th Floor
Salt Lake City, UT 84111
Telephone: 801-363-4300
Telefax: 801-363-4378
E-mail: pkhlawyers.com

Complainant is represented by:

Amy Swanson
Senior Enforcement Attorney
U. S. EPA – Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, CO 80202-1129
Telephone: 303-312-6906
Telecopier: 303-312-6953
E-mail: swanson.amy@epa.gov

If you require any additional information, please feel free to contact me at 303-312-6765.

Sincerely,



Tina Artemis
Paralegal/Regional Hearing Clerk

Enclosures:

cc: (w/o enclosures)
Gerald H. Kinghorn
Amy Swanson

