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2012 FEB 14 PM 3:47
REGIONAL HEARING CLERK
EPA REGION VI

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6**

IN THE MATTER OF:

**EXIT OIL AND GAS CO.
Montague County, Texas**

Respondent.

JOINT MOTION TO WITHDRAW

Proceeding to Assess Class I Civil Penalty
Clean Water Act Section 311 for
SPCC Violation

Docket No. CWA-06-2009-4807

JOINT MOTION TO WITHDRAW COMPLAINT

Pursuant to 40 C.F.R. 22.16, Complainant and Respondent file this Joint Motion to Withdraw Complaint and state as follows:

Mrs. Marlys Mulkay, the widow of Mr. T. John Mulkay, owner of Exit Oil and Gas Co., Respondent, raised an ability-to-pay claim during the course of negotiations to resolve the issues raised in the Complaint. Complainant has reviewed the financial information provided by Mrs. Mulkay in support of Respondent's ability-to-pay claim. Given the financial information provided, and Complainant's satisfaction that Respondent has addressed the violations alleged in the Complaint, Complainant and Respondent agree that it is in the best interests of justice to

withdraw the complaint without prejudice. As such, Complainant and Respondent respectfully request that the complaint be withdrawn without prejudice.

Respectfully submitted,

Date: Feb. 14, 2012

Edwin M. Quinones

Edwin M. Quinones
Assistant Regional Counsel
U.S. EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
214-665-8035

Date: 2-8-2011

Marlys Mulkay

Marlys Mulkay for Respondent
Exit Oil and Gas Co.
2609 Sagebrush Dr., Suite 208
Flower Mound, TX 75028

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Joint Motion to Withdraw was mailed on Feb. 14, 2012, by regular First Class U.S. Mail to the following:

Mrs. Marlys Mulkay
Exit Oil & Gas Co.
2609 Sagebrush Drive, Suite 208
Flower Mound, TX 75028

Date: Feb. 14, 2012



Edwin M. Quinones
Assistant Regional Counsel
Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035