

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008-07-10 10:17 AM

Docket No. CWA-08-2007-0025

<u>IN THE MATTER OF:</u>)	
)	
Burke Oil Company, Inc., d/b/a)	
Presho Oil Company)	SETTLEMENT STATUS REPORT
)	
Burke Oil Company, Inc.)	
)	
Respondent.)	
)	

Complainant United States Environmental Protection Agency, Region 8 (EPA), by and through its undersigned attorney, provides the following Settlement Status Report in the above-referenced consolidated matter pursuant to the ORDER POSTPONING HEARING issued by the Honorable Barbara A. Gunning, Administrative Law Judge, dated September 26, 2008.

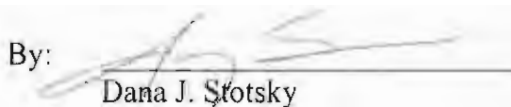
1. The parties to this matter met by telephone on Monday, December 08, 2008. During this conversation, Mr. Fox, attorney for the Respondent, stated that Respondent's environmental consultant, GEOTEK, had concluded field work at Respondent's Presho, South Dakota facility.

2. Mr. Burke, owner of Respondent, stated to Mr. Fox that GEOTEK, at the conclusion of field work, orally indicated that no additional site work was needed and that Respondent appeared to be in compliance with all applicable SPCC regulations.

3. Mr. Fox stated that he expects to receive a report and possibly an updated SPCC Plan from GEOTEK for the Presho facility any day now.

4. Once the GEOTEK report on the Presho facility is forwarded to EPA, EPA will evaluate it and, upon determining that the facility has returned to compliance with the applicable SPCC regulations, will make a counter-offer to Respondent.

FOR COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8

Date: 12/14/2008 By: 
Dana J. Stotsky
Amy Swanson
U.S. EPA Region 8
1595 Wynkoop Street (8ENF-L)
Denver, Colorado 80202-1129

FOR RESPONDENT:
BURKE OIL COMPANY, INC.

Date: _____ By: _____
Alfred Steven Fox, Esq.
Larson, Sundall, Larson, Schaub,
& Fox, P.C.

FOR COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8

Date: _____

By: _____

Dana J. Stotsky
Amy Swanson
U.S. EPA Region 8
1595 Wynkoop Street (8ENF-L)
Denver, Colorado 80202-1129

FOR RESPONDENT:
BURKE OIL COMPANY, INC.

Date: 12-10-08

By: 

Alfred Steven Fox, Esq.
Larson, Sundall, Larson, Schaub,
& Fox, P.C.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 26, 2008, the original and one copy of the STIPULATIONS OF FACTS, EXHIBITS AND TESTIMONY were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was delivered as follows:

Via pouch mail to:

The Honorable Barbara A. Gunning
Office of Administrative Law Judges
Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

And via regular mail to:

Steve Fox, Esq.
Larson, Sundall, Larson, Schaub & Fox, P.C.
P.O. Box 547
Chamberlain, SD 57325

Date: 12/12/08

By: [Signature]