

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2010 MAR 22 PM 3: 52
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:)
)
Bertschinger Oil Co.,) Docket No. CWA-06-2009-4808
)
Respondent.)

ORDER TO FILE STATUS REPORT

This action, initiated by the Complainant, the Associate Director, Response and Prevention Branch, Superfund Division, United States Environmental Protection Agency Region 6 ("EPA"), seeks to assess a Class I administrative penalty under Section 311(b)(6)(B)(i) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(i). Class I penalty actions are governed by procedures set forth in the revised rules for non-Administrative Procedures Act (non-APA) cases. *See* 40 C.F.R. Part 22, Subpart I. I have been assigned to act as Presiding Officer in this case.

Complainant filed the Administrative Complaint and Opportunity to Request a Hearing ("Complaint") in this action on September 8, 2009. A United States mail return receipt, commonly referred to as a "green card," filed with the Regional Hearing Clerk indicates that the Complaint was served on the Respondent, Bertschinger Oil Co., on September 10, 2009, making the apparent due date for Respondent's answer October 13, 2009. The Regional Hearing Clerk's file contains no other filings in this matter.

After giving consideration to the entire record in this matter and to the Presiding Officer's responsibility to avoid delay in these proceedings, it is ordered that the parties shall comply with following measures for the orderly and efficient conduct of these proceedings:

On or before **April 14, 2010**, Complainant shall file a report on the status of this matter, including, at a minimum: (1) a statement concerning whether Complainant intends to file a motion for default and, if applicable, the date Complainant expects to file its motion; 2) if Complainant does not intend to file a motion for default, its position concerning an extension of the due date for Respondent's answer; 3) a summary of recent contacts between the parties (without disclosing the substance of settlement negotiations); 4) an assessment of whether settlement of this matter appears likely; 5) a statement of

whether a settlement in principle has been reached; and 6) if applicable, a projected date for the filing of a Consent Agreement and Final Order.

SO ORDERED, this 22nd day of March 2010.

A handwritten signature in cursive script, reading "Michael C. Barra", written over a horizontal line.

MICHAEL C. BARRA
REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

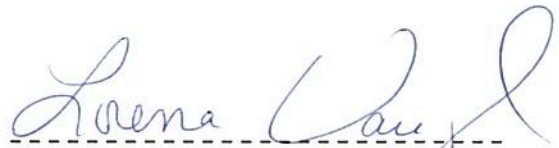
I, Lorena S. Vaughn, the Regional Hearing Clerk, do hereby certify that a true and correct copy of the foregoing Order to File Status Report in Docket No. Class I - CWA 06-2009-4808 was provided to the following persons on the date and in the manner stated below:

Richard O. Bertschinger
Bertschinger Oil Company
6417 Grandmark Drive
Nichols Hills, OK 73116-6534

CERTIFIED MAIL

Ed Quinones
U.S. Environmental Protection Agency
Office of Regional Counsel
1445 Ross Avenue
Dallas, Texas 75202-2733

HAND DELIVERED



Lorena S. Vaughn
Regional Hearing Clerk

3-22-10
Date