

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 SEP 20 PM 2: 38

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:) Docket No. CWA-08-2010-0020
)
Pierce Oil Company, Inc.) **JOINT SETTLEMENT REPORT**
332 West Railroad Avenue)
Price, UT 84501)
)
Respondent.)

The United States Environmental Protection Agency, Region 8 (EPA), and Pierce Oil Company, Inc., by and through their undersigned counsel, hereby provide the Honorable Elyana R. Sutin, Regional Judicial Officer, with the following Joint Settlement Report to update the Judge on the status of the parties' voluntary settlement efforts in the above-referenced matter and request that the telephone conference scheduled with the Judge for September 22, 2011, be indefinitely postponed based on a settlement agreement reached by the parties.

1. EPA filed an Administrative Complaint and Opportunity to Request a Hearing against Pierce Oil Company, Inc., on July 26, 2010, under section 311b(6)(B)(i) of the Clean Water Act for alleged violations of the oil pollution prevention regulations set forth at 40 C.F.R. Part 112 at its bulk distributor facility located Price, Utah. The Complaint proposed a civil administrative penalty.

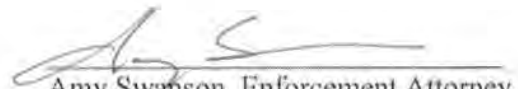
2. Pursuant to the Notice and Order issued by Judge Sutin on August 24, 2011, the parties were directed to participate in a telephone conference to establish a schedule for proceeding forward in this matter. The call is scheduled for Thursday, September 22, 2011, at 1:00 p.m. MDT.

3. The parties reached a settlement in principal on September 15, 2011.


4. The parties will endeavor to file a fully executed Consent Agreement with the Regional Hearing Clerk fully resolving this matter on or before October 20, 2011.

Respectfully submitted this 20th day of September, 2011.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.**


Amy Swanson, Enforcement Attorney
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~~PIERCE OHL COMPANY, INC.~~
Respondent,


Gerald H. Kinghorn, Attorney
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Salt Lake City, UT 84111
Telephone: 801/363-4300

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the JOINT SETTLEMENT REPORT was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent in the following manner to the addresses listed below:

Via hand-delivery to:

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

Via regular mail to:

Ellis L. Pierce, President
Pierce Oil Company
332 W. Railroad Avenue
Pierce, UT 84501

Gerald H. Kinghorn, Attorney
Parsons Kinghorn Harris
111 East Broadway, 11th Floor
Salt Lake City, UT 84111

Date: 9/20/2011

By: 