

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

2008 JUL -7 AM 8:15

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:) Docket Nos. CWA-08-2007-0025 and
) CWA-08-2007-0026
Burke Oil Company Inc.,)
d/b/a Presho Oil Company,)
Presho Oil Facility)
)
and)
)
Burke Oil Company, Inc.,)
Chamberlain Bulk Plant Facility)
)
Respondents.)

**MOTION TO SUBSTITUTE
COUNSEL**

Complainant, United States Environmental Protection Agency, Region 8 (EPA), by its undersigned attorney, files this MOTION TO SUBSTITUTE COUNSEL pursuant to 40 C.F.R. 22.16. Specifically, the undersigned seeks to be replaced by Dana Stotsky as counsel of record for Complainant in the above-titled matter for the reason that the undersigned will be on extended leave from EPA beginning July 7, 2008 through August 18, 2008, and unable to respond effectively and efficiently to any issues that may arise in this proceeding during this period. Upon granting of this Motion, Complainant requests that the substitution of counsel be made effective immediately, and remain in effect until further notice. Mr. Stotsky's mailing address is the United States Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Mail Code 8ENF-L, Denver, Colorado 80202-1129. Mr. Stotsky may be reached by telephone at (303) 312-6905, by facsimile at (303) 312-6953, and by electronic mail at stotsky.dana@epa.gov.

Respectfully submitted this 3rd day of July 2008.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.



Amy Swanson
Enforcement Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the NOTICE OF SUBSTITUTION OF COUNSEL 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 mailed by certified mail to:

Via pouch mail and facsimile to:

The Honorable Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Facsimile: (202) 565-0044

Via regular mail and facsimile to:

Steve Fox, Esquire
Larson, Sundall, Larson, Schaub & Fox, P.C.
P.O. Box 547
Chamberlain, SD 57325
Facsimile: (605) 734-5669

Date: July 7, 2008

By: Judith M. McTernan