

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE ADMINISTRATOR**

<b>In the matter of</b>	)	
	)	
<b>AM West Petroleum, Inc.,</b>	)	<b>Docket No. CWA-08-2005-0019</b>
	)	
<b>Respondent</b>	)	

**ORDER GRANTING COMPLAINANT'S  
MOTION FOR ADDITIONAL DISCOVERY**

Complainant has filed a Motion For Additional Discovery pursuant to 40 C.F.R. 22.16 and 22.19(e). In this motion, Complainant seeks entry onto the Eitel and Wood Facilities to “independently survey the Eitel facility’s site elevation and historic secondary containment and characterize the discharge paths from both facilities in order to respond to and reconcile related evidence identified in Respondent’s Prehearing Exchange.” Mot. at 1. In addition, “Complainant seeks production of all documents relied upon by Respondent and Mr. Schlup in preparing the topographic maps for the Eitel and Wood Facilities including, but not limited to, correspondence, records of communication, raw data, GPS readings, and field notes.” *Id.* Furthermore, Complainant requests “copies of the vitae or resumes of all persons identified as experts in Respondent’s Prehearing Exchange including, but not limited to, Messrs. Schlup and Allen,” as well as copies of the leases relating to the Eitel and Wood Facilities. *Id.* & n.1; *see* Status Regarding Complainant’s Discovery Request (December 5, 2005). Respondent has not filed an opposition to this discovery request.

Inasmuch as complainant’s discovery request satisfies the criteria of 40 C.F.R. 22.19(e)(1), the motion is *granted*. Accordingly, Complainant is to be allowed entry upon the Eitel and Wood Facilities for the purpose of conducting the survey and performing the tasks identified in its discovery motion. 33 U.S.C. § 1321(m)(2)(B). Respondent also is directed to provide complainant with the documentation requested in this motion. Compliance with this order shall take place no later than December 16, 2005, unless another time period is agreed upon.

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Carl C. Charneski  
Administrative Law Judge

Issued: December 7, 2005  
Washington, D.C.