

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

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In the Matter of: ) Docket No. RCRA-08-2014-0002  
)  
Stockton Oil Company, )  
)  
Respondent. )

**JOINT MOTION FOR EXTENSION OF TIME TO FILE  
PREHEARING EXCHANGES**

COMES NOW, Complainant United States Environmental Protection Agency, Region 8 (Complainant), by and through its undersigned counsel and pursuant to 40 C.F.R. § 22.7(b), and respectfully moves jointly on behalf of Complainant and Respondent Stockton Oil Company (Respondent) for an extension of time to file the parties' prehearing exchanges ordered by the Honorable Christine D. Coughlin's, Administrative Law Judge (Judge), in her Prehearing Order (Order) dated May 15, 2014. Respondent's representative Mykel Stockton has been consulted regarding and concurs with this request.

The prehearing exchange schedule set forth in the Order directs the parties to file prehearing exchanges commencing with the Complainant's Initial Prehearing Exchange due June 27, 2014, if the parties are unable to settle the matter and file a consent agreement and final order by June 27, 2014. Although the parties did not engage in settlement discussion or resolve the matter by the deadlines set forth in the Order, the parties spoke on June 20, 2014, and determined that it is in their mutual best interests to resolve this matter outside of an administrative hearing. The first informal settlement discussion is scheduled for June 25, 2014.

**RELIEF SOUGHT**

The parties seek a two-month extension of time for filing the Complainant's initial prehearing exchange to focus their efforts on settlement and possibly avoid the expenditure of time

and financial resources associated with litigation. In the event that the parties reach an amicable resolution, the parties propose filing a fully-executed consent agreement with the Regional Hearing Clerk on or before the end of the two-month extended filing period, specifically August 22, 2014. However, if the parties are unable to settle this matter within this same timeframe, the parties propose filing prehearing exchanges pursuant to the following proposed schedule or such other schedule ordered by the Judge:

August 22, 2014	Complainant's Initial Prehearing Exchange
July 18, 2014	Respondent's Prehearing Exchange
August 1, 2014	Complainant's Rebuttal Prehearing Exchange

#### GROUNDNS FOR MOTION

The EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (the Consolidated Rules) set forth specific requirements including, but not limited to, filing extensions in administrative proceedings such as this action. These requirements have been carefully adhered to in support of this motion.

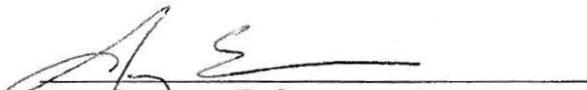
As discussed above, Complainant contacted the Respondent and obtained the Respondent's support for this motion. Consistent with 40 C.F.R. §§ 22.7(b) and 22.16, this request for an extension of time is made in the form of a motion and the relief sought is clearly stated. Relatedly, this motion is timely as it is filed in advance of the June 27<sup>th</sup> deadline imposed by the Order for the Complainant to file its initial prehearing exchange in sufficient time for the Judge to respond as required by 40 C.F.R. § 22.7(b). Because this motion is made jointly on behalf of the parties, the additional timeframe set forth in 40 C.F.R. § 22.7(b) for allowing the Respondent to respond does

not apply. Lastly, this request neither prejudices the Respondent nor unduly delays the administrative proceeding. To the contrary, if granted, the extended timeframe for filing prehearing exchanges will enable the parties to devote the time and attention necessary to resolving this matter without unduly burdening the Judge or the Judge's docket. No date for hearing has been set.

WHEREFORE, the parties jointly request that the prehearing exchange deadline set forth in the Order be extended for a two-month period until August 22, 2014, to allow the parties the opportunity to attempt to settle this matter prior to adjudication. The parties will file a consent agreement in lieu of the Complainant's Initial Prehearing Exchange on or before August 22, 2014, if a settlement is achieved.

Respectfully submitted this 24<sup>th</sup> day of June 2014.

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



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## CERTIFICATE OF SERVICE

The undersigned certifies that on June 24, 2014, the foregoing JOINT MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGES was sent this day in the following manner to the addresses listed below.

Original and one copy to by e-mail to:

Sybil Anderson, Headquarters Hearing Clerk  
Office of Administrative Law Judges (Mail Code 1900R)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
OALJfiling@epa.gov

Copy by regular mail to:

Mykel Stockton, President  
Stockton Oil Company  
1607 4<sup>th</sup> Avenue, North  
P.O. Box 1756  
Billings, MT 59103-1522  
Fax: 406-259-9598

Date: 6/24/2014

By:

