

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 JUL 26 PM 3:14

EPA REGION VIII

IN THE MATTER OF )  
 )  
Flannery Oil Company, Inc. )  
1012 E. Centre St. )  
P.O. Box 1580 )  
Rapid City, SD 57709 )  
and )  
Black Hills Marketers, Inc. )  
1012 E. Centre St. )  
P.O. Box 1580 )  
Rapid City, SD 57709 )  
and )  
Shannon Capital, Inc. )  
1012 E. Centre St. )  
P.O. Box 1580 )  
Rapid City, SD 57709 )  
and )  
M. G. Oil Company, Inc. )  
1012 E. Centre St. )  
P.O. Box 1580 )  
Rapid City, SD 57709 )  
and )  
Kelly Flannery, Individually )  
Kevin Flannery, Individually )  
4931 Ireland Place )  
Rapid City, SD 57702-8333 )  
 )  
 )  
\_\_\_\_\_  
Respondents. )

**REQUEST FOR ADDITIONAL TIME  
FOR RESPONDENTS TO FILE ANSWER**

Proceeding to Assess Class II  
Civil Penalty Under Section 311  
of the Clean Water Act

Docket No.CWA-08-2007-0011

COMES NOW Complainant, the Environmental Protection Agency, Region 8, requesting an extension of time for the above-named Respondents to file their answers to the Complaint filed on June 29, 2007. Respondents make this request to extend the date to file their answers until September 17, 2007, after participating in one negotiation session with Complainant. Complainant has no objection to their requests and further adds that the parties will be diligently pursuing negotiations during this time frame.

Respectfully Submitted this 26<sup>th</sup> day of July, 2007.

Date: July 26, 2007

By: Brenda L. Morris  
Brenda L. Morris, Enforcement Attorney  
U.S. EPA, Region 8

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the Request for Additional Time for Respondents to File Answer was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop St, Denver, Colorado, and that a true copy of the same was sent via first class mail to:

Mr. Kelly Flannery, Registered Agent for:  
Flannery Oil Co., Inc.  
Black Hills Marketers, Inc.  
Shannon Capital, Inc.  
4931 Ireland Place  
Rapid City, SD 57702-8333

and

Mr. Edward Carpenter  
Attorney For M.G. Oil Company  
Costello, Porter, Hill,  
Heisterkamp, Bushnell & Carpenter  
P.O. Box 290  
Rapid City, SD 57709

July 26, 2007  
Date

Judith McTernan  
Judith McTernan