



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY -1 PM 2:57
2008 OCT

BEFORE THE ADMINISTRATOR

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)	
)	
BURKE OIL COMPANY, INC., d/b/a)	DOCKET NO. CWA-08-2007-0025
PRESHO OIL COMPANY,)	
)	
BURKE OIL COMPANY, INC.,)	DOCKET NO. CWA-08-2007-0026
)	
)	
RESPONDENTS)	

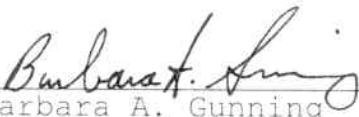
ORDER POSTPONING HEARING

On August 20, 2008, the undersigned entered an Order Scheduling the Hearing in this matter. Pursuant to that Order, the parties were directed to file a joint set of stipulated facts, exhibits, and testimony by September 26, 2008, and the hearing was scheduled for October 21 through 24, 2008, in Chamberlain, South Dakota.

On September 25, 2008, the parties filed a Joint Motion For Continuance, seeking a twelve-week extension of the hearing date. In support of this motion for extension, the parties state that they have reached a settlement on all claims involving Respondent's Chamberlain facility, and that they are hopeful that good faith settlement discussions likely can take place with regard to Respondent's Presho facility within the next thirty to forty-five days.

For good cause shown, the hearing will be postponed. Although a new hearing date is not designated at this time, the Court's expectation is that if both matters are not fully resolved by the execution of Consent Agreements and Final Orders ("CAFOs"), the hearing will be held in late January or February 2009. Written

status reports are due **November 6, 2008**, and **December 11, 2008**. The parties shall file a joint set of stipulated facts, exhibits, and testimony by **December 30, 2008**, if CAFOs are not filed by that date. See Section 22.19(b)(2) of the Rules of Practice, 40 C.F.R. § 22.19(b)(2).



Barbara A. Gunning
Administrative Law Judge

Dated: September 26, 2008
Washington, DC

In *Burke Oil Company, Inc., d/b/a Presho Oil Company*, Docket No. CWA-08-2007-0025;
Burke Oil Company, Inc., Docket No. CWA-08-2007-0026, Respondents.

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Postponing Hearing**, dated September 26, 2008, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Tina Artemis
Regional Hearing Clerk
U.S. EPA / Region VIII
1595 Wynkoop Street
Denver, CO 80202-2466
Fx: 303.312.6859

One Copy by Facsimile and Pouch Mail:

Dana Stotsky, Esq.
U.S. EPA / Region VIII
Enforcement Attorney (MC 8ENF-L)
1595 Wynkoop Street
Denver, CO 80202-1129
Fx: 303.312.6859

One Copy Facsimile and by Regular Mail to:

Albert Steven Fox, Esq.
Larson, Sundall, Larson, Schaub & Fox, PC
P.O. Box 547
Chamberlain, SD 57325
Fx: 605.734.5669

Dated: September 26, 2008
Washington, D.C.