

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

2007 SEP 18 AH 8:23

DOCKET NO.: CWA-08-2007-0011

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FLANNERY OIL COMPANY, INC.	Ś	
BLACK HILLS MARKETERS, INC.	ý	
SHANNON CAPITAL, INC.)	ORDER GRANTING MOTION
M. G. OIL COMPANY, INC.)	FOR SECOND EXTENSION OF
1012 E. Centre Street)	TIME FOR RESPONDENTS TO
Rapid City, SD 57709)	FILE AN ANSWER
AND)	
KELLY FLANNERY, INDIVIDUALLY)	
KEVIN FLANNERY, INDIVIDUALLY)	
4931 Ireland Place)	
Rapid City, SD 57702-8333)	
)	
Respondents)	

By MOTION dated, September 13, 2007, Respondents, through the attorney for M. G. Oil Company, Inc., Edward C. Carpenter, has requested a **SECOND EXTENSION OF TIME**, on behalf of all Respondents to and including October 31, 2007 with no objection from the Complainant to respond to the **Administrative Complaint and Notice of Opportunity for Hearing**, filed on June 29, 2007. The parties have expressed that settlement negotiations are on going and the parties have and will continue to pursue negotiations during this extension.

Accordingly, for the reason stated above the Motion for Extension of Time is hereby granted pursuant to Section 22.16 of the Consolidated Rules of Practice.

SO ORDERED THIS 18th DAY OF September 2007.

Elyana R. Sutin

Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached ORDER GRANTING THE SECOND EXTENSION OF TIME in the matter of FLANNERY OIL CO., INC., BLACK HILLS MARKETERS, INC., SHANNON CAPITAL, INC., M. G. OIL CO., INC., KELLY FLANNERY, INDIVIDUALLY, AND KEVIN FLANNERY, INDIVIDUALLY; DOCKET NO.: CWA-08-2007-0011 was filed with the Regional Hearing Clerk on September 18, 2007.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Brenda Morris, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on September 18, 2007, to:

Attorney for M. G. Oil Company, Inc.

Edward C. Carpenter Costello, Porter, Hill, Heisterkamp, Bushnell And Carpenter, LLP P. O. Box 290 Rapid City, SD 57709

Attorney for Flannery Oil Co.; Black Hills Marketers, Inc.; Shannon Capital, Inc.; Kelly Flannery and Kevin Flannery, Individually:

Frank Bettmann 1506 Mountain View Road. #101 Rapid City, SD 57702

September 18, 2007

Tina Artemis

Paralegal/Regional Hearing Clerk

Visa alemis