

# BOGUE & BOGUE, LLP

LAW OFFICES

Cheryl Laurenz-Bogue  
Eric H. Bogue

Respond to Faith Office

2011 NOV -7 PM 3:38

FILED  
EPA REGION VIII  
HEARING CLERK

November 3, 2011

Tina Artemis  
Regional Hearing Clerk (8RC)  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Re: In Re City of Dupree, NPDES Permit No. SDG589116  
Docket No. CWA-08-2011-0040  
Respondent's Motion for Extension of Time to File Answer  
Notice of Appearance

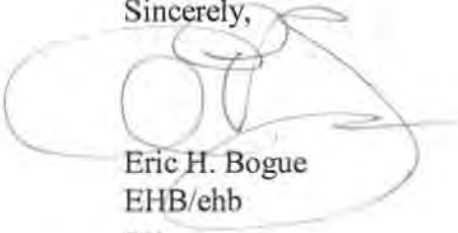
Dear Ms. Artemis:

Enclosed please find for filing in your office the original Respondent's Motion for Extension of Time to File Answer with a proposed Order, a Notice of Appearance, and a Certificate of Service on the above referenced matter. These same documents have also been sent via electronic mail to your office at [artemis.tina@epa.gov](mailto:artemis.tina@epa.gov).

I have also enclosed a conforming copy of each document for your convenience to return to my office in the enclosed SASE. I have served a copy of these documents and this letter upon Amy Swanson, Enforcement Attorney for the EPA by both regular mail and via electronic mail at [swanson.amy@epamail.epa.gov](mailto:swanson.amy@epamail.epa.gov).

Thank you in advance for your time and consideration on this matter. If you have any questions or concerns, please don't hesitate to contact me at your earliest convenience.

Sincerely,



Eric H. Bogue  
EHB/ehb

en:

cc: Client

DUPREE

Ziebach County Courthouse  
200 Main St.  
P.O. Box 400  
Dupree, SD 57623-0400

605.365.5171 (tele)  
605.365.5717 (fax)

FAITH

Butler Insurance Building, Suite 2  
104 West 1st St.  
P.O. Box 250  
Faith, SD 57626-0250

605.967.2529 (tele)  
605.967.2527 (fax)

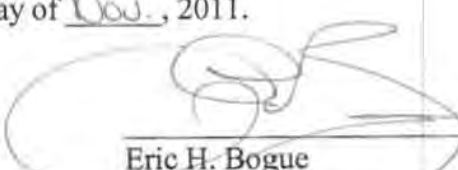
UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY 2011 NOV -7 PM 3: 38  
REGION 8

In the Matter of: )  
)  
The City of Dupree, South Dakota )  
Dupree, South Dakota )  
NPDES Permit No. SDG589116 )  
)  
Respondent )

Docket No. CWA-08-2011-0040  
**MOTION FOR EXTENSION OF TIME  
FOR RESPONDENT TO FILE  
ANSWER**

Comes now Eric H. Bogue, Attorney for Respondent City of Dupree, and pursuant to 40 CFR Part 22, §22.7 hereby makes and files this Motion for Extension of Time for Respondent to file its Answer in the above entitled matter. Respondent accepted by United States Postal Service Certified Mail and service was completed on the 4th day of October, 2011. Pursuant to 40 CFR Part 22, §22.15, Respondent's time to file an Answer expires on November 3, 2011. The undersigned has contacted Amy Swanson, Senior Attorney, Legal Enforcement Program, for the U.S. Environmental Protection Agency, Region 8, regarding such an extension and Ms. Swanson has expressed that she has no objection to Respondents request for an Extension. Respondent and EPA are in discussions regarding a mutually satisfactory settlement of the underlying issues herein and such discussions may have a direct relation upon the nature and extent of Respondent's Answer herein. Therefore, without objection from the EPA and for good cause shown, Respondent respectfully requests that the deadline for Respondent to file its Answer in the above entitled matter be extended until Friday, November 18, 2011.

Respectfully submitted this 7<sup>th</sup> day of Nov., 2011.

  
Eric H. Bogue  
Attorney for Respondent  
P.O. Box 250  
Faith, SD 57626  
(605) 967-2529

ORDER

The Court having considered this Motion for Extension of Time for Respondent to File Answer, it is hereby Granted.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20.

BY THE COURT:

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_, Clerk