

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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IN THE MATTER OF:)	Docket Nos. CWA-08-2007-0026
)	CWA-08-2007-0025
Burke Oil Company Inc.)	
1200 East King Street)	MOTION TO CONSOLIDATE
Chamberlain, SD 57325-2103)	
Chamberlain Bulk Plant Facility)	
)	
AND)	
)	
Burke Oil Company Inc.)	
d/b/a Presho Oil Company)	
1200 East King Street)	
Chamberlain, SD 57325-2103)	
Presho Oil Facility)	
)	
Respondents.)	

Complainant, United States Environmental Protection Agency, Region 8 (EPA), by its undersigned attorney and upon consultation with and concurrence by Respondents' Attorney Steve Fox, files this MOTION TO CONSOLIDATE pursuant to 40 C.F.R. § 22.12(a). Complainant states that because the facilities subject to the administrative actions referenced above are owned and operated by the same company, consolidating the cases into one administrative action would expedite and simplify consideration of the issues and not adversely affect the rights of parties otherwise engaged in separate proceedings.

Respectfully submitted,

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

Date: 1/10/08



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the MOTION TO CONSOLIDATE and MEMORANDUM IN SUPPORT were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that true copies of the same were sent as follows:

Via hand delivery to:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1159

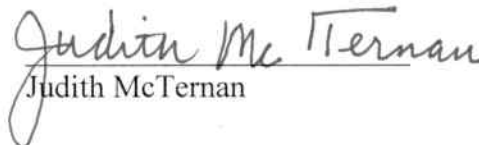
Via pouch mail and facsimile to:

The Honorable Spencer T. Nissen
Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Facsimile: (202) 565-0044

Via regular mail and facsimile to:

Steve Fox, Esquire
Larson, Sundall, Larson, Schaub & Fox, P.C.
P.O. Box 547
Chamberlain, SD 57325
Facsimile: (605) 734-5669

1/10/2008
Date


Judith McTernan