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2007 SEP 17 PM 2:59  
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September 13, 2007

Tina Artemis  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 8  
1598 Wynkoop Street  
Denver, CO 80202-8RC

Re: Flannery Oil Company, Inc. et al  
Docket no. CWA-08-2007-0011

Dear Tina:

Enclosed for filing please find original and one copy of Request for Additional Time for Respondents to File Answer. Thank you.

Sincerely,



Edward C. Carpenter

ECC:jb

Enclosure

cc: Dave Kulish (via e-mail)

Frank Bettmann (1<sup>st</sup> class mail and e-mail)

Brenda Morris (1<sup>st</sup> class mail and e-mail)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 SEP 17 PM 2:59

IN THE MATTER OF )  
)  
Flannery Oil Company, Inc. ) **REQUEST FOR ADDITIONAL TIME**  
1012 E. Centre St. ) **FOR RESPONDENTS TO FILE ANSWER**  
P.O. Box 1580 )  
Rapid City, SD 57709 )  
and )  
Black Hills Marketers, Inc. ) Proceeding to Assess Class II  
1012 E. Centre St. ) Civil Penalty Under Section 311  
P.O. Box 1580 ) of the Clean Water Act  
Rapid City, SD 57709 )  
and )  
Shannon Capital, Inc. )  
1012 E. Centre St. ) Docket No. CWA-08-2007-0011  
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. )

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COMES NOW Respondent, M.G. Oil Company, Inc., requesting an extension of time for all of 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 October 31, 2007 after extensive negotiating sessions among the parties, including the exchange of written position papers, which settlement negotiations the parties will be diligently pursuing towards completion. The matter is complicated to some extent by overlapping regulatory jurisdiction on the part of the State of South Dakota DENR and the City of Rapid City of Pennington County, South Dakota. I am authorized to state that Brenda L. Morris, Enforcement Attorney handling this case has no objection to the request and that Mr. Frank Bettmann, attorney for the balance of the Respondents, joins in this request.

Respectfully submitted this 13<sup>th</sup> day of September, 2007.

Date: September 13, 2007.



Edward C. Carpenter  
Attorney for M.G. Oil Company, Inc.

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 13<sup>th</sup> day of September, 2007, he served a copy of Request for Additional Time for Respondents to File Answer upon the persons herein next designated, by U.S. First Class Mail, postage prepaid:

Brenda L. Morris  
Sr. Enforcement Attorney  
U.S. EPA  
Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Frank Bettmann  
Attorney for Flannery Oil Company, Inc.,  
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