

2010 AUG 27 AM 8:48

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED
REGION VIII
HEARING CLERK

| | | |
|--------------------------|---|--|
| IN THE MATTER OF: |) | |
| |) | |
| |) | NOTICE OF MOTION FOR |
| |) | EXTENSION OF TIME |
| Pierce Oil Company, Inc. |) | |
| 332 West Railroad Avenue |) | Proceeding to Assess Class I Civil Penalty |
| Price, UT 84501, |) | Under Clean Water Act Section 311 for |
| |) | SPCC Violations |
| |) | |
| Respondent. |) | Docket No.: CWA-08-2010-0020 |

PLEASE TAKE NOTICE that the Respondent has filed a Motion for an Extension of Time within Which to File an Answer or otherwise plead. A copy of the Motion is attached to the Notice herein.

DATED this 24th day of August 2010.



Gerald H. Kinghorn

2010 AUG 27 AM 8:49

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

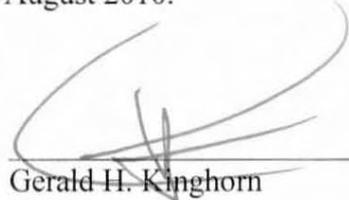
FILED
REGION VIII
HEARING CLERK

| | | |
|--------------------------|---|--|
| IN THE MATTER OF: |) | MOTION FOR ORDER FOR |
| |) | EXTENSION OF TIME WITHIN |
| |) | WHICH TO FILE ANSWER |
| Pierce Oil Company, Inc. |) | |
| 332 West Railroad Avenue |) | Proceeding to Assess Class I Civil Penalty |
| Price, UT 84501, |) | Under Clean Water Act Section 311 for |
| |) | SPCC Violations |
| |) | |
| Respondent. |) | Docket No.: CWA-08-2010-0020 |

Respondent moves the Court for an extension of time within which to file Respondent's answer to the Administrative Complaint on file herein. Respondent's Motion for Extension of Time is filed on the grounds and for the reasons that Respondent has retained legal counsel to assist Respondent in the proceeding and an engineering consultant to provide technical assistance with respect to the Respondent's representation and cannot complete the required work before the required filing date. The engineering consultant for the Respondent has not had adequate time to retrieve records from the archives of the engineering consultant to assist counsel in determining an appropriate response to the claims of the Administrative Complaint relating to allegations relevant to the facts or the assessment of the proposed penalty. Counsel respectfully requests an enlargement of time to September 28, 2010 to complete a review and evaluation of the matter and file a responsive pleading.

Counsel represents that he has conferred with counsel for U.S.E.P.A. Region Eight, Amy Swanson and Complainant's Counsel does not object to the Respondent's Motion.

DATED this 24 day of August 2010.



Gerald H. Kinghorn

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

| | | |
|--------------------------|---|--|
| IN THE MATTER OF: |) | ORDER |
| |) | |
| Pierce Oil Company, Inc. |) | |
| 332 West Railroad Avenue |) | Proceeding to Assess Class I Civil Penalty |
| Price, UT 84501, |) | Under Clean Water Act Section 311 for |
| |) | SPCC Violations |
| |) | |
| Respondent. |) | Docket No.: CWA-08-2010-0020 |

Respondent's Motion for an Order extending the time to file an Answer having been filed, and Counsel for Complainant having no objection to the Motion, it is hereby ordered that the Respondent's Motion is hereby granted and the time to answer or otherwise plead is extended to September 28, 2010.

Dated this _____ day of _____, 2010.

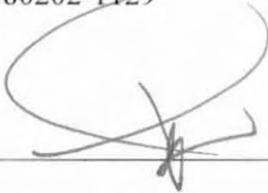
Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. Environmental Protection Agency
- Region 8

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ORDER was mailed
via Express Mail overnight to:

Amy Swanson, Enforcement Attorney (8ENF-L)
U.S. EPA Region 8, Legal Enforcement Program
1595 Wynkoop Street
Denver, CO 80202-1129

Amy 24, 2010
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 AUG 27 AM 8:49

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:) **CERTIFICATE OF SERVICE**
)
Pierce Oil Company, Inc.)
332 West Railroad Avenue)
Price, UT 84501,)
)
)
Respondent.) Docket No.: **CWA-08-2010-0020**

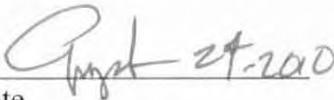
The undersigned hereby certifies that an original and one copy of the MOTION FOR ORDER FOR EXTENSION OF TIME WITHIN WHICH TO FILE ANSWER, the NOTICE OF MOTION FOR EXTENSION OF TIME, the APPEARANCE OF COUNSEL, and the ORDER were mailed via Express Mail overnight to:

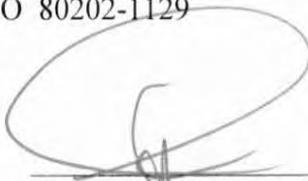
Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

With copies of each to:

Amy Swanson, Enforcement Attorney (8ENF-L)
U.S. EPA Region 8, Legal Enforcement Program
1595 Wynkoop Street
Denver, CO 80202-1129

Date

 27-2010


Gerald H. Kinghorn