

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

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In the Matter of: )  
 )  
B & K Petroleum Corporation )  
d/b/a Infinite Oil ) Docket No. RCRA-07-2010-0020  
3824 Hamilton Street )  
Omaha, Nebraska 68131 )  
 )  
Respondent )

ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

ORDER TO SUPPLEMENT RECORD

Background

Pursuant to Rule 22.17(a) of the Consolidated Rules of Practice, 40 C.F.R. § 22.17(a), Complainant filed a motion for default order in this proceeding on May 27, 2011, including a request for the assessment of a civil penalty in the amount of \$141,360. The motion is accompanied by a memorandum in support of motion for default order, which includes several exhibits. Rule 22.16(a)(4) states that any motion must be accompanied by, among others, any evidence relied upon.

Exhibit 4 to the memorandum in support is entitled Declaration of Wilfredo Rosado-Chaparro. Paragraph 48 of Exhibit 4 states as follows: "The penalty calculation worksheet for the alleged violations in this matter prepared by myself, with oversight from UST Program manager Margaret Stockdale, was delivered to the Respondent with the Complaint and is attached hereto." However, the referenced penalty calculation worksheet was not attached to the complaint or to the exhibit or any other document filed with the Regional Hearing Clerk.

Order

Based on the foregoing, it is therefore ORDERED, that Complainant shall, **no later than July 29, 2010**, file the penalty calculation worksheet referenced in the above-referenced Exhibit 4, and serve the document on Respondent.

SO ORDERED, this 15<sup>th</sup> day of July, 2011.

A handwritten signature in blue ink, appearing to read "Robert L. Patrick", is written over a horizontal line.

ROBERT L. PATRICK  
Regional Judicial Officer, Region 7

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

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ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
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Respondent )

Docket No. RCRA-07-2010-0020

AMENDED ORDER TO SUPPLEMENT RECORD

The Order to Supplement Record signed July 15, 2011 is amended as follows:

Complainant shall file its supplemental information as specified in the Order on or before July 29, 2011.

SO ORDERED, this 20<sup>th</sup> day of July, 2011.



ROBERT L. PATRICK  
Regional Judicial Officer, Region 7

IN THE MATTER OF B & K Petroleum Corp. d/b/a Infinite Oil, Respondent  
Docket No. RCRA-07-2010-0020

CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing Order to Supplement Record and Amend Order to Supplement Record were sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Raymond Bosch  
Senior Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by UPS overnight mail signature required to:

Mohammed Ali  
B & K Petroleum Corporation  
215 N. Prospect Avenue  
Streamwood, Illinois 60107

Dated: 7/21/11

  
Kathy Robinson  
Hearing Clerk, Region 7