

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

In the Matter of: )  
)  
)  
B & A Petroleum Corporation )  
d/b/a Infinite Oil )  
1349 Park Avenue )  
Omaha, Nebraska 68105 )

Docket No. RCRA-07-2010-0019

Respondent

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 \$118,365.45. The May 27 filing contained an incorrect docket number, which was corrected in a filing dated June 13, 2011, entitled Motion for Default Order As to Liability and Penalty. The May 27 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. Rule 22.5(c)(2) states that the first page of each document filed must contain, among others, the docket number assigned in the proceeding.

Exhibit 4 to the memorandum in support is entitled Declaration of Wilfredo Rosado-Chaparro. Paragraph 47 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:**

(1) file the penalty calculation worksheet referenced in the above-referenced Exhibit 4, and serve the document on Respondent;

(2) clarify whether the June 13, 2011 motion is intended as an amendment to or a replacement of the May 27 motion; and

(3) provide any available information on delivery to Respondent of the June 13 motion.

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



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ROBERT L. PATRICK  
Regional Judicial Officer, Region 7

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11 JUL 21 AM 11:07  
ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

In the Matter of: )  
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B & A Petroleum Corporation )  
d/b/a Infinite Oil ) Docket No. RCRA-07-2010-0019  
1349 Park Avenue )  
Omaha, Nebraska 68105 )

Respondent

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 & A Petroleum Corp. d/b/a Infinite Oil, Respondent  
Docket No. RCRA-07-2010-0019

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:

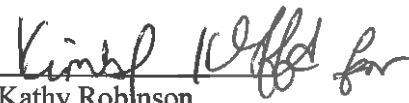
Copy hand delivered to  
Attorney for Complainant:

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 & A Petroleum Corporation  
215 N. Prospect Avenue  
Streamwood, Illinois 60107

Dated: 7/21/14

  
Kathy Robinson  
Hearing Clerk, Region 7