

3/24/2022

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>**

**DOCKET NO.: CWA-08-2022-0002**

**IN THE MATTER OF:** )  
 )  
**MONTANA OIL SUPPLY, INC** ) **FINAL ORDER**  
 )  
 )  
 )  
 )  
**RESPONDENT** )

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA’s Consolidated Rules of Practice, the Expedited Penalty Action and Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Expedited Penalty Action and Consent Agreement, effective immediately upon filing this Expedited Penalty Action and Consent Agreement and Final Order.

**SO ORDERED THIS** 24th **DAY OF** March, **2022.**

**KATHERIN HALL** Digitally signed by KATHERIN HALL  
Date: 2022.03.24 14:52:24 -06'00'  
\_\_\_\_\_  
Katherin E. Hall  
Regional Judicial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
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3/17/2022

4:53 PM

Received by  
EPA Region VIII  
Hearing Clerk

In the Matter of:

EXPEDITED PENALTY ACTION AND  
CONSENT AGREEMENT

Montana Oil Supply, Inc.,  
Respondent

Docket No.: CWA-08-2022-0002

On March 3, 2021, the U.S. Environmental Protection Agency (EPA) asked Montana Oil Supply, Inc. (Respondent) for information regarding a facility located at or near 205 Buckskin Road in Belgrade, Montana. This facility is owned and/or operated by Respondent. The request concerned the facility's compliance with the Spill Prevention Control and Countermeasure regulations promulgated at 40 C.F.R. Part 112, Subparts A-C, under Section 311(j) of the Clean Water Act (Act), 33 U.S.C. §1321(j). As a result of the response to the request for information, the EPA has found that Respondent, a "person" as defined in section 311(a)(7) of the Act, 33 U.S.C. § 1321(a)(7), violated the regulations as described in the attached cover letter.

Respondent and the undersigned EPA Complainant enter into this Expedited Penalty Action and Consent Agreement (Consent Agreement) to settle Respondent's federal civil penalty liability for each violation set forth in the cover letter for a penalty payment of \$638.00. This Consent Agreement and any final order by an EPA Regional Judicial Officer ratifying this Consent Agreement (Final Order) will commence and conclude this action pursuant to Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the violations set forth in the cover letter have been corrected.

Respondent consents to the assessment of a penalty in the amount specified above. Respondent agrees that it shall, within 30 calendar days of the date of issuance of the Final Order, make payment in this amount by any of the methods provided on the website <https://www.epa.gov/financial/makepayment>, a printout of which is attached and entitled "Payment Instructions." The payment shall also indicate it is payable to "Oil Spill Liability Trust Fund-311" and be identified with the docket number that appears on the Final Order. Within 24 hours of payment, the Respondent shall also send proof of payment to each of the following at the respective email addresses indicated below:

Darla Hohman, Environmental Scientist  
Enforcement and Compliance Assurance Division  
Region 8, U.S. Environmental Protection Agency  
Hohman.darla@epa.gov

and

Melissa Haniewicz, Regional Hearing Clerk  
Region 8, U.S. Environmental Protection Agency  
Haniewicz.melissa@epa.gov

The term "proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements.

Consistent with Section 162(f) of the Internal Revenue Code, 26 U.S.C. §162(f), Respondent will not deduct penalties paid under this Consent Agreement for federal tax purposes.

This Consent Agreement and the accompanying Final Order resolve only the federal civil penalty claims for the specific violations alleged in the cover letter. In addition, this settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c).

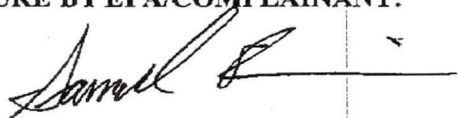
Further, the EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations, to enforce the provisions of this Consent Agreement and the Final Order following its filing with the Regional Hearing Clerk. The Final Order does not constitute a waiver, suspension, or modification of the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the EPA or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

Respondent neither admits nor denies the allegations set forth in the cover letter, but Respondent admits that the EPA has jurisdiction over this matter under Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), and 40 C.F.R. Part 22. For the purposes of this proceeding, Respondent waives any right to contest the allegations in the cover letter and its right to appeal the proposed Final Order that would ratify this Consent Agreement. Moreover, Respondent agrees to bear its own costs and attorney's fees related to this Consent Agreement. Complainant and Respondent consent to service of this Consent Agreement and the Final Order by e-mail at the following valid e-mail addresses: livingston.peggy@epa.gov for Complainant and the email address provided below for Respondent.

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Consent Agreement and to legally bind Respondent to it.

**SIGNATURE BY EPA/COMPLAINANT:**

Signature



Date

3/15/22

Name and Title (print): Samuel Bunnin President  
Mailing Address: 205 Buckskin Rd  
Email Address: sbunnin@montanaoilsupply.com  
Telephone: 406-924-6680

**SIGNATURE BY EPA/COMPLAINANT:**

Signature

Date

**JANICE PEARSON** Digitally signed by JANICE PEARSON  
Date: 2022.03.17 15:29:48 -06'00'

Janice Pearson, Chief  
RCRA and OPA Enforcement Branch  
Region 8, U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202  
pearson.janice@epa.gov  
(303) 312-6354

**FINAL ORDER**

Pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b) and (c), the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

Respondent is hereby ORDERED to comply with all terms of this Consent Agreement, effective upon the date of signature of this Final Order.

\_\_\_\_\_  
Regional Judicial Officer

\_\_\_\_\_  
Date

## CERTIFICATE OF SERVICE

The undersigned certifies that the attached **EXPEDITED PENALTY ACTION AND CONSENT AGREEMENT** and the **FINAL ORDER** in the matter of **MONTANA OIL SUPPLY; DOCKET NO.: CWA-08-2022-0002** was filed with the Regional Hearing Clerk on March 28, 2022.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Peggy Livingston, Enforcement Attorney, and sent via certified receipt email on March 28, 2022, to:

Respondent

Samuel Bennin  
sbennin@montanaoilsupply.com

EPA Financial Center

Jessica Chalifoux  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
Chalifoux.Jessica@epa.gov

March 28, 2022

**KATHERINE** Digitally signed by  
**TRIBBETT** KATHERINE TRIBBETT  
Date: 2022.03.28  
14:15:08 -06'00'

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Kate Tribbett  
Acting Regional Hearing Clerk