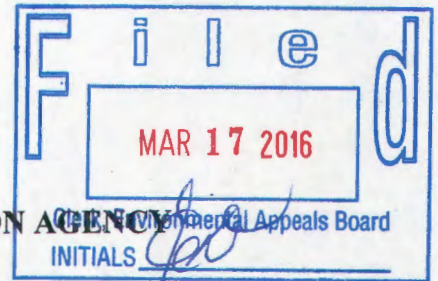


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____))
In re:))
Stockton Oil Company) RCRA (9006) Appeal No. 16-01
Docket No. RCRA-08-2014-0002))
_____)

ORDER ELECTING TO EXERCISE SUA SPONTE REVIEW

On February 3, 2016, Administrative Law Judge Christine Donelian Coughlin (“ALJ”) issued a Default Initial Decision and Order (“Default Order”) in the above-captioned matter. The Default Order assesses a penalty of \$14,613 against Stockton Oil Company (“Respondent”), for alleged violations of section 9003(c) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6991b(c), and the regulations governing underground storage tanks (“USTs”) at 40 C.F.R. § 280.41(c) based on Respondent’s alleged failure to monitor one of three USTs for releases every 30 days between May 2012 and April 2013.

Upon examination of the Default Order, the Environmental Appeals Board (“Board”) has decided to exercise *sua sponte* review, pursuant to 40 C.F.R. §§ 22.27(c)(4), .30(b).¹

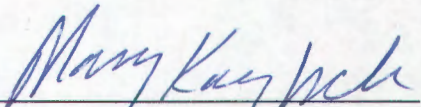
¹ Under the regulations governing the administrative assessment of civil penalties, 40 C.F.R. pt. 22, the Board has 45 days after service of an initial decision to elect to exercise *sua sponte* review. 40 C.F.R. § 22.27(c). Since the Default Order was served on February 3, 2016, the Board has until March 19, 2016, to so decide.

Accordingly, this order constitutes notice, required under 40 C.F.R. § 22.30(b), of the Board's intent to review the Default Order.²

So ordered.³

Date:

March 17, 2016



Mary Kay Lynch
Judge, Environmental Appeals Board

² The Board does not require a briefing from the parties at this time. If the Board decides further briefing is appropriate, it will issue a subsequent order.

³ The three-member panel deciding this matter is comprised of Environmental Appeals Judges Mary Kay Lynch, Kathie A. Stein, and Mary Beth Ward. See 40 C.F.R. § 1.25(e)(1).

CERTIFICATE OF SERVICE

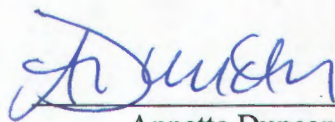
I hereby certify that copies of the foregoing *Order Electing to Exercise Sua Sponte Review* in the matter of Stockton Oil Company, RCRA (9006) Appeal No. 16-01, were sent to the following persons in the manner indicated:

First Class Mail and Facsimile: Mykel Stockton, President
Stockton Oil Company
1607 4th Avenue, North
P.O. Box 1756
Billings, MT 59103-1522
Fax. (406) 259-9598

By Interoffice Mail: Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA/Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460

By Pouch Mail: Amy Swanson, Esq.
Sr. Enforcement Attorney
U.S. EPA Region 8
Mail Code ENF-L
Denver, Co 80202-1129

Dated: MAR 17 2016



Annette Duncan
Secretary