

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

| | | |
|------------------------------|---|------------------------------|
| IN THE MATTER OF: |) | Docket No. RCRA-08-2014-0002 |
| |) | |
| Stockton Oil Company, |) | CONSENT AGREEMENT |
| |) | |
| Battlefield Express C-Store, |) | |
| |) | |
| Respondent. |) | |

Complainant, U.S. Environmental Protection Agency, Region 8 (EPA), and Respondent Stockton Oil Company (Stockton Oil), by their undersigned representatives, hereby consent and agree as follows:

FACTUAL AND PROCEDURAL BACKGROUND

1. On February 27, 2014, Complainant issued Respondent an Administrative Complaint and Notices of Opportunity for Hearing (Complaints) in the above-captioned matter alleging violations of Section 9006 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6991e, and the Underground Storage Tank regulations set forth at 40 C.F.R. Part 280, at Respondent's Battlefield Express C-Store (Store). The Complaint proposed a civil penalty for the violations alleged.

2. The Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.

3. The Respondent waives the right to contest the allegations in the Complaint and to appeal any final order than an EPA regional judicial officer may issue to approve this Consent Agreement.

4. This Consent Agreement, upon incorporation into a final order, is binding upon EPA, the Respondent and Respondent's successors and assigns. Any change in the Respondent's corporate status shall not alter the Respondent's responsibilities under this Consent Agreement.

5. Respondent sold the Store to a third party on October 20, 2015. This sale does not affect Respondent's obligations set forth in this Consent Agreement.

6. The parties agree that the Respondent satisfactorily has addressed the UST violations alleged in the Complaint.

7. This Consent Agreement contains all terms of the settlement agreed to by the parties.

8. The Respondent agrees to pay a civil penalty in the amount of ten thousand dollars (\$10,000), in the manner described below:

- a. Payment shall be in a single payment of \$10,000, due no later than 30 calendar days from the date of the final order. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date processed by the U.S. Bank, as described below. Payment must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.
- b. Payment shall be made by remitting a check or making a wire transfer or on-line payment. The check or other payment shall designate the name and docket number of this case, be in the amount stated in "a" above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

If remitted by regular U.S. mail:

U.S. Environmental Protection Agency / Fines and Penalties
Cincinnati Finance Center

P.O. Box 979077
St. Louis, Missouri 63197-9000

If remitted by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

If remitted through the Automated Clearinghouse (ACH) for receiving U.S. currency:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

Physical location of US Treasury Facility:
5700 Rivertech Court
Riverdale, Maryland 20737

US Treasury Contact Information:
John Schmid: 202-874-7026
Remittance Express (REX): 1-866-234-5681

If remitted on-line with a debit card or credit card. No user name, password, or account number is necessary for this option. On-line payment can be accessed via www.pay.gov, entering 1.1 in the form

search box on the left side of the screen, opening the form, and following the directions on the screen.

- c. At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

Ms. Francisca Chambus, Enforcement Officer
U.S. EPA Region 8 (8P-R)
1595 Wynkoop Street
Denver, Colorado 80202-1129
Chambus.francisca@epa.gov

and

Ms. Melissa Haniewicz, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129
Haniewicz.mellisa@epa.gov

- d. If the payment is not received by the specified due date, interest accrues from the date of the final order at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717 and will continue to accrue until the payment is received in full (e.g., on the 1st late day, 30 days of interest will have accrued).
- e. A handling charge of fifteen dollars (\$15.00) shall be assessed the 31st day from the date of the final order, and each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the final order is signed). Payments are first applied to outstanding handling charges, second to penalty assessments, third to accrued interest, and then to the outstanding principal amount.
- f. The Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

9. Nothing in this Consent Agreement shall relieve the Respondent of the duty to comply with RCRA subtitle I and the UST regulations.

10. Any failure by the Respondent to comply with this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the U.S. Department of Justice for enforcement of the Consent Agreement and for such other relief as may be appropriate.

11. Nothing in the Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of any failure by the Respondent to comply with this Consent Agreement.

12. The undersigned representative of the Respondent certifies that he is fully authorized to enter into and bind the Respondent to this Consent Agreement.


13. Pursuant to the Order Directing Parties to File Consent Agreement with Clerk of the Board issued by the Honorable Mary Kay Lynch, Environmental Appeals Judge, on behalf of the Environmental Appeals Board on June 1, 2016, the parties agree to file the executed Consent Agreement with the Clerk of the Board within 5 days of its execution with a request that it be incorporated into a Final Order.

14. Each party shall bear its own costs and attorney fees in connection with this matter.


15. This Consent Agreement upon incorporation into a final order and full satisfaction by the parties, shall be a complete and full resolution of the Respondent's liability for federal civil penalties for the violations and facts alleged in the Complaint.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.**

Date: 6/3/16

By: 
James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Date: 6/8/2016

By: 
Aaron G. Urdiales, Acting Director
RCRA-CERCLA Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

**STOCKTON OIL COMPANY,
Respondent.**

Date: 6/3/2016

By: 
chairman