

3/6/2023

1:59pm

RCRA-08-2023-0004

FEB 24 2023



Received by
EPA Region VIII
Hearing Clerk

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 8
1595 WYNKOOP STREET
DENVER, CO 80202-1129

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO.

PART I: INSPECTION SUMMARY

On: August 30, 2022 Time: 8:00 AM MDT
(Date of Inspection) (a.m. or p.m.)

At: Cornerstone Convenience EPA ID #2030121
(Facility Name and Identification Number)

Address: 1893 Highway 28
Hot Springs, Montana 59845

Name of On-site Representative if not the Owner or Operator:
Paul Johnson

Name and address of the UST Owner or Operator (circle which applies)

Name: One Stop 3, Inc.
Address: P.O. Box 368
Valier, Montana 59486

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.):

1. Violation: Failure to provide spill prevention

Cite: 40 CFR 280.30(a) Proposed Penalty: \$ 733

2. Violation: Failure to have an annual line tightness test performed

Cite: 40 CFR 280.41(b)(1)(i)(B) Proposed Penalty: \$ 733

3. Violation: Failure to annually test the automatic tank gauge (ATG) system (tank release detection) and line leak detectors (piping) for functionality.

Cite: 40 CFR 280.40(a)(3) Proposed Penalty: \$ 733

4. Violation: Failure to have designated Class C Operators trained before assuming their duties

Cite: 40 CFR 280.243(c) Proposed Penalty: \$ 514

5. Violation: Failure to conduct annual walkthrough inspection

Cite: 40 CFR 280.36 (a) Proposed Penalty: \$ 733

PROPOSED PENALTY TOTAL: \$ 3,446

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

ROBERTA PERSON Digitally signed by ROBERTA PERSON
Date: 2023.01.12 13:31:17 -07'00' Date: _____
(Signature of Authorized Officer or Employee of EPA)

PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$ 3,446 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 8, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE

Name (print): Paul S Johnson
Title (print): Corporate Manager
Signature: [Signature] Date: 2/10/23

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER

Name (print): Janice A. Pearson
Title (print): RCRA & OPA Branch Manager
Signature: Pearson, Janice Digitally signed by Pearson, Janice
Date: 2023.03.06 09:18:16 -07'00'

Notes



One Stop 3 INC
 1893 MT Hwy 28
 Hot Springs, MT 59845

Copy

First Bank of Montana
 224 West Main Street
 Lewistown, MT 59457
 406-538-7471
 93-73/929

1923

2/10/2023

PAY TO THE ORDER OF U.S. Environmental Protection Agency

\$**3,446.00

Three Thousand Four Hundred Forty-Six and 00/100*****

DOLLARS

U.S. EPA
 Fines and Penalties
 PO Box 979077
 St. Louis, MO 63197-9000

MEMO

EPA ID 2030121

Pardley
 AUTHORIZED SIGNATURE



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