

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF)
)
Stockton Oil Company, Inc.,)
)
Battlefield Express Center Facility)
Junction Hwy. 212 and I-90)
Crow Agency, MT 59022)
EPA ID Number 2020002)
)
Respondent.)

Docket No. RCRA-08-2008-0007


COMPLAINANT'S MOTION FOR DEFAULT

Complainant, United States Environmental Protection Agency, Region 8 (EPA), by its undersigned counsel, files this MOTION FOR DEFAULT pursuant to 40 C.F.R. § 22.17. Complainant seeks a default order finding the Respondent liable for the violations alleged in the Complaint and Notice of Opportunity for Hearing (Complaint) filed in this matter on July 15, 2008. Complainant also seeks the assessment of the penalty proposed in the Complaint in the amount of \$41,511. This request for a default order and assessment of penalties is based on Respondent's failure to file a timely answer to the Complaint, and subsequent waiver of Respondent's right to contest all facts alleged in the Complaint.

Respectfully submitted,

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

Date: 11/14/2008

By: 
Amy Swanson, Enforcement Attorney
U.S. EPA, Region 8
1595 Wynkoop Street (8ENF-L)
Denver, CO 80202-1129
Colorado Atty. Reg. No. 26488
Telephone: 303/312-6906
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the MOTION FOR DEFAULT and MEMORANDUM IN SUPPORT were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that true copies of the same were sent as follows:

Via hand delivery to:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1159

Via regular mail to:

Mr. Mykel Stockton, Registered Agent for
Stockton Oil Company, Inc.
1607 4th Avenue North
Billings, MT 59101-0000

11/17/08
Date

Judith M. McTernan
Signature