#### BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

LIVINOIVII	THIRD INCIDCTION AUD	NOI
	REGION 7	ENVAROUMELLES E PLOTECTION AGENCY-MEDION VII REGIONAL NEARING CLERK
In the matter of:	)	REGISTRATE RESISTANCE CEERN
M & A Petroleum Corporation	) ) ) ILS	EPA Docket No.:
d/b/a Infinite Oil	,	RA-07-2010-0021
1222 South 24th Street	)	
Omaha, Nebraska 68108	)	
	)	
Respondent	)	

#### COMPLAINANT'S RESPONSE TO ORDER TO SUPPLEMENT RECORD

Complainant, the Environmental Protection Agency, Region 7 and, in response to the Regional Judicial Officer's "Order to Supplement Record" (Order) issued in this matter, hereby submits the "penalty calculation worksheet" requested in the Order. The "penalty calculation worksheet" is attached hereto and is marked "Exhibit 1".

Date

Respectfully submitted,

11 JUL 28 PH 2: 10

Raymond C. Bosch

Assistant Regional Counsel

U.S. EPA Region 7

901 North Fifth Street

Kansas City, Kansas 66101

Bosch.Raymond@epa.gov

(913) 551-7501 Voice

(913) 551-7925 FAX

#### **CERTIFICATE OF SERVICE**

I hereby certify that the original and one true and correct copy of the foregoing were hand delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 North Fifth Street, Kansas City, Kansas 66101; and a true and correct copy were sent by U.P.S., receipt information requested, to Mohammed Ali, Registered Agent, M & A Corporation, 215 North Prospect Avenue, Streamwood, ILL 60107 on this 23th day of July 2011.

Raymond C. Bosch

Assistant Regional Counsel

# M&A Petroleum Corp - 503 North 33rd St. Summary of Violations Violations Cited

#### Violation #1

operators must continue operation and maintenance of any release detection in accordance with subpart D. §40 CFR 280.70(a) - Failure to continue operation maintenance of release detection in a temporarily closed tank system. When an UST

#### Violation #2

§40 CFR 280.44(a) - Failure to provide adequate testing for piping system. The required annual function test (FT) has not been perform

#### Violation #3

§40 CFR 280.41(b)(1)(ii) - Failure to perform monitoring of pressurized piping. The required annual line tightness test (LTT) has not bee

#### Violation #4

compliance with all applicable requirements of this subpart. §40 CFR 280.45 - Failure to maintain records of release detection monitoring. UST system owners and operators must maintain record:

#### Violation #5

§40 CFR 280.70(b)(2) - Failure to comply with temporary closure requirements for tank systems. The dispensers at the facility were not

#### Violation #6

sound and still performing in accordance with original design specifications. with interior lining are required to have their lining inspected within 10 years after lining, and every 5 years thereafter. The inspection nee §40 CFR 280.21(b)(1)(ii) - Failure meet interior lining inspection requirements for tank upgrade. Tank #1 was due for its 10 year interior

Penalties (see worksheets for specific information)

Violation #1 \$6,692.02

Violation #2

\$13,384.04

Violation #3

\$13,384.04

Violation #4

\$6,692.02

Violation #5 \$1,593.34
Violation #6 \$6,373.35

TOTAL \$48,118.79

Company Name: M&A Petroleum Corp. - 503 North 33rd St

Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated: §40 CFR 280.70(a) - Failure to continue operation maintenance of release detection in a temporarily closed tank system.

	\$6,692.02			TOTAL PENALTY	
	\$0.00		9	Economic Benefit (BEN) calculation	
	\$6,692.02		ment	TOTAL Gravity Based Component	
	\$6,692.02	1.4163	r worksheet)	inflation Adjustments (see other works)	
	\$4,725.00	ω	pliei	Days of Noncompliance Multiplier	
	\$1,575.00	1.0		Multiplier	
				Sensitivity (ESM)	
				Environmental	
	1575.00			11 Adjustment Matrix Value	
2007 (date when current owner aquired the property) and goes through April 1	75.00			10 Sum of Specific Adjustments	
inspection of the CP system. Non-comppliance period starts on December 28,	0.00	0%		9 Unique factors	
Economic Benefit calculation (BEN) -Annually recurring cost of \$300 for	75.00	5%		8 History of noncompliance	
no drinking water wells and site geology consists mostly of clay like material.	0.00	0%		7 Degree of willfulness or negligence	
Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	0.00	0%	tion	6 Degree of cooperation or non cooperation	
	1500.00		Major	5 TOTAL Matrix Value	
History of non-compliance - This is the first time the facility has been	Major	Harm	Major	4 of Deviation	
		Potential for		Matrix Value - Extent	
owner to justify adjustment	3.00	380		3 Days of Gravity	
Degree of cooperation or non cooperation - Not enough information from the		010	4/1/2010	End of Violation	
gravity calculation		900	3/17/2009	Start of Violation	
site it has been decided to use the statue of limitation (5 years) for the days of	1500.00	÷.		2 # of USTs	
Days of Gravity - Given the lack of documentation and compliance history at the	1500.00		280.70(a)	1 <u>UST Violation Penalty</u>	
Comments/Basis	Matrix Value		Citation	Line Item	

1.4163 \$6,692.02	Ì	3.00	1.00	\$1,575
		nce		Value
ent	Adjustme	NonComplia Adjustment	Sensitivity	Matrix
<b>GBPenalty</b>	x 2009	X Days of x 2009		Adjusted x Enviro
	ıt (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Adj	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only  Between 50% increase and 25% decrease

Major **Moderate** Minor

-25% -20% -15% -10% -5% 5% 10% 15% 20% 25% 35% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 503 North 33rd St

Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated: §40 CFR 280.44(a) - Failure to provide adequate testing for piping system, no annual function test (FT)

TOTAL PENALTY	Economic Benefit (BEN) calculation	TOTAL Gravity Based Component	Inflation Adjustments (see other worksheet) 1.4	Days of Noncompliance Multiplier 3	Multiplier 1.0	Sensitivity (ESM)	Environmental	11 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors 0%	8 History of noncompliance 5%	7 Degree of willfulness or negligence 0%	ation	5 TOTAL Matrix Value Major	4 of Deviation Major Harm	Matrix Value - Extent Potential for	3 Days of Gravity 380		Start of Violation 3/17/2009	2 # of USTs 2	1 UST Violation Penalty 280.44(a)	Line Item Citation
\$13,384.04	\$0.00	\$13,384.04	1.4163 \$13,384.04	\$9,450.00	\$3,150.00			3150.00	150.00	0.00	150.00	0.00	0.00	3000.00	Major	7	3.00			3000.00	1500.00	Matrix Value
										an annual function test. Non-comppliance period starts on March 17.	Economic Benefit calculation (BEN) -	no drinking water wells and site geology consists mostly of clay like material.	Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	from 3/17/2009.	History of non-compliance - 5% penalty taking into account NE inspection		owner to justify adjustment	Degree of cooperation or non cooperation - Not enough information from the		Marshall inspected the facility on 3/17/2009.	Days of Gravity - 380 days of gravity starting at the date when the Nebraska Fire	Comments/Basis

1.4163 \$13,384.04		3.00	1,00	\$3,150
		nce		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Adju	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

1.0 =LOW 1.5 =Medium 2.0 ⇒HIGH

Major **Moderate** Minor

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 40%

Regi Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 503 North 33rd St

Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

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§40 CFR 280.41(b)(1)(ii) -
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	\$13,384.04			TOTAL PENALTY	
	\$0.00			Economic Benefit (BEN) calculation	
	\$13,384.04			TOTAL Gravity Based Component	
	\$13,384.04	1.4163	rksheet).	interior Adjustments (see other world)	
	\$9,450.00		ω	Days of Noncompliance Multiplier	
	\$3,150.00		1.0	Multiplier	
				Sensitivity (ESM)	
		1		Environmental	
2010	3150.00			11 Adjustment Matrix Value	
2007 (date when current owner aquired the property) and goes through April 1.	150.00			10 Sum of Specific Adjustments	
an annual line tightness test. Non-comppliance period starts on December 28.	0.00		0%	9 Unique factors	
Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for	150.00		5%	8 History of noncompliance	
no drinking water wells and site geology consists mostly of clay like material.	0.00		0%	7 Degree of willfulness or negligence	
Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	0.00		0%	6 Degree of cooperation or non cooperation	
from 4/21/2009.	3000.00		Major	5 TOTAL Matrix Value	
History of non-compliance - 5% penalty taking into account NE inspection	Major	Harm I	Major	4 of Deviation	
		Potential for		Matrix Value - Extent	
OWNEr to justify adjustment	3.00		380	3 Days of Gravity	
Degree of cooperation or non cooperation - Not enguah information from the			4/1/2010	End of Violation	
			3/17/2009	Start of Violation	
Marshall inspected the facility on 4/21/2009.	3000.00		2	2 # of USTs	
Days of Gravity - 345 days of gravity starting at the date when the Nebraska Fire	1500.00	_	280.41(b)(1)(ii)	1 UST Violation Penalty	
Comments/Basis	Matrix Value		Citation	Line Item	XII)

1.4163 \$13,384.04		3.00	1.00	\$3,150
		nce		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

1.0 =LOW 1.5 =Medium 2.0 =HIGH

-25% -20% -15% -10% -5% 5% 10% 15% 20% 25% 30% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 503 North 33rd St Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated: §40 CFR 280.45 - Failure to maintain records of release detection monitoring

\$6,692,02			TOTAL PENALTY
\$0.00			Economic Benefit (BEN) calculation
\$6,692.02			TOTAL Gravity Based Component
\$6,692.02	1.4163	ksheet)	Inflation Adjustments (see other worksheet
\$4,725.00		ယ	Days of Noncompliance Multiplier
\$1,575.00		1.0	Multiplier
			Sensitivity (ESM)
			Environmental
1575.00			11 Adjustment Matrix Value
75.00			10 Sum of Specific Adjustments
0.00		0%	9 Unique factors
75.00		5%	8 History of noncompliance
0.00		0%	7 Degree of willfulness or negligence
0.00		0%	6 Degree of cooperation or non cooperation
1500.00		Major	5 TOTAL Matrix Value
Major	Harm	Major	4 of Deviation
	Potential for		Matrix Value - Extent
3.00		380	3 Days of Gravity
		4/1/2010	End of Violation
		3/17/2009	Start of Violation
1500.00			2 # of USTs
1500.00		280.45	1 UST Violation Penalty
Matrix Value		Citation	Line Item

### Comments/Basis

Days of Gravity - Given the lack of documentation and compliance history at the site it has been decided to use the statue of limitation (5 years) for the days of gravity calculation

owner to justify adjustment Degree of cooperation or non cooperation - Not enough information from the

**History of non-compliance** - This is the first time the facility has been inspected by EPA

2007 (date when current owner aquired the property) and goes through April 1, an annual line tightness test. Non-comppliance period starts on December 28, Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for no drinking water wells and site geology consists mostly of clay like material. Emvironmental Sensitivity - Low - There are no surface water bodies nearby,

\$5,692.02	1.4163	3.00	1.00	\$1,575
		nce		Value
	Adjustment	NonComplia Adjustmen	Sensitivity	Matrix
GBPenalty		X Days of x 2009	x Enviro	Adjusted x Enviro
	it (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Aloiado Johanna Angusta	Violator Specific Adjustment to the Matrix Value
Adjustment Factor Ra	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation Ba	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence Be	Between 50% increase and 25% decrease
History of Noncompliance Up Other Unique Factors Be	Up to 50% increase only Between 50% increase and 25% decrease

-25% -20% -15% -10% -5% 5% 10% 15% 20% 25% 30% 35% 40%

Company Name: M&A Petroleum Corp. - 503 North 33rd St

Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated: §40 CFR 280.70(b)(2) - Failure to comply with temporary closure requirements for tank systems.

TOTAL PENALTY	Economic Benefit (BEN) calculation	IOTAL Gravity Based Component	inflation Adjustments (see other worksheet)	Days of Noncompliance Multiplier 1.5	Multiplier 1.0	Sensitivity (ESM)	Environmental	11 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors 0%	8 History of noncompliance 0%	7 Degree of willfulness or negligence 0%	ation	5 TOTAL Matrix Value Moderate	4 of Deviation Major	ktent		End of Violation 4/1/2010	Start of Violation 11/4/2009	2 # of USTs	1 <u>UST Violation Penalty</u> 280.70(b)(2)	<u>Line Item</u> <u>Citation</u>
\$1,593.34	\$0.00	\$1,593.34	1.4163 \$1,593.34	5 \$1,125.00	0 \$750.00			750.00	0.00	0.00				750.00	Harm Moderate	Potential for	150	0	9	1 750.00	750.00	Matrix Value
								2010	2007 (date when current owner aquired the property) and goes through April 1,	an annual line tightness test. Non-comppliance period starts on December 28,	Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for	no drinking water wells and site geology consists mostly of clay like material.	Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	inspected by EPA	History of non-compliance - This is the first time the facility has been	owner w Jasufy adjustment	owner to institute adjustment	Degree of cooperation or non cooperation - Not enough information from the	gravity calculation	site it has been decided to use the statue of limitation (5 years) for the days of	Days of Gravity - Given the lack of documentation and compliance history at the	Comments/Basis

S), 5)(5, 5+	1.4163	1.50	1.00	\$750
		псе		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Adj	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease
-	

50% Inflations adjustment 1.1 1.2895 1.4163

( )

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 503 North 33rd St

Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated: §40 CFR 280.21(b)(1)(ii) - Failure meet interior lining inspection requirements for tank upgrade.

TOTAL PENALTY	Economic Benefit (BEN) calculation	TOTAL Gravity Based Component	Inflation Adjustments (see other workshoot)	Days of Noncompliance Multiplies 6	Multiplier 1.0	Sensitivity (ESM)	Environmental	11 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors 0%	8 History of noncompliance 0%	egligence	6 Degree of cooperation or non cooperation 0%	5 TOTAL Matrix Value Moderate	4 of Deviation Major Harm	ctent	3 Days of Gravity 1551	End of Violation 4/1/2010	Start of Violation 1/1/2006	2 # of USTs 1	1 UST Violation Penalty 280.21(b)(1)(ii)	Line Item <u>Citation</u>
\$6,373,35	\$0.00	\$6,373.35	1.4163 \$6,373.35	\$4,500.00	\$750.00			750.00		0.00 aı				750.00 in	Moderate		6.00 ov	ם	Ō	750.00 si	750.00 <b>D</b>	Matrix Value C
								2010	2007 (date when current owner aquired the property) and goes through April 1,	an annual line tightness test. Non-comppliance period starts on December 28,	Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for	no drinking water wells and site geology consists mostly of clay like material.	Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	inspected by EPA	History of non-compliance - This is the first time the facility has been		owner to justify adjustment	Degree of cooperation or non cooperation - Not enough information from the	gravity calculation	site it has been decided to use the statue of limitation (5 years) for the days of	Days of Gravity - Given the lack of documentation and compliance history at the	Comments/Basis

\$6,373.35	1.4163	6.00	1.00	\$750
		псе		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Adju	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 35% 40%

	or fraction thereof
0.5	Each additional 6 months
2.5	271-365
2.0	181-270
1.5	91-180
1.0	0-90
	Days of Gravity

	<u>C</u> h
•	<b>Additional</b>
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	Plier

Year 5	Year 4	Year 3	Year 2	Each Additional
	_	<b>-</b>	_	Year Mu

From and including: Start date 3/17/2009 to 4/01/2010, except for violations 280.70(b)(2) and 280.21(b)(1)(ii)

Total number of days of Non-compliance: 380

http://www.timeanddate.com/date/durationresult.html?m1=08&d1=26&y1=1993&m2=08&d2=26&y2=2009&ti=on

### M&A Petroleum Corp - 1222 South 24th St. **Summary of Violations**

### Violations Cited

Violation #1

§40 CFR 280.31(d) - Failure to maintain records of corrosion protection (CP) inspections for tank #1 and #2

Violation #2

§40 CFR 280.31(b) - Failure to ensure proper operation of corrosion protection system. The three year CP test has not been performed

§40 CFR 280.44(a) - Failure to provide adequate testing for piping system. The required annual function test (FT) has not been perform

Violation #

§40 CFR 280.41(b)(1)(ii) - Failure to perform monitoring of pressurized piping. The required annual line tightness test (LTT) has not bee

Violation #5

§40 CFR 280.41(a) - Failure to monitor tanks at least every 30 days. Tanks must be monitored at least every 30 days for releases using

Violation #6

compliance with all applicable requirements of this subpart §40 CFR 280.45 - Failure to maintain records of release detection monitoring. UST system owners and operators must maintain records

Violation #7

§40 CFR 280.31(c) - Failure to inspect impressed current system every 60 days

§40 CFR 280.21(d) - Failure to provide spill or overfill prevention system for existing tank. The facility's overfill alarm was not working. (

Violation #9

§40 CFR 280.41(b)(1)(i) - Failure to equip pressurized piping with automatic line leak detector system. EPA inspector observed during mechanical line leak detector in Tank 1 was disconnected. (See Photo 5)

Penalties (see worksheets for specific information)

Violation #1

\$446.13

Violation #2

\$3,346.01

Violation #3

Violation #4

Violation #5

Violation #6

Violation #7

Violation #8

\$3,186.68

Violation #9

\$3,186.68

TOTAL \$6

\$60,866.62

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St

Date of Inspection: 11/05/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated: §40 CFR 280.31(d) - Failure to maintain records of corrosion protection (CP) inspections for tank #1 and #2

TOTAL PENALTY	Economic Benefit (BEN) calculation	TOTAL Gravity Based Component	Interior Adjustments (see other worksheet	Days of Noncompliance Multiplier	Multiplier	Sensitivity (ESM)	Environmental	11 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors	8 History of noncompliance	7 Degree of willfulness or negligence	6 Degree of cooperation or non cooperation	5 TOTAL Matrix Value Mod	4 of Deviation Mod	Matrix Value - Extent	3 Days of Gravity	End of Violation	Start of Violation	2 # of USTs	1 UST Violation Penalty 280	Line Item Citation
			1.4163	ယ	1.0					0%	5%	0%	0%	Moderate	Moderate Harm M	Potential for	380	4/1/2010	3/17/2009	_	280.31(d)	
\$446.13	\$0.00	\$446.13	\$446.13	\$315,00	\$105.00			105.00	5.00	0.00	5.00	0.00	0.00	100.00	Minor		3.00			100.00	100.00	Matrix Value
								2010	2007 (date when current owner aquired the property) and goes through April 1,	inspection of the CP system. Non-comppliance period starts on December 28,	Economic Benefit calculation (BEN) -Annually recurring cost of \$300 for	по drinking water wells and site geology consists mostly of clay like material.	Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	inspected by EPA	History of non-compliance - This is the first time the facility has been		owner to justify adjustment	Degree of cooperation or non cooperation - Not enough information from the	gravity calculation	site it has been decided to use the statue of limitation (5 years) for the days of	Days of Gravity - Given the lack of documentation and compliance history at the	Comments/Basis

\$1,613	1.4163	3.00	1.00	\$105
		nce		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator opecitic Adju	Plotator opecing Adjustment to the Matrix Palue
Adjustment Factor	Range of Percentage Adjustment .
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

-25% -20% -15% -10% -5% 0%

5% 10% 15% 20% 25% 30% 35% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St

Date of Inspection: 11/05/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.31(b) - Failure to ensure proper operation of corrosion protection system, no three year CP test on tanks #1 and #2

	\$3,346,01		רדץ	TOTAL PENALTY
	\$0.00		Economic Benefit (BEN) calculation	Economic Beni
	\$3,346.01		FOTAL Gravity Based Component	TOTAL Grav
	\$3,346.01	1.4163	flation Adjustments (see other worksheet	Inflation Adjan
	\$2,362.50	ယ	Days of Noncompliance Multiplier	Days of Nonc
	\$787.50	1.0		Multiplier
			SM)	Sensitivity (ESM)
			al	Environmental
when current owner aquired the property) and goes through April 1, 2010.	787.50		rix Value	11 Adjustment Matrix Value
of the CP system. Non-comppliance period starts on December 28, 2007 (date	37.50	i	Adjustments	10 Sum of Specific Adjustments
repair or replace CP system and an Annually recurring cost of \$300 for inspection	0.00	0%		9 Unique factors
Economic Benefit calculation (BEN) - One time capital cost of \$2,361.00 to	37.50	5%	ompliance	8 History of noncompliance
no drinking water wells and site geology consists mostly of clay like material.	0.00	0%	Degree of willfulness or negligence	7 Degree of willfu
Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	0.00	0%	6 Degree of cooperation or non cooperation	6 Degree of cooper
inspected by EPA	750.00	ត	Value Moderate	5 TOTAL Matrix Value
History of non-compliance - This is the first time the facility has been	Moderate	Harm	Major	4 of Deviation
		Potential for	extent	Matrix Value - Extent
owner to justify adjustment	3.00	380		3 Days of Gravity
Degree of cooperation or non cooperation - Not enough information from the		4/1/2010		End of Violation
gravity calculation		3/17/2009		Start of Violation
site it has been decided to use the statue of limitation (5 years) for the days of	750.00	_		2 # of USTs
Days of Gravity - Given the lack of documentation and compliance history at the		<ul> <li>b) Major-Moderat</li> </ul>		1 UST Violation Penalty
Comments/Basis	Matrix Value		Citation	Line Item

\$3,346,01	1.4163	3.00	1,00	\$788
		псе		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	it (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Adjustment Factor Range of Percentage Adjustment
Degree of Cooperation/Noncooperation Between 50% increase and 25% decrease
Degree of Willfulness or Negligence Between 50% increase and 25% decrease
History of Noncompliance  Up to 50% increase only  Other Unique Factors  Between 50% increase and 25% decrease

50% Inflations adjustment 1.1 1.2895 1.4163

...

UST Penalty Policy Calculation

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St.

Date of Inspection: 11/05/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated
ted: §40
CFR 280.44(a
) - Failure to p
rovide adequi
ate testing for
or piping s
ystem, no
o annual f
unction tes
Ĥ F

	TOTAL PENALTY	Economic Benefit (BEN) calculation	TOTAL Gravity Based Component \$1	(sheet) 1.4163	ယ	1.0	Sensitivity (ESM)	Environmental	11 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors 0%	8 History of noncompliance 5%	egligence	6 Degree of cooperation or non cooperation 0%	5 TOTAL Matrix Value Major	4 of Deviation Major Harm Major	Matrix Value - Extent Potential for	3 Days of Gravity 380	End of Violation 4/1/2010	Start of Violation 3/17/2009	2 # of USTs 2	1 UST Violation Penalty 280.44(a)	Citation
91.3,304.UR	40 204 04	\$0.00	\$13,384.04	\$13,384.04	\$9,450.00	\$3,150.00			3150.00	150.00	0.00	150.00	0.00	0.00	3000.00	•		3.00			3000.00	1500.00	Matrix Value
											an annual function test. Non-comppliance period starts on March 17,	Economic Benefit calculation (BEN) -	no drinking water wells and site geology consists mostly of clay like material.	Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	from 3/17/2009.	History of non-compliance - 5% penalty taking into account NE inspection		owner to justify adjustment	Degree of cooperation or non cooperation - Not enough information from the		Marshall inspected the facility on 3/17/2009.	Days of Gravity - 380 days of gravity starting at the date when the Nebraska Fire	Comments/Basis_

1.4163 \$13,384.84		3.00	1.00	\$3,150
		nce		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Ad	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

Major **Moderate** Minor

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 35% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St

Date of Inspection: 11/05/2009

Case Handler: Wilfredo Rosado-Chaparro
Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.41(b)(1)(ii) - Failure to perform monitoring of pressurized piping, no annual line tightness test (LTT)

1.4163 \$10.384.94		3.00	1.00	\$3,150
		nce		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009	x Enviro	Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Adj	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only  Between 50% increase and 25% decrease

-25% -20% -15% -10% -5% 0%

5% 10% 15% 20% 25% 30% 35% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St Date of Inspection: 11/05/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.41(a) - Failure to monitor tanks at least every 30 days

Variety of the control of the contro	TOTAL PENALTY	Economic Benefit (BEN) calculation	IOTAL Gravity Based Component	aniation Adjustments (see other worksheet	Days of Noncompliance Multiplier	Multiplier	Sensitivity (ESM)	Environmental	1 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors	8 History of noncompliance	7 Degree of willfulness or negligence	6 Degree of cooperation or non cooperation	5 TOTAL Matrix Value	4 of Deviation	Matrix Value - Extent	3 Days of Gravity	End of Violation	Start of Violation	2 # of USTs	1 UST Violation Penalty	Line Item
			1	rksheet)							0%	5%	0%	0%	Major	Major		380	4/1/2010	3/17/2009		280 41(a)	Citation
				1.4163	ω	1.0					%	%	%	%		Harm	Potential for	ŏ	0	Ø	2		
#0.40¢.c.s.¢	242 204 04	\$0.00	\$13,384.04	\$13,384.04	\$9,450.00	\$3,150.00			3150.00	150.00	0.00	150.00	0.00	0.00	3000.00	Major		3.00			3000.00	1500.00	Matrix Value

### Comments/Basis

site it has been decided to use the statue of limitation (5 years) for the days of gravity calculation Days of Gravity - Given the lack of documentation and compliance history at the

**Degree of cooperation or non cooperation - Not enough information from the owner to justify adjustment** 

History of non-compliance - This is the first time the facility has been inspected by EPA

Emvironmental Sensitivity - Low - There are no surface water bodies nearby, no drinking water wells and site geology consists mostly of clay like material. 2007 (date when current owner aquired the property) and goes through April 1, an annual line tightness test. Non-comppliance period starts on December 28, Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for

\$13,384.04	1.4163	3.00	1.00	\$3,150
		nce		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	it (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Adjustment Factor  Degree of Cooperation/Noncooperation  Between 50% increase and 25% decrease  Degree of Willfulness or Negligence  Between 50% increase and 25% decrease  History of Noncompliance  Other Unique Factors  Range of Percentage Adjustment  Between 50% increase and 25% decrease  Up to 50% increase only  Between 50% increase and 25% decrease	And a specific Ad	Profacor opecific Adjustment to the Matrix Value
n/Noncooperation or Negligence ince	Adjustment Factor	Range of Percentage Adjustment
or Negligence Ince	Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
ince	Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
	History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 35% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St Date of Inspection: 11/05/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.45 - Failure to maintain records of release detection monitoring

\$6,692.02				TOTAL PENALTY
\$0.00				Economic Benefit (BEN) calculation
\$6,692.02			Ħ	<b>TOTAL Gravity Based Component</b>
\$6,692.02	1.4163		orksheet)	Inflation Adjustments (see other works
\$4,725.00		ω	4	Days of Noncompliance Multiplier
\$1,575.00		1.0		Multiplier
				Sensitivity (ESM)
				Environmental
1575.00				11 Adjustment Matrix Value
75.00				10 Sum of Specific Adjustments
0.00		0%		9 Unique factors
75.00		5%		8 History of noncompliance
0.00		0%		7 Degree of willfulness or negligence
0.00		0%		<ol><li>Degree of cooperation or non cooperation</li></ol>
1500.00			Major	5 TOTAL Matrix Value
Major	Harm		Major	4 of Deviation
	Potential for			Matrix Value - Extent
3.00		380		3 Days of Gravity
		4/1/2010	4/1	End of Violation
		3/17/2009	3/17	Start of Violation
1500.00				2 # of USTs
1500.00		280.45	N	1 UST Violation Penalty
Matrix Value		_	Citation	Line Item

### Comments/Basis

site it has been decided to use the statue of limitation (5 years) for the days of gravity calculation Days of Gravity - Given the lack of documentation and compliance history at the

**Degree of cooperation or non cooperation - Not enough information from the owner to justify adjustment** 

inspected by EPA History of non-compliance - This is the first time the facility has been

2007 (date when current owner aquired the property) and goes through April 1, an annual line tightness test. Non-comppliance period starts on December 28, Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for no drinking water wells and site geology consists mostly of clay like material. Emvironmental Sensitivity - Low - There are no surface water bodies nearby,

	Gravity Bas	Gravity Based Component (GBC)	ıt (GBC)	
Adjusted x Enviro		X Days of x 2009		GBPenalty
Matrix	Sensitivity	NonComplia Adjustmen		,
Value		nce		
\$1,575	1.00	3.00		1.4163 \$5,692.02

Violator Specific Adj	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only  Between 50% increase and 25% decrease

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St Date of Inspection: 11/05/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.31(c) - Failure to inspect impressed current system every 60 days

TOTAL PENALTY	Economic Benefit (BEN) calculation	TOTAL County Based County Worksh	Days of Noncompliance Multiplier	Multiplier	Sensitivity (ESM)	Environmental	11 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors	8 History of noncompliance	7 Degree of willfulness or negligence	6 Degree of cooperation or non cooperation	5 TOTAL Matrix Value	4 of Deviation	Matrix Value - Extent	3 Days of Gravity	End of Violation	Start of Violation	2 # of USTs	1 UST Violation Penalty	Line Item
		irksheet)	<b>-</b> -	1.0				i	0%	5%	0%	0%	Major	Major		380	4/1/2010	3/17/2009	_	280.31 ( c)	Citation
		1.4163												Harm	Potential for						
\$3,857.01	\$3,346.01 \$511.00	\$3,346.01	\$2,362.50	\$787.50			787.50	37.50	0.00	37.50	0.00	0.00	750.00	Major		3.00			750.00	750.00	Matrix Value

### Comments/Basis

gravity calculation site it has been decided to use the statue of limitation (5 years) for the days of Days of Gravity - Given the lack of documentation and compliance history at the

owner to justify adjustment Degree of cooperation or non cooperation - Not enough information from the

inspected by EPA History of non-compliance - This is the first time the facility has been

an annual line tightness test. Non-comppliance period starts on December 28, Emvironmental Sensitivity - Low - There are no surface water bodies nearby, 2007 (date when current owner aquired the property) and goes through April 1, Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for no drinking water wells and site geology consists mostly of clay like material.

N3.346.01	1.4163	3.00	1.00	\$788
		nce		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	ıt (GBC)	Gravity Based Component (GBC)	Gravity Bas	

	Violator Specific Adjustment to the Matrix Value
	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 35% 40%

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 35% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St
Date of Inspection: 11/05/2009
Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.21(d) - Failure to provide spill or overfill prevention system for existing tank, no overfill alarm system installed

	\$3.186.69			TOTAL PENALTY	
	\$0.00			Economic Benefit (BEN) calculation	
	\$3,186.68		•	TOTAL Gravity Based Component	
	\$3,186.68	1.4163	rksheet)	inflation Adjustments (see other works	
	\$2,250.00	1.5		Days of Noncompliance Multiplier	
	\$1,500.00	1.0		Multiplier	
				Sensitivity (ESM)	
				Environmental	
2010	1500.00			11 Adjustment Matrix Value	
2007 (date when current owner aguired	0.00			10 Sum of Specific Adjustments	
an annual line tightness test. Non-comp	0.00	0%	0	9 Unique factors	
Economic Benefit calculation (BEN) -	0.00	%	0	8 History of noncompliance	
no drinking water wells and site geology	0.00	0%	0	7 Degree of willfulness or negligence	
Emvironmental Sensitivity - Low - The	0.00	0%	0	6 Degree of cooperation or non cooperation	
inspected by EPA	1500.00		Moderate	5 TOTAL Matrix Value	
History of non-compliance - This is th	Moderate	Harm N	Major	4 of Deviation	
		Potential for		Matrix Value - Extent	
owner to justify adjustment	1.50	148	<u>.</u> .	3 Days of Gravity	
Degree of cooperation or non cooper		10	4/1/2010	End of Violation	
gravity calculation		9	11/4/2009	Start of Violation	
site it has been decided to use the statu	1500.00	2		2 # of USTs	
Days of Gravity - Given the lack of doci	750.00	Major Moderati	280.21(d)	1 UST Violation Penalty	
Comments/Basis	Matrix Value	2	Citation	Line Item	

tue of limitation (5 years) for the days of cumentation and compliance history at the

eration - Not enough information from the

the first time the facility has been

 Annually recurring cost of \$75 for nppliance period starts on December 28, d the property) and goes through April 1, y consists mostly of clay like material. here are no surface water bodies nearby,

55,186,68	1.4163	1.50	1.00	\$1,500
		nce		Value
	Adjustment	NonComplia Adjustmen	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Ad	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only  Between 50% increase and 25% decrease

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 35% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 1222 South 24th St

Date of Inspection: 11/05/2009

Case Handler: Wilfredo Rosado-Chaparro
Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.41(b)(1)(i) – Failure to equip pressurized piping with automatic line leak detector system.

	\$3,186.68			TOTAL PENALTY
	\$0.00		lation	Economic Benefit (BEN) calculation
	\$3,186.68		aponent	TOTAL Gravity Based Component
	\$3,186.68	1.4163	ther worksheet)	inflation Adjustments (see other worksheet
	\$2,250.00	1.5		Days of Noncompliance Multiplier
	\$1,500.00	1.0		Multiplier
				Sensitivity (ESM)
			3	Environmental
2010	1500.00			11 Adjustment Matrix Value
2007 (date when current owner aquired the property) and goes through April 1.	0.00			10 Sum of Specific Adjustments
an annual line tightness test. Non-comppliance period starts on December 28,	0.00	0%		9 Umque factors
Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for	0.00	0%		8 History of noncompliance
no drinking water wells and site geology consists mostly of clay like material.	0.00	0%		/ Degree of willfulness or negligence
Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	0.00	0%		6 Degree of cooperation or non cooperation
inspected by EPA	1500.00		Major	5 TOTAL Matrix Value
History of non-compliance - This is the first time the facility has been	Major	Harm	Major	4 of Deviation
		Potential for		Matrix Value - Extent
owner to justify adjustment	1.50	148		3 Days of Gravity
Degree of cooperation or non cooperation - Not enough information from the		)10	4/1/2010	End of Violation
gravity calculation		09	11/4/2009	Start of Violation
site it has been decided to use the statue of limitation (5 years) for the days of	1500.00	_		2 # of USTs
Days of Gravity - Given the lack of documentation and compliance history at the	1500.00	Ē	280.41(b)(1)(i)	1 UST Violation Penalty
Comments/Basis	Matrix Value		Citation	Line Item

\$3,186.68	1.4163	1.50	1.00	\$1,500
		псе		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	it (GBC)	Gravity Based Component (GBC)	Gravity Bas	

	signator operation and annual value
Adjustment Factor Rang	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation Between	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence Between	Between 50% increase and 25% decrease
History of Noncompliance Up to Other Unique Factors Between	Up to 50% increase only Between 50% increase and 25% decrease

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 35% 40%

nths 0.5	כו וומכווטון ווופופטו
	or frontion thoront
	Each additional 6 months
2.5	271-365
2.0	181-270
1 <u>.</u> 5	91-180
1.0	0-90
ravity	Days of Gravity

Year 5	Year 4	Year 3	Year 2	Each Additional Year Multiplier
ند	_	_	_	Year Multiplier

From and including: Start date 3/17/2009 to 4/01/2010, except for violation 280.41(b)(1)(i)

Total number of days of Non-compliance: 380

http://www.timeanddate.com/date/durationresult.html?m1=08&d1=26&y1=1993&m2=08&d2=26&y2=2009&ti=on

Major Moderate Minor	<b>S20</b>	Moderate 1000 500 100	Major 1500 750 200	Potential for Harm
		Management House House	EXIGHT OF DOVING	

### M&A Petroleum Corp - 2401 Leavenworth St. Summary of Violations Violations Cited

### Violation #1

operators must continue operation and maintenance of any release detection in accordance with subpart D. §40 CFR 280.70(a) - Failure to continue operation maintenance of release detection in a temporarily closed tank system. When an UST

### Violation #2

§40 CFR 280.44(a) - Failure to provide adequate testing for piping system. The required annual function test (FT) has not been perform

Violation #3 §40 CFR 280.41(b)(1)(ii) - Failure to perform monitoring of pressurized piping. The required annual line tightness test (LTT) has not bee

### Violation #4

§40 CFR 280.45 - Failure to maintain records of release detection monitoring. UST system owners and operators must maintain records compliance with all applicable requirements of this subpart.

### Violation #5

§40 CFR 280.41(b)(1)(i) - Failure to equip pressurized piping with automatic line leak detector system. EPA inspector observed that the mechanical line leak detector. (See Photo 6)

/iolation #1	enalties (see worksheets for specific information)
	or specific in
	nformation)

\$3,186.68

Violation #2

\$20,204.05

Violation #3

\$20,268.05

Violation #4

\$6,692.02

Violation #5

Eased on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 2401 Leavenworth St

Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated: §40 CFR 280.70(a) - Failure to continue operation maintenance of release detection in a temporarily closed tank system.

TOTAL PENALTY	Economic Benefit (BEN) calculation	TOTAL Gravity Based Component	Inflation Adjustments (see other worksheet) 1.4163	Days of Noncompliance Multiplies 1.5	Multiplier 1.0	Sensitivity (ESM)	Environmental	11 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors 0%	8 History of noncompliance 0%	7 Degree of willfulness or negligence 0%	ation	5 TOTAL Matrix Value Major	4 of Deviation Major Harm	Matrix Value - Extent Potential for	3 Days of Gravity 148	End of Violation 4/1/2010	Start of Violation 11/4/2009	2 # of USTs 1	1 UST Violation Penalty 280.70(a)	<u>Line Item</u> <u>Citation</u>
\$3,186.68	\$0.00	\$3,186.68	\$3,186.68	\$2,250.00	\$1,500.00			1500.00	0.00	0.00	0.00	0.00	0.00	1500.00	Major		1.50			1500.00	1500.00	Matrix Value
								2010	2007 (date when current owner aquired the property) and goes through April 1	inspection of the CP system. Non-comppliance period starts on December 28,	Economic Benefit calculation (BEN) -Annually recurring cost of \$300 for	no drinking water wells and site geology consists mostly of clay like material.	Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	inspected by EPA	History of non-compliance - This is the first time the facility has been		owner to justify adjustment	Degree of cooperation or non cooperation - Not enough information from the	gravity calculation	site it has been decided to use the statue of limitation (5 years) for the days of	Days of Gravity - Given the lack of documentation and compliance history at the	Comments/Basis

30.130.00	1.4103	1.50	1.00	\$1,500
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	١	mee	1 00	e1 200
	Adjustment	NonComplia Adjustment	Sensitivity	Valme
<b>GBPenalty</b>		X Days of x 2009		<u>e</u>
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Adj	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only  Between 50% increase and 25% decrease

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 40%

Based on 1990 UST Penalty Policy (per UST)
Company Name: M&A Petroleum Corp. - 2401 Leavenworth St

Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro
Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.44(a) - Failure to provide adequate testing for piping system, no annual function test (FT)

																						-
TOTAL PENALTY	Economic Benefit (BEN) calculation	TOTAL Gravity Based Component	ligitation Adjustments (see other worksheet	Days of Noncompliance Multiplier	Multiplier	Sensitivity (ESM)	Environmental	11 Adjustment Matrix Value	10 Sum of Specific Adjustments	9 Unique factors	8 History of noncompliance	7 Degree of willfulness or negligence	6 Degree of cooperation or non cooperation	5 TOTAL Matrix Value	4 of Deviation	Matrix Value - Extent	3 Days of Gravity	End of Violation	Start of Violation	2 # of USTs	1 UST Violation Penalty	<u>Line Item</u>
		11	arksheet) 1.4163	3	1.0					0%	5%	0%	0%	Major	Major Harm	Potential for	380	4/1/2010	3/17/2009	ယ	280.44(a)	Citation
\$20,294,06	\$128.00	\$20,076.05	3 \$20,076.05	\$14,175.00	\$4,725.00			4725.00	225.00	0.00	225.00	0.00	0.00	4500.00	Major	•	3.00			4500.00	1500.00	Matrix Value
										an annual function test. Non-comppliance period starts on March 17.	Economic Benefit calculation (BEN) -	no drinking water wells and site geology consists mostly of clay like material	Emvironmental Sensitivity - Low - There are no surface water bodies nearby.	from 3/17/2009.	History of non-compliance - 5% penalty taking into account NE inspection	anner to Jean Jack and the second	Owner to instify adjustment	Degree of cooperation or non cooperation - Not enough information from the		Marshall inspected the facility on 3/17/2009.	Days of Gravity - 380 days of gravity starting at the date when the Nebraska Fire	Comments/Basis

1.4163 \$20,076.05	1.4163	3.00	1.00	\$4,725
		псе		Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009		Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Adj	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 35% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 2401 Leavenworth St Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.41(b)(1)(ii) - Failure to perform monitoring of pressurized piping, no annual line tightness test (LTT)

6 Degree of cooperation or non cooperation 0% 7 Degree of willfulness or negligence 0%	Major Major	ion 4/1/2010 vity 380 - <b>Extent</b>		Line Item  1 UST Violation Penalty 280.41(b)(1)(ii)
0.00	Major	3.00 Potential for	4500.00	Matrix Value 1500.00
Emvironmental Sensitivity - Low - There are no surface water bodies nearby, no drinking water wells and site geology consists mostly of clay like material	<b>History of non-compliance</b> - 5% penalty taking into account NE inspection from 4/21/2009.	<b>Degree of cooperation or non cooperation - Not enough information from the owner to justify adjustment</b>	Marshall inspected the facility on 4/21/2009.	Comments/Basis  Days of Gravity - 345 days of gravity starting at the date when the Nebraska Fire

4725.00	225.00	0.00	225.00	0.00	0.00	
2010	2007 (date when current owner aquired the property) and goes through April 1,	an annual line tightness test. Non-comppliance period starts on December 28,	Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for	no drinking water wells and site geology consists mostly of clay like material.	Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	

10 Sum of Specific Adjustments
11 Adjustment Matrix Value
Environmental

8 History of noncompliance 9 Unique factors

0% 0%

1.4163 \$20,076.05	1.4163	3.00	1.00	\$4,725
		псе	,	Value
	Adjustment	NonComplia Adjustment	Sensitivity	Matrix
GBPenalty		X Days of x 2009	x Enviro	Adjusted x Enviro
	t (GBC)	Gravity Based Component (GBC)	Gravity Bas	

TOTAL PENALTY

Economic Benefit (BEN) calculation **TOTAL Gravity Based Component** 

Inflation Adjustments (see other worksheet)

Days of Noncompliance Multiplier

ა <sup>1</sup>.0

1.4163

\$20,076.05 \$14,175.00

\$4,725.00

\$20,076.05

\$192.00

\$10,268.05

Multiplier Sensitivity (ESM)

Violator Specific Adj	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

-25% -20% -15% -10% -5%

5% 10% 15% 20% 25% 30% 40%

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 2401 Leavenworth St Date of Inspection: 11/04/2009

Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro

Regulations Violated: §40 CFR 280.45 - Failure to maintain records of release detection monitoring

\$8,692.02			TOTAL PENALTY
\$0.00			Economic Benefit (BEN) calculation
\$6,692.02			TOTAL Gravity Based Component
\$6,692.02	1.4163	kishaet)	inflation Adjustments (see other works)
<b>\$4</b> ,725.00		မ	Days of Noncompliance Multiplies
\$1,575.00		1.0	Multiplier
			Sensitivity (ESM)
i			Environmental
1575.00			11 Adjustment Matrix Value
75.00			10 Sum of Specific Adjustments
0.00		0%	9 Unique factors
75.00		5%	8 History of noncompliance
0.00		0%	7 Degree of willfulness or negligence
0.00		0%	6 Degree of cooperation or non cooperation
1500.00		Major	5 TOTAL Matrix Value
Major	Harm	Major	4 of Deviation
	Potential for		Matrix Value - Extent
3.00		380	3 Days of Gravity
		4/1/2010	End of Violation
		3/17/2009	Start of Violation
1500.00		-4	2 # of USTs
1500.00		280.45	1 UST Violation Penalty
<u>M</u> atrix Value		Citation	<u>Line Item</u>

### Comments/Basis

site it has been decided to use the statue of limitation (5 years) for the days of gravity calculation Days of Gravity - Given the lack of documentation and compliance history at the

owner to justify adjustment Degree of cooperation or non cooperation - Not enough information from the

inspected by EPA History of non-compliance - This is the first time the facility has been

an annual line tightness test. Non-comppliance period starts on December 28, Economic Benefit calculation (BEN) - Annually recurring cost of \$75 for no drinking water wells and site geology consists mostly of clay like material. Emvironmental Sensitivity - Low - There are no surface water bodies nearby, 2007 (date when current owner aquired the property) and goes through April 1,

		3.00	1.00	\$1,575
		nce		Value
ıstment	Adju	NonComplia Adjustment	Sensitivity	Matrix
09 GBPenalty	x 20	X Days of x 2009		Adjusted x Enviro
8C)	ıt (GI	Gravity Based Component (GBC)	Gravity Bas	

Violator Specific Adjus	Violator Specific Adjustment to the Matrix Value
Adjustment Factor	Range of Percentage Adjustment
Degree of Cooperation/Noncooperation	Between 50% increase and 25% decrease
Degree of Willfulness or Negligence	Between 50% increase and 25% decrease
History of Noncompliance Other Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

Based on 1990 UST Penalty Policy (per UST)

Company Name: M&A Petroleum Corp. - 2401 Leavenworth St
Date of Inspection: 11/04/2009
Case Handler: Wilfredo Rosado-Chaparro

Penalty Calculation prepared by: Wilfredo Rosado-Chaparro
Regulations Violated: §40 CFR 280.41(b)(1)(i) – Failure to equip pressurized piping with automatic line leak detector system.

	\$3,186.68			TOTAL PENALTY
	\$0.00		on .	Economic Benefit (BEN) calculation
	\$3,186.68		ment	<b>TOTAL Gravity Based Component</b>
	3 \$3,186.68	1.4163	r worksheet)	inflation Adjustments (see other workshee
	\$2,250.00	1.5	plieı	Days of Noncompliance Multiplier
	\$1,500.00	1.0		Multiplier
				Sensitivity (ESM)
				Environmental
2010	1500.00			11 Adjustment Matrix Value
2007 (date when current owner aquired the property) and goes through April 1,	0.00			10 Sum of Specific Adjustments
an annual line tightness test. Non-comppliance period starts on December 28,	0.00	0%		9 Unique factors
Economic Benefit calculation (BEN) -Annually recurring cost of \$75 for	0.00	0%		8 History of noncompliance
no drinking water wells and site geology consists mostly of clay like material.	0.00	0%		7 Degree of willfulness or negligence
Emvironmental Sensitivity - Low - There are no surface water bodies nearby,	0.00	0%	tion	6 Degree of cooperation or non cooperation
inspected by EPA	1500.00		Major	5 TOTAL Matrix Value
History of non-compliance - This is the first time the facility has been	Major	Harm	Major	4 of Deviation
		Potential for		Matrix Value - Extent
owner to justify adjustment	1.50	148		3 Days of Gravity
Degree of cooperation or non cooperation - Not enough information from the		010	4/1/2010	End of Violation
gravity calculation		900	11/4/2009	Start of Violation
site it has been decided to use the statue of limitation (5 years) for the days of	1500.00			2 # of USTs
Days of Gravity - Given the lack of documentation and compliance history at the	1500.00	1)(i)	280.41(b)(1)(i)	1 UST Violation Penalty
Comments/Basis	Matrix Value		Citation	Line Item

Violator Specific Adj	Violator Specific Adjustment to the Matrix Value
nent Factor	Range of Percentage Adjustment
of Cooperation/Noncooperation	Between 50% increase and 25% decrease
of Willfulness or Negligence	Between 50% increase and 25% decrease
of Noncompliance Unique Factors	Up to 50% increase only Between 50% increase and 25% decrease

Matrix

Adjusted

x Enviro Sensitivity

X Days of

x 2009

**GBPenalty** 

Degree

Adjustr

Gravity Based Component (GBC)

Value

\$1,500

1.9

1.50

1.4163

\$3,186,68

History

Other L

Degree

nce

NonComplia Adjustment

•	
0-90	10
91-180	<u>5</u>
181-270	2.0
271-365	2.5
Each additional 6 months (	0.5
or fraction thereof	L

Year 5	Year 4	Year 3	Year 2	<b>Each Additional</b>
	_	_	_	Year Multiplier

From and including: Start date 3/17/2009 to 4/01/2010, except for violation 280.41(b)(1)(i)

Total number of days of Non-compliance: 380

http://www.timeanddate.com/date/durationresult.html?m1=08&d1=26&y1=1993&m2=08&d2=26&y2=2009&ti=on

Extent of Deviation from Requirement

	Major	Moderate	Minor	
<b>⇒ T</b>	1500	1000	500	Major
Pg	750	500	250	Moderate
Potentia for Ham	200	100	50 (	Minor

# EPA's Civil Penalty Policy Inflation Adjustments

### UST Penalty Policy issued 11/14/1990

- 2009 Inflation Adjustment Policy
  1 Calculate Gravity Component
  2 For violations after 1/30/1997 through 3/15/2004
  3 For violations after 3/15/2004 through 1/12/2009
  4 For violations after 1/12/2009

### Factor Explanation

- 1.1 Initial Inflation rate
- 1.2895 base Inflations rate 1.1 + 17.23% increase
- 1.4163 Base Infaltion rate + 17.23% + 9.83% increase