



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 WYNKOOP STREET
DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

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DOCKET NO.: RCRA-08-2012-0002

IN THE MATTER OF:)

ROOSEVELT COUNTY ROAD SHOP)

FINAL ORDER

EPA ID No. MTD0000370023,)

Respondent)

Pursuant to 40 C.F.R. §22.18 of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

The Parties are hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Parties of this **Order**.

SO ORDERED THIS 10th Day of September, 2012

Elyana R. Sutin
Regional Judicial Officer

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Docket No. RCRA-08-2012-0002

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|----------------------------|---|-------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Roosevelt County Road Shop |) | |
| |) | CONSENT AGREEMENT |
| EPA ID No. MTD0000370023, |) | |
| |) | |
| Respondent. |) | |
| |) | |

1. Complainant, United States Environmental Protection Agency Region 8 (Complainant), and Respondent, Roosevelt County Road Shop (Respondent), by their undersigned representatives, hereby consent and agree as follows.
2. On May 8, 2012, Complainant issued to Respondent a complaint, compliance order, and notice of opportunity for hearing (Complaint), pursuant to sections 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended (RCRA, or the Act), 42 U.S.C. §§ 6928(a) and (g).
3. The Complaint proposed a civil penalty and the compliance order directed Respondent to take certain action for the violations alleged therein.
4. Respondent admits the jurisdictional allegations set forth in the Complaint and neither admits nor denies the findings of fact and conclusions of law set forth in the Complaint.
5. Respondent consents to the terms of this Consent Agreement and to the issuance of a final order in this matter by the Regional Judicial Officer ("Final Order").
6. Respondent waives its right to a judicial or administrative hearing on any issue of law or fact alleged in Complaint and in this Consent Agreement and waives its right to appeal any Final Order issued in this matter.

7. Pursuant to sections 3008(a) and (g) of RCRA, and in consideration of all relevant factors, EPA has determined that an appropriate civil penalty to settle this action is fifteen thousand dollars (\$ 15,000.00). The penalty shall be paid as detailed below.
8. Respondent consents to the imposition of the fifteen thousand dollar (\$ 15,000.00) civil penalty, and agrees to pay such penalty in compliance with the requirements, including schedules, set forth below.
9. Complainant agrees that, while not compliant with the compliance order portion of the Complaint, work Respondent has conducted since receipt of the Complaint addresses the violations alleged in the Complaint. In addition, based solely on the limited amount of information provided by Respondent, the regulatory violations have been resolved; however, EPA hereby reserves, and Respondent agrees not to contest, EPA's rights and authorities to require Respondent to conduct additional work and provide additional information regarding the violations alleged in the Complaint, should EPA learn that the facility has not been returned to compliance by the work Respondent has conducted since receipt of the Complaint.
10. Payment by Respondent of the full penalty amount is due within thirty (30) calendar days of Respondent's receipt of the Final Order issued by the EPA Regional Judicial Officer adopting this consent agreement. If the due date for payment falls on a weekend or legal federal holiday, the due date is the next business day. Payment must be received by 11:00 a.m. Eastern Time to be considered received that day.
11. Payment shall be made by one of the following methods.
 - a. **Payment by cashier's or certified check.** A cashier's or certified check, including the name and docket number of this case, for \$15,000.00, payable to "Treasurer, United States of America", mailed to:

i. Regular Mail

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

ii. Overnight Mail

US Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

b. **Payment by Wire Transfer:** Wire transfers should be directed to the Federal Reserve

Bank of New York with the following information:

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

c. **Payment Online:** This option is available through the Department of Treasury, at

www.pay.gov. Enter sfo 1.1 in the search field. Open the form and complete the required
fields.

12. A copy of the check or record of payment if made by other means shall be sent simultaneously

with payment to:

Ms. Linda Jacobson
RCRA CERCLA Enforcement Unit
Technical Enforcement Program (8RC)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

and

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

13. In the event payment is not received by the specified due date, interest accrues from the date of the Final Order, not the due date (on the 1st late day, 30 days of interest will have accrued), at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received.
14. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the due date of any payment, and for each subsequent thirty 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. Payments are first applied to outstanding handling charges, 6% penalty interest, and late interest. The remainder is then applied to the outstanding principal amount.
15. Respondent agrees that the penalty never shall be claimed as a federal or other tax deduction or credit.
16. This Consent Agreement and Final Order shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.
17. The parties agree to submit this Consent Agreement to the Regional Judicial Officer for incorporation into a Final Order.

18. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by Respondent, shall be a complete and full civil settlement only for the specific violations alleged in the Complaint.
19. Failure by Respondent to comply with any of the terms of this Consent Agreement and Final Order shall constitute a breach of the agreement and may result in the initiation of an administrative enforcement action, or referral of the matter to the U.S. Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.
20. Nothing in this Consent Agreement shall be construed as a waiver by EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Consent Agreement.
21. This Consent Agreement and Final Order shall apply to and be binding upon Respondent, its officers, directors, servants, agents, successors and assigns.
22. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and legally bind that party to it.
23. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this Consent Agreement and Final Order.
24. This Consent Agreement contains all terms of the settlement agreed to by the parties.

25. Upon incorporation of this Consent Agreement into a Final Order by the Regional Judicial Officer and full satisfaction by the parties shall be a full and complete civil settlement of the specific violations alleged in the Complaint.

**United States Environmental Protection
Agency Region 8
Complainant**

Date: 09/05/12

By: Eddie A. Sierra
for Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance,
and Environmental Justice

**Roosevelt County Road Shop
Roosevelt County, Montana
Respondent**

Date: 8-24-12

By: Gary A. Macdonald
Name: Gary A. Macdonald
Title: Presiding Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter of **ROOSEVELT COUNTY ROAD SHOP; DOCKET NO.: RCRA-08-2012-0002**, was signed by the Regional Judicial Officer on September 10, 2012.

Further, the undersigned certifies that the original was placed in Pouch Mail to:

Sybil Anderson, Hearing Clerk
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (1900L)
Washington, DC 20460

September 10, 2012



Tina Artemis
Paralegal/Regional Hearing Clerk

In The Matter of Roosevelt County Road Shop; Docket No. RCRA-08-2012-0002

CERTIFICATE OF SERVICE

I certify that the foregoing **Final Order and Consent Agreement**, dated September 18, 2012 was sent this day in following manner to the addresses listed below:



Sybil Anderson
Headquarters Hearing Clerk

Dated: **September 18, 2012**

Copy By Regular Mail:

Gerald M. Schuster
Deputy County Attorney
Roosevelt County
112 Main Street
Wolf Point, MT 59201

Copy By Regular Mail and Email to

Charles Figur
Senior Enforcement Attorney
U.S. EPA - Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, CO 80212-1129
Email: figur.charles@epa.gov