

## ENFORCEMENT NARRATIVE

**Case Name:** Battlefield C Store  
**Facility Location:** Junction Highway 212 and I-90  
Crow Agency, MT 59022  
**Inspection Date:** April 10, 2013  
**Inspector:** Gary Wang (EPA)

### Facility Information:

On April 10, 2013, the Environmental Protection Agency's (EPA) Underground Storage Tank Program conducted an inspection at the Battlefield Express C-Store in Crow Agency, Montana.

At the time of inspection the following violations were found:

- 40 CFR 280.41(a) Failure to check the tanks at least every 30 days.
- 40 CFR 280.30(a) Failure to take necessary precautions prevent overflow/spillage during the transfer of products
- 40 CFR 280.41(b)(1)(ii) Failure to have annual line tightness or perform monthly monitoring on pressurized piping

A field citation was issued from the office on June 9, 2013. On April 26, 2013 Gary Wang received a fax from Becky Wilson, facility manager showing that the automatic tank gage was repaired and on September 23, 2013 we received pictures showing that the sump sensors were repositioned and the spill buckets were cleaned out.

On September 23, 2013 the owner of the facility (Michelle Stockton) told us that she will not pay the field citation because she corrected all the problems.

The outstanding violation (40 CFR 280.41(a) Failure to check the tanks at least every 30 days) remains for the period of June 22, 2011 through April 23, 2013 when the problem was corrected.

### Facility History:

Date	Subject	Comments
9/25/13	Addendum to 4/10/13 Inspection	Stockton oil submitted pictures from April which show they cleaned the spill buckets and repositioned the sump sensors. Outstanding violation remains for the period of June 22, 2011 through April 23, 2013 when the problem was corrected.  280.41(a) Failure to check the tanks at least every 30 days
9/23/13	MFR- Telephone Conversation	Michelle Stockton stated they will not pay the field citation

Date	Subject	Comments
9/23/13	MFR – Telephone conversation	Called Michelle Stockton and left a phone message and asked her to return my call
9/17/13	MFR – Telephone conversation	Called Michelle Stockton and left a phone message and asked her to return my call
8/22/13	Email to Stockton Oil	June 6 <sup>th</sup> letter scanned and sent. M. Gran requested a listing of the violations.
8/22/13	MFR – Telephone conversation	Michelle Gran call in reference to field citation withdrawal letter. Field Citation extended and compliance date was 9/22/13
7/29/13	Letter to Stockton Oil	Field citation withdrawal Letter
7/9/13	MFR – Telephone conversation	Called and left a message with Mykel Stockton(owner) and left a message about the field citation he received on June 9, 2013
6/9/13	Letter to Stockton Oil	Letter had a field citation from the 4/10/13 inspection.
4/26/13	Addendum to 4/10/13 Inspection	Stockton oil submitted tank leak testing showing that they fixed the problem with automatic tank gage.
4/10/2013	Inspection Report	Violations: 41(a) Failure to check the tanks at least every 30 days.  30(a) Failure to take necessary precautions prevent overfill/spillage during the transfer of products  41(b)(1)(ii) Failure to have annual line tightness or perform monthly monitoring on pressurized piping
3/29/2010	Inspection report	No violations
9/8/09	Collection was received	Docket No. RCRA-08-2008-2007
1/30/09	Declaration of Christopher Guzzetti	Docket No. RCRA-08-2008-2007
1/13/09	Order to show cause and order to supplement the record	Docket No. RCRA-08-2008-2007
7/2/08	Complaint sent to Stockton Oil	Docket No. RCRA-08-2008-2007
9/13/07	Inspection Report	Violation 280.41(b)(1)(ii) Failure to have an annual line tightness test or perform monitoring on pressurized piping
9/1/04	Letter to Stockton – final field citation	RCRA CIT-08-2004-0006
6/22/04	Inspection	Violation 280.41(b)(1)(ii) Failure to have an annual line tightness test or perform monitoring on pressurized piping Field citation issued in the field.
6/20/00	Inspection	None

**OUTSTANDING VIOLATION:**

40 CFR 280.41(a) - Failure to check the tanks at least every 30 days.

Outstanding violation remains for the period of June 22, 2011 through April 23, 2013 when the problem was corrected.

**Penalty Calculation:**

F. Chambus using the OSWER Directive 9610.12, U. S. EPA Penalty Guidance for Violations of UST Regulations calculated the penalty (Penalty Calculation Worksheet enclosed). **The penalty was calculated at \$23,584.**

Count	Timeframe	Interest Rate	Calculation
1	6/22/2011 through 4/23/13	6.9%	<b>\$23,584</b>

- ESM: 1.5, since the facility is in Indian country.
- Cooperation: .25 – Previous Order and owner would not accept field citation
- Willfulness: : .25 – Previous Order and owner would not accept field citation
- History: .50 – Previous order and field citation.
- Unique Factors: There were no gravity components for this.