

## SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Management Division (DEQ) and Eastgate Travel Plaza, LLC (Eastgate), enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in Notice of Violation No. 4092-07, dated June 28, 2007. Eastgate is the owner and operator of the underground storage tanks (USTs) located at 6585 Nugget Avenue, Evansville, Wyoming. This UST facility is registered with the DEQ as facility 0-000466. The Notice of Violation alleges that: 1) Eastgate failed to report a suspected release within 24 hours, when the automatic tank gauge (ATG) test result was not obtained for the regular unleaded gasoline tank for the month of July 2006, and for the premium unleaded tank for the months of February 2007, March 2007, April 2007 and May 2007. 2) Eastgate failed to investigate a suspected release when the automatic tank gauge failed to report a passing result. These acts are violations of the Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Sections 16 (c), 19 (c), and 20.

W.S. 35-11-901(a)(ii) authorizes the DEQ to negotiate a stipulated settlement, including payment of a penalty, in lieu of litigation. To that end, Eastgate and the DEQ hereby stipulate and agree as follows:

1. The DEQ is responsible for enforcing the Storage Tank Act of 2007 and Chapter 17, WWQRR.

Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c), states: "Owners and/or operators using automatic tank gauging shall also: (ii) report a suspected release and follow the requirements of Section 19(c) of this chapter whenever: (A) Any calendar month goes by when a passing result cannot be obtained from the ATG sometime during the month..."

WWQRR, Chapter 17, Section 19 (c), states: "Section 19. *Reporting of Suspected Releases.* Owners and/or operators of storage tank systems shall orally report to the department within twenty-four (24) hours all releases or suspected releases."

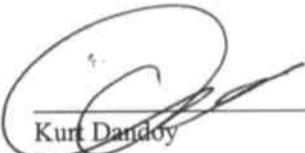
WWQRR, Chapter 17, Section 20, states: "Release Investigation and Confirmation for Eligible Owners and/or Operators, Owners and/or operators of storage tanks who are eligible for cleanup under the Corrective Action Account shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under Section 19 within seven (7) days of detection."

2. Since receiving Notice of Violation No. 4092-07 on or about July 1, 2007, Eastgate has corrected the cited violations. Eastgate provided passing results for all tanks for the period cited in the Notice of Violation.
3. Eastgate agrees to pay a total of Five Hundred Dollars (\$500.00) to the DEQ as a stipulated penalty for the cited violations. Payment of Five Hundred Dollars (\$500.00) shall be made within 30 days after execution of this Settlement Agreement. Payment shall be by check made payable to the Wyoming Department of Environmental Quality and addressed to the Wyoming Department of Environmental Quality, Attention: Robert Lucht, Herschler Building, 4<sup>th</sup> Floor West Wing, 122 W. 25<sup>th</sup> Street, Cheyenne, WY 82002.
4. Eastgate's full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all claims by the DEQ against Eastgate based on the violations alleged in Notice of Violation No. 4092-07. Contingent upon Eastgate's compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement action against Eastgate for these particular violations.
5. Eastgate waives any statute of limitations which may apply to an enforcement action by the DEQ involving the specific matters described in Notice of Violation No. 4092-07 in the event that Eastgate fails to fulfill its obligations under this Settlement Agreement.
6. This Settlement Agreement shall be admissible by either party without objection by the other party in any subsequent action between these parties.
7. Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.

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- 8. This Settlement Agreement is binding upon Eastgate and all of its successors and assigns, and upon the DEQ.
- 9. Nothing in this Settlement Agreement supersedes any provision found in any Wyoming state law, or any regulation issued by the Department of Environmental Quality or any federal law or regulation.
- 10. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

FOR EASTGATE TRAVEL PLAZA, LLC:

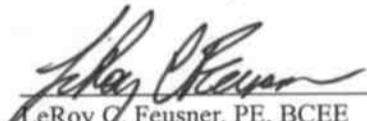
  
\_\_\_\_\_  
Kurt Dandoy  
President

8/8/07  
\_\_\_\_\_  
Date

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

  
\_\_\_\_\_  
John V. Corra,  
Director

7/30/07  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
LeRoy C. Feusner, PE, BCEE  
Administrator  
Solid and Hazardous Waste Management Division

30 Jul 07  
\_\_\_\_\_  
Date

CHECK # 18898 drawn on Wells Fargo Bank NA in the amount of \$500<sup>00</sup> received with the Settlement Agreement on August 10, 2007.

