

JUL 25 2008

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Management Division (DEQ) and Lloyd D. Haslam d/b/a Crowheart Store (Haslam), enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in Notice of Violation No. 4289-08, dated June 18, 2008. Haslam is the owner and operator of the aboveground storage tanks (ASTs) located at 8526 U.S. Highway 26, Crowheart, Wyoming. This AST facility is registered with the DEQ as facility 0-003968. The Notice of Violation alleges that Haslam operated two aboveground storage tanks without first obtaining written approval of the installation from the department. This act is a violation of the Wyoming Statute (W. S.) 35-11-1420 (b).

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, Haslam 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.
2. W. S. 35-11-1420 (b) states: "(b) No person shall install or substantially modify, or cause to be installed or substantially modified, any new or replacement tank without thirty (30) days prior notification to the department. Upon completion of the installation or modification the owner shall notify the department and the department shall within ten (10) days of receiving notification of completion, inspect the site or have the site inspected by a qualified state, local government or private inspector. No tank shall be operated until the department determines the installation or modification meets the applicable standards and the department has issued a written inspection letter to the tank owner stating that the facility, as constructed or modified, meets state standards, except that if the department has not inspected the tank within fifteen (15) days after receiving notice of completion, the tank may be operated without written notification of the department until the tank is inspected."

Since receiving Notice of Violation No. 4289-08 on or about June 23, 2008, Haslam has corrected the cited violation.

3. Haslam agrees to pay a total of One Thousand Five Hundred Dollars (\$1,500.00) to the DEQ as a stipulated penalty for the cited violations. Payment of Five Hundred Dollars (\$500.00) shall be made and returned with 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, 4th Floor West Wing, 122 W. 25th Street, Cheyenne, WY 82002.
4. Haslam's full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all claims by the DEQ against Haslam based on the violations alleged in Notice of Violation No. 4289-08. Contingent upon Haslam's compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement action against Haslam for these particular violations.
5. Haslam waives any statute of limitations that may apply to an enforcement action by the DEQ involving the specific matters described in Notice of Violation No. 4289-08 in the event that Haslam 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.
8. This Settlement Agreement is binding upon Haslam and all of its successors and assigns, and upon the DEQ.
9. Payment of One Thousand Dollars (\$1,000.00) is stayed for one (1) year from the date of this Settlement Agreement. If Haslam conducts Inventory Control (IC) and Automatic Tank Gauging (ATG) on each of the new tanks in accordance with Chapter 17, Section 16 (a) and (c) Wyoming Water Quality Rules and Regulations for one (1) year, then One Thousand Dollars (\$1,000.00) of

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this penalty shall be forgiven. This requires that Haslam obtain at least one passing ATG result for each of the three (3) compartments in the new ASTs, for each month for the next twelve (12) months. This also requires that Haslam balance IC within one percent (1%) plus 130 gallons for each compartment for the next twelve (12) months. Haslam shall report and investigate a suspected release any time a month passes without a passing ATG report for any compartment. Haslam shall report and investigate a suspected release any time IC fails to balance for two consecutive months.

10. 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.
11. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

FOR LLOYD HASLAM:


Lloyd Haslam

7-23-08
Date

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:


John V. Corra,
Director

7/11/08
Date


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

11 Jul 08
Date

CHECK # 1251 DRAWN ON FIRST INTERSTATE BANK
IN THE AMOUNT OF FIVE HUNDRED DOLLARS
(\$500.00) WAS RECEIVED W/ THIS DOCUMENT

