SOLID AND HAZARDOUS
WASTE DIVISION

FEB 2 0 2012

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ) and Moyle Petroleum Company, enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in Notice of Violation No. 4945-12, dated January 17, 2012. Moyle Petroleum Company is the owner and operator of the underground storage tanks (USTs) located at Common Cents #202 at 632 North Poplar Street in Casper, Wyoming. This UST facility is registered with the DEQ as facility 0-002900. The Notice of Violation alleges that Moyle Petroleum Company failed to operate with an operational overfill device and perform monthly visual inspections when the Class A Operator is in charge of more than one facility. These acts are violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17.

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, Moyle Petroleum Company and the DEQ hereby stipulate and agree as follows:

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

2. Moyle Petroleum Company committed the following violations of WWQRR, Chapter 17:

   Count 1: Operating a Tank Without an Operational Overfill Prevention Device [WWQRR, Chapter 17, Section 6(c)(i)(A) & (B)(I)(II)]. As owner and operator of underground storage tanks, Moyle Petroleum Company has violated WWQRR, Chapter 17, Section 6(c)(i)(A) & (B)(I)(II), by operating a tank without an operational overfill device.

   Count 2: Failure to Perform Monthly Inspection [WWQRR, Chapter 17, Section 46(d)]. As owner and operator of underground storage tanks, Moyle Petroleum Company has violated WWQRR, Chapter 17, Section 46(d), by failing to perform monthly visual inspection of each storage tank system when the Class A operator is in charge of more than one facility.

   Since receiving the Compliance Inspection Report on or about December 20, 2011, Moyle Petroleum Company has corrected the preceding violations.

3. The total penalty for the cited violations shall be two thousand dollars ($2,000.00). Moyle Petroleum Company has paid a total of two thousand dollars ($2,000.00) to the DEQ as a stipulated penalty for the cited violations.

4. Moyle Petroleum Company's full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all claims by the DEQ against Moyle Petroleum Company based on the violations alleged in Notice of Violation No. 4945-12. Contingent upon Moyle Petroleum Company's compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement action against Moyle Petroleum Company for these particular violations.

5. Moyle Petroleum Company 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. 4945-12 in the event that Moyle Petroleum Company 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 Moyle Petroleum Company and all its successors and assigns and upon the DEQ.

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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 MOYLE PETROLEUM COMPANY:

Signature: _____ 2-16-12
Date

Name: Michael T. Deal
Moyle Petroleum Company

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

_____ 2/10/12
John V. Corra, Date
Director

_____ 2/10/12
Carl Anderson, PhD Date
Administrator
Solid and Hazardous Waste Division