

JUN 06 2013

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ) and Kum & Go, L.C., enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in Notice of Violation No. 5117-13, dated February 1, 2013. Kum & Go, L.C., is the owner and operator of the underground storage tanks (USTs) at Kum & Go #961, which is located at 310 Skyline Drive, Gillette, Wyoming. This UST facility is registered with the DEQ as facility 0-001554. The Notice of Violation alleges that Kum & Go, L.C., had: 1) failed to notify the DEQ of a substantial modification, and 2) operated a substantially modified UST system without written authorization from the DEQ. These are violations of the Wyoming Storage Tank Act of 2007 (WS 35-11 Article 14).

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, Kum & Go, L.C., and the DEQ hereby stipulate and agree as follows:

1. The DEQ is responsible for enforcing the Wyoming Storage Tank Act of 2007.
2. Kum & Go, L.C., committed the following violations of the Wyoming Storage Tank Act of 2007:

Count 1: Failure to Notify the DEQ of a Substantial Modification to a UST System: [WS 35-11-1420(b)]. As the owner and operator of the USTs located at Kum & Go #961, Kum & Go, L.C., violated WS 35-11-1420(b), by failing to notify the DEQ of a substantial modification to a UST system.

Count 2: Operating a Substantially Modified UST System Without Written Authorization: [WS 35-11-1420(b)]. As the owner and operator of the USTs located at Kum & Go #961, Kum & Go, L.C., violated WS 35-11-1420(b), by operating a substantially modified UST system without written authorization.

3. The total penalty for the cited violations shall be two thousand dollars (\$2,000.00). Kum & Go, L.C., agrees to pay a total of two thousand dollars (\$2,000.00) to the DEQ as a stipulated penalty for the cited violation. Payment of two thousand dollars (\$2,000.00) 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: Oma Gilbreth, Herschler Building, 4th Floor West Wing, 122 W. 25th Street, Cheyenne, WY 82002.
4. Kum & Go, L.C.'s, full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all claims by the DEQ against Kum & Go, L.C., based on the violations alleged in Notice of Violation Docket Number 5117-13. Contingent upon Kum & Go, L.C.'s, compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement action against Kum & Go, L.C., for these particular violations.
5. Kum & Go, L.C., waives any statute of limitations that may apply to an enforcement action by the DEQ involving the specific matters described in Notice of Violation Docket Number 5117-13 in the event that Kum & Go, L.C., 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 Kum & Go, L.C., and all 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.

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

FOR KUM & GO, L.C.:

Signature: [Handwritten Signature]

5-31-13
Date

Printed Name: Philip Cardon

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

[Handwritten Signature]
Todd Parfitt,
Director

5/13/13
Date

[Handwritten Signature]
Alan Edwards
Acting Administrator
Solid and Hazardous Waste Division

May 10, 2013
Date

Paid check #116814