

JAN 12 2015

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ), and Mustang Travel Stop, LLC, enter into this Settlement Agreement to fully and finally resolve, without litigation, the violations alleged in Notice of Violation Docket Number 5485-14, dated October 28, 2014. Mustang Travel Stop, LLC, is the operator of the underground storage tanks (USTs) located at 4484 Highway 530, Washam, WY. This UST facility is registered with the DEQ as facility 0-004317. This NOV alleges that Mustang Travel Stop, LLC, failed to report and investigate a suspected release when inventory control records for a UST failed to balance for two consecutive months. This is a violation 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, Mustang Travel Stop, LLC, and the DEQ hereby stipulate and agree as follows:

1. The DEQ is responsible for enforcing WWQRR, Chapter 17.
2. Mustang Travel Stop, LLC, neither admits nor denies any alleged violation of WWQRR, Chapter 17; however, in order to avoid further litigation, Mustang Travel Stop, LLC, accepts civil liability for the following alleged violation of WWQRR, Chapter 17:

Count 1: Failure to Report and Investigate a Suspected Release: [WWQRR, Chapter 17, Section 16(a)(viii)]. As the owner and operator of the USTs located at the Mustang Travel Stop, Mustang Travel Stop, LLC, violated WWQRR, Chapter 17, Section 16(a)(viii), by failing to report and investigate a suspected release when the inventory control records for the diesel tank failed to balance during the months of August and September 2013.

3. The total penalty for the cited violations shall be one thousand, two hundred dollars (\$1,200.00). Mustang Travel Stop, LLC, agrees to pay a total of one thousand, two hundred dollars (\$1,200.00) to the DEQ as a stipulated penalty for the cited violations. Payment of one thousand, two hundred dollars (\$1,200.00) 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. Mustang Travel Stop, LLC's, full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all claims by the DEQ against Mustang Travel Stop, LLC, based on the violations alleged in Notice of Violation Docket Number 5485-14. Contingent upon Mustang Travel Stop, LLC's, compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement action against Mustang Travel Stop, LLC, for these particular violations.
5. Mustang Travel Stop, LLC, 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 5485-14 in the event that Mustang Travel Stop, LLC, 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 Mustang Travel Stop, LLC, 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 DEQ, or any federal law or regulation.
10. This Agreement may not be amended except by a written order signed by both parties.
11. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

SETTLEMENT AGREEMENT

FOR MUSTANG TRAVEL STOP, LLC:

Signature: Mandy Slough

Jan 4, 2015
Date

Written Name: Mandy Slough

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Todd Parfitt

Todd Parfitt,
Director

12/17/14
Date

Luke Esch

Luke Esch,
Administrator
Solid and Hazardous Waste Division

12-16-14
Date

check # 3464 \$1,200.00
Mustang Travel stop