

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ), HPT TA Properties Trust, and TA Operating LLC enter into this Settlement Agreement to fully and finally resolve, without litigation, the violations alleged in Notice of Violation Docket Number 5431-14, dated June 16, 2014. HPT TA Properties Trust and TA Operating LLC are the owner and the operator of the underground storage tanks (USTs) located at the Rawlins Travel Center, located at 1400 Higley Boulevard in Rawlins, Wyoming. This UST facility is registered with the DEQ as facility 0-003352. This NOV alleges that HPT TA Properties Trust operated two USTs that did not have overfill prevention devices. 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, HPT TA Properties Trust, TA Operating LLC, 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. HPT TA Properties Trust and TA Operating LLC neither admit nor deny any alleged violation of WWQRR, Chapter 17; however, in order to avoid further litigation, HPT TA Properties Trust and TA Operating LLC accept civil liability for the following alleged violations of WWQRR, Chapter 17:

Count 1: Failure to have an Overfill Prevention Device on a UST: [WWQRR, Chapter 17, Section 6(c)(i)]. As the owner and the operator of the USTs located at Rawlins Travel Center, HPT TA Properties Trust and TA Operating LLC violated WWQRR, Chapter 17, Section 6(c)(i), by operating two USTs without proper overfill prevention devices.
3. The total penalty for the cited violations shall be two thousand dollars (\$2,000.00). HPT TA Properties Trust and TA Operating LLC agree to pay a total of two thousand dollars (\$2,000.00) to the DEQ as a stipulated penalty for the cited violations. 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. HPT TA Properties Trust and TA Operating LLC's full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all claims by the DEQ against HPT TA Properties Trust and TA Operating LLC based on the violation alleged in Notice of Violation Docket Number 5431-14. Contingent upon HPT TA Properties Trust and TA Operating LLC's compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement action against HPT TA Properties Trust and TA Operating LLC for this particular violation.
5. HPT TA Properties Trust and TA Operating LLC waive 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 5431-14 in the event that HPT TA Properties Trust and TA Operating LLC fail to fulfill their 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 HPT TA Properties Trust, TA Operating LLC, all their 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 the concerned parties.

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

HPT TA PROPERTIES TRUST and TA OPERATING LLC:

Signature: 

Date: 11/4/14

Written Name: _____

Dennis J. Milazzo
Director of Environmental Engineering
TravelCenters of America LLC

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:



Todd Parfitt,
Director

Date: 10/27/14



Luke Esch,
Administrator
Solid and Hazardous Waste Division

Date: 10-27-14

check # 002766761

\$2,000.00

Carbon county SD #1