

DEC 05 2014

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ), and Conrad and Bischoff, Inc., enter into this Settlement Agreement to fully and finally resolve, without litigation, the violations alleged in Notice of Violation Docket Number 5460-14, dated October 6, 2014. Conrad and Bischoff, Inc., is the operator of the underground storage tanks (USTs) located at 580 West Broadway, Jackson, WY. This UST facility is registered with the DEQ as facility 0-003569. This NOV alleges that Conrad and Bischoff, Inc., failed to perform Class C Storage Tank Operator training, failed to conduct monthly inspections, and failed to provide records when requested. These acts are violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 and 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, Conrad and Bischoff, Inc., 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. Conrad and Bischoff, Inc., neither admits nor denies any alleged violation of WWQRR, Chapter 17 or WS 35-11 Article 14; however, in order to avoid further litigation, Conrad and Bischoff, Inc., accepts civil liability for the following alleged violations of WWQRR, Chapter 17 and WS 35-11 Article 14:

Count 1: Failure to Perform Class C Storage Tank Operator Training: [WWQRR, Chapter 17, Section 46(h)]. As the operator of the USTs located at Wrangler Petroleum, Conrad and Bischoff, Inc., violated WWQRR, Chapter 17, Section 46(h), by failing to provide Class C Storage Tank Operator training for its store clerks.

Count 2: Failure to Conduct Monthly Inspections: [WWQRR, Chapter 17, Section 46(d)]. As the operator of the USTs located at Wrangler Petroleum, Conrad and Bischoff, Inc., violated WWQRR, Chapter 17, Section 46(d), by failing to conduct monthly inspections when the Class A operator is in charge of more than one facility.

Count 3: Failure to Provide Records for Inspection When Requested: [WWQRR, Chapter 17, Section 13(d) and WS 35-11-1422(a)]. As the operator of the USTs located at Wrangler Petroleum, Conrad and Bischoff, Inc., violated WWQRR, Chapter 17, Section 13(d) and WS 35-11-1422(a), by failing to provide compliance records for inspection when they were requested.

3. The total penalty for the cited violations shall be two thousand dollars (\$2,000.00). Conrad and Bischoff, Inc., agrees to pay a total of five hundred dollars (\$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: Oma Gilbreth, Herschler Building, 4th Floor West Wing, 122 W. 25th Street, Cheyenne, WY 82002.
4. Payment of one thousand, five hundred dollars (\$1,500.00) is stayed for one (1) year from the date of this Settlement Agreement. If Conrad and Bischoff, Inc., complies with WWQRR, Chapter 17, and the Storage Tank Act of 2007 for one (1) year after this agreement has been signed, the remaining one thousand, five hundred dollars (\$1,500.00) of this penalty shall be waived. Full compliance with WWQRR, Chapter 17, and the Storage Tank Act of 2007 includes, but is not limited to: 1) payment of annual tank fees by January 1; 2) performance of an operator's annual inspection by April 15, 2015; 3) reporting and investigating a suspected release whenever a passing automatic tank gauge test result is not obtained during a month, as required by WWQRR, Chapter 17, Section 16(c)(ii); 4) reporting and investigating a suspected release whenever inventory control records fail during consecutive months in accordance with WWQRR, Chapter 17, Section 16(a)(viii), 5) performance of monthly inspections if the designated Class A Storage Tank Operator is over more than one facility, and 6) performance of Class C Storage Tank Operator training.
5. Conrad and Bischoff, Inc.'s full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all claims by the DEQ against Conrad and Bischoff, Inc., based on the violations alleged in Notice of Violation Docket Number 5460-14. Contingent upon Conrad and Bischoff, Inc.'s, compliance with the terms of this Settlement Agreement, the

SETTLEMENT AGREEMENT

DEQ will refrain from taking further enforcement action against Conrad and Bischoff, Inc., for these particular violations.

6. Conrad and Bischoff, Inc., 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 5460-14 in the event that Conrad and Bischoff, Inc., fails to fulfill its obligations under this Settlement Agreement.
7. This Settlement Agreement shall be admissible by either party without objection by the other party in any subsequent action between these parties.
8. Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.
9. This Settlement Agreement is binding upon Conrad and Bischoff, Inc., and all its successors and assigns and upon the DEQ.
10. 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.
11. This Agreement may not be amended except by a written order signed by both parties.
12. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

FOR CONRAD AND BISCHOFF, INC.:

Signature: _____



Written Name: _____

C James Hansen

Date

12-1-14

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Todd Parfitt
Director

Luke Esch
Administrator

Solid and Hazardous Waste Division

Date

11/20/14

Date

11-19-14

Check # 110377 \$500