

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ) and the United States Air Force enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in Notice of Violation No. 5468-14, dated October 8, 2014. The United States Air Force owns and operates the underground storage tanks (USTs) located at the Alpha Flight missile alert facility (MAF) and launch facilities (LFs) near Albin, Wyoming. The USTs located at Alpha-1 (Facility 0-002622), Alpha-2 (Facility 0-002609), Alpha-3, (Facility 0-002639), Alpha-4 (Facility 0-002631), Alpha-5 (Facility 0-002628), and Alpha-11 (Facility 0-002614), are steel and are protected from corrosion by impressed current cathodic protection (ICCP) systems. The Notice of Violation alleges that the United States Air Force, failed to inspect the ICCP rectifiers located at these facilities every 60 days. 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, the United States Air Force 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. The United States Air Force committed the following violations of WWQRR, Chapter 17:

Counts 1-18: Failure to Inspect an ICCP Rectifier Every 60 days: [WWQRR, Chapter 17, Section 11(c)]. As the operator of the USTs located at the MAF and LFs known as Alpha-1, Alpha-2, Alpha-3, Alpha-4, Alpha-5, and Alpha-11, the United States Air Force violated WWQRR, Chapter 17, Section 11(c), by failing to inspect the ICCP rectifier every 60 days at these 6 facilities on 3 different occasions.

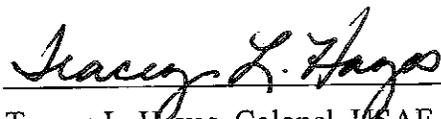
The total penalty for the cited violations shall be four thousand, one hundred dollars (\$4,100.00). The United States Air Force agrees to pay a total of four thousand, one hundred dollars (\$4,100.00) to the DEQ as a stipulated penalty for the cited violations.

3. Payment of four thousand, one hundred dollars (\$4,100.00) shall be made by electronic funds transfer referencing Docket Number 5468-14. Payment of this amount is due to the DEQ within 90 days of this Agreement's effective date. The effective date of this Agreement is the date of the last signature affixed hereto.
4. The ability of the United States Air Force to pay the penalty is subject to the availability of appropriated funds pursuant to the DoD Financial Management Regulation. Lack of appropriated funds, however, does not excuse the United States Air Force's liability to pay the stipulated penalty.
5. The United States Air Force 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 5468-14 in the event that the United States Air Force 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 the United States Air Force 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 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.

FOR THE UNITED STATES AIR FORCE:


Tracey L. Hayes, Colonel, USAF
Commander, 90th Missile Wing

14 May 15
Date

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:


Todd Parfitt
Director

4/20/15
Date


Luke Esch
Administrator
Solid and Hazardous Waste Division

4-20-15
Date