

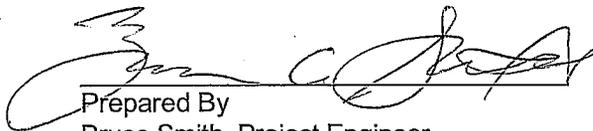
Prepared for:  
**Flying J Transportation LLC**  
**North Salt Lake, Utah**

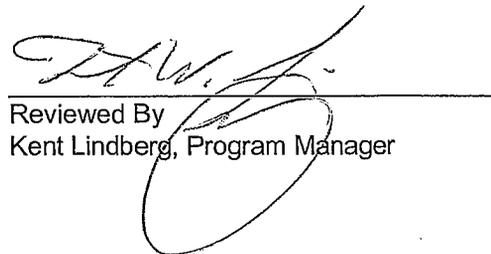
# Public Participation Plan Flying J Former Refinery Cody, Wyoming

The RETEC Group, Inc.  
January 2, 2008  
**Project No.: 02736-016-710**

Prepared for:  
**Flying J Transportation LLC**  
North Salt Lake, Utah

# Public Participation Plan Flying J Former Refinery Cody, Wyoming

  
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Merged with ENSR in 2007



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## 1.0 Introduction

ENSR Corporation (dba The RETEC Group, Inc. [RETEC]) has prepared this Public Participation Plan (PPP) for the Flying J Transportation LLC (Flying J) Former Refinery located in Cody, Wyoming, to allow the public to participate in the Voluntary Remediation Program (VRP) activities conducted at the site. This PPP is being prepared in response to a letter to Flying J dated August 27, 2007 from the Wyoming Department of Environmental Quality (WDEQ).

The PPP has been prepared to promote effective communication between Flying J and interested stakeholders regarding activities at the Flying J Former Refinery. Specific objectives of the PPP include the following:

- To establish a framework for presenting community concerns, interests, and expectations related to the Former Refinery;
- To build trust between Flying J, the community, and community leaders by developing a framework for disseminating site information and incorporating public feedback;
- To develop the best source of complete and reliable information about conditions, activities, and the regulatory process at the Former Refinery, and
- To plan for and create opportunities for meaningful public participation in the planning of property cleanup and reuse.

This document is organized into the following five sections:

- 1.0 Introduction
- 2.0 Site description and project history
- 3.0 Project schedule
- 4.0 Community background
- 5.0 Public involvement activities

Section 2.0 provides a brief description of the site and an overview of the site history. Section 3.0 provides a schedule for completion of site activities and associated reports. Section 4.0 discusses known community interests and concerns that will be more fully explored as part of the proposed public involvement activities. Section 5.0 outlines specific actions to be initiated to achieve the PPP goals and objectives.

## 2.0 Site description and project history

### 2.1 Site history

Flying J (formerly Yellowstone Refining Company [YRC]) owns the Former Refinery, which occupied approximately 436 acres, located north of the Shoshone River approximately one mile northeast of Cody, Wyoming as shown on Figure 1. Three separate parcels comprised the primary operations of the Former Refinery including the Refinery Property (RP) at 196.5 acres, Waste Management Area (WMA) at 79.4 acres, and Heart Mountain Evaporation Ponds (HMEP) at 160 acres. The locations of the RP, WMA, and HMEP are shown on Figure 1. Cottonwood Creek bisects the Former Refinery with the WMA to the east and the RP to the west. The Shoshone River forms the southern boundary of the Former Refinery. The HMEP were located approximately five miles north-northwest of the Former Refinery.

The Former Refinery began operations in the 1930s and processed relatively heavy “sour” crude oil, usually of high sulfur content. At its peak capacity of 12,000 barrels per day, the refined products consisted primarily of 80-percent fuel oils and asphalt, with the remainder consisting of gasoline and diesel. In 1982 operations were shutdown and the refinery closed.

### 2.2 Regulatory history

Both the WMA and HMEP have been subject to regulatory closure. The WMA’s closure was certified by GeoWest Golden, Inc. on December 5, 1988 in accordance with the closure plan approved by WDEQ and as noted in the permit issued by WDEQ on August 2, 1996. WDEQ granted its final approval for the closure of the HMEP on November 11, 2004.

The Ecological and Human Health Risk Assessments for the RP have been submitted to WDEQ for review and approval. Due to their distinct physiographic and hydrogeologic separation from each other, conditions at one parcel have little or no bearing on conditions at the other parcels. Therefore, these three parcels have been addressed separately in past Permit Applications. Post-closure care is focused on the WMA where hazardous wastes are managed in a closed RCRA regulated unit, which is not part of the VRP.

#### 2.2.1 Pre-permit regulatory history of hazardous waste material management units and areas of concern

##### Waste Management Area

Husky Oil Company (Husky) decided to identify the surface impoundments (SIs), Land Treatment Area (LTA), and Tetraethyl Lead Weathering Area (TEL) as interim status regulated units by submitting a Part A Application to the U.S. Environmental Protection Agency (EPA) in November, 1980. As production declined at the refinery, the disposal of listed hazardous wastes in the LTA or SIs was no longer needed, and since no hazardous wastes had been placed into these units since 1980, Husky amended its Part A application on October 20, 1982 to change the status of the LTA and SIs to inactive. However, it was subsequently discovered that potassium hydroxide (KOH) sludge disposed of in the LTA was considered hazardous waste due to its corrosive characteristic (pH >12). As a result, EPA was verbally notified during a meeting on August 8, 1983 that the recently obtained KOH data changed the previously requested inactive status for the LTA and that the LTA should be considered an interim status unit along with the TEL.

Interim status requirements for ground water monitoring were satisfied by the installation of five wells around the WMA in October 1981. After obtaining one year of baseline groundwater quality data, the results of the semi-annual ground water sampling event conducted on January 25, 1983 indicated that the

groundwater quality of downgradient wells had a statistically significant difference from groundwater quality in a background well. The wells were re-sampled during February 1983 and the analytical results verified the statistically significant differences in water quality. Subsequently, Husky notified EPA of the significant difference in groundwater quality on March 8, 1983. A meeting was then held with EPA on August 17, 1983, to discuss the methods of conducting field investigations for the Ground Water Quality Assessment Plan (GWQAP) required under 40 CFR 265.93. The GWQAP was prepared in accordance with EPA guidance and was submitted to EPA on September 1, 1983. Subsequently, various groundwater investigations and monitoring programs have been completed at the WMA.

A Closure Plan for the interim status units (LTA and TEL) was submitted to EPA on October 13, 1983. A voluntary Closure Plan for the inactive SIs, which included a detailed plan for a ground water investigation, was submitted to EPA on January 19, 1984. The Ground Water Quality Assessment (GWQA) Report was submitted to EPA on April 25, 1984 and contained copies of all correspondence with EPA including a delisting petition for the TEL and the closure plans for the SIs, LTA and TEL. Various closure investigations and closure plan modifications were completed prior to the actual closure of the former regulated units at the WMA.

A Consent Agreement (Docket No. RCRA (3008) VIII-84-22) was finalized between EPA and Husky's successor, RMT Properties, Inc., on October 10, 1984, which identified groundwater investigation data and closure requirements to be fulfilled by RMT Properties, Inc., an intermediary holding company established for the transfer of ownership of the Former Refinery from Husky to YRC.

### **Refinery Property and HMEP**

On November 22, 1985, the WDEQ filed a Notice of Violation (NOV) (Docket No. 1698-85) against YRC, which took ownership of the Former Refinery in December 1985. The NOV alleged that actual or threatened pollution of groundwater existed also at the RP in violation of Section 35-11-301 of the Wyoming Environmental Quality Act. WDEQ required that YRC undertake a groundwater investigation and assessment program at the RP and HMEP to determine the potential for groundwater pollution from past or present refinery activities other than those being addressed at the WMA.

### **Site investigations**

The Waste Material Management Units (WMMUs) and Areas of Concern (AOCs) were formally identified by U.S.EPA during the RCRA Facility Assessment (RFA) conducted in 1988 at the facility and presented in a report dated March 1989. A list of the WMMUs and AOCs was subsequently modified and included in the existing Permit issued by WDEQ. The four former WMMUs at the WMA were consolidated into a regulated unit during closure activities in 1988. The closed regulated unit is the only WMMU at the WMA. Figure 2 shows the locations of the 20 WMMUs and AOCs identified at the RP. Only the four ponds of the HMEP that were ever used constitute the one WMMU at the HMEP.

The U.S.EPA provided a description of each WMMU and AOC at the RP in the RFA Report, based upon observations noted during the Preliminary Review (PR) and Visual Site Inspection (VSI) on March 1, 1988. The observations described in the RFA Report are useful in noting the condition of these WMMUs/AOCs in 1988 and in understanding their potential to serve as sources of releases to soil and groundwater at the RP. Since then, most of these units have been taken out of service, their wastes removed, and permanently closed since the RFA was completed. Following the RFA, Flying J has completed numerous site investigation and remediation activities to identify and remove all major sources of contamination at the Former Refinery. Tables 1 and 2 provide a comprehensive listing of all documents summarizing previous site investigation or remediation activities for the WMA and RP respectively.

## 2.2.2 Permit history

A Post-Closure Permit Application was originally submitted to the WDEQ by YRC in August 1991. Upon review and comments from the WDEQ, Flying J submitted a revised Permit Application on January 31, 1992. The Permit Application was again revised on March 31, 1992. After issuance of various draft Permits and extensive negotiations between EPA, WDEQ and YRC to finalize the terms and conditions in the Permit, WDEQ issued a final Post-Closure and Corrective Action Permit, which went into effect on August 2, 1996. A Post-Closure Permit Renewal Application was submitted to the WDEQ by Flying J on March 2, 2001. WDEQ has not reviewed the permit renewal application in lieu of on-going discussions between WDEQ and FJT on alternative administrative mechanisms in place of the current site permit. As a result, the existing permit dated August 2, 1996, remains in effect. Since issuance of the Permit in 1996, several modifications have been made to the Permit, as described in the following paragraphs.

- On July 23, 1997, WDEQ approved a major Permit modification to allow the Corrective Measures Study requirement and compliance schedule to be fulfilled in three stages, starting with the Source Characterization Study (Stage 1, submitted to WDEQ on November 23, 1999 and approved by WDEQ on December 20, 1999), followed by a Migration Pathways and Risk Assessment (Stage 2, submitted to WDEQ on April 29, 2005, currently under a review and comment process between WDEQ and FJT), and completed by an Evaluation of Corrective Measures (Stage 3, to be submitted following approval of Stage 2). Separate work plans are to be submitted to WDEQ for approval prior to conducting the scope of work for each stage. The activities and results of each stage will be presented in separate reports. In addition, as a part of this permit modification, xylene was added as a contaminant indicator parameter for groundwater monitoring and semi-annual and annual reporting requirements were slightly modified.
- On October 2, 1998, WDEQ approved a minor Permit modification to revise the language in Part V.F.3 of the Permit and its reference in Attachment I-3 for clarification purposes.
- On October 26, 1998, Flying J requested a minor Permit modification following a change in the organization and name of YRC and its parent company, Big West Oil Company. Flying J, Inc., the parent company of Big West Oil Company, reorganized its corporate structure. Big West Oil Company changed its name to BWOC Inc. and continues to be the parent company for the Former Refinery. YRC was merged with a sister company, Flying J Transportation LLC under the new corporate organization. YRC no longer exists as a company following the merger and Flying J is the surviving corporation. WDEQ approved of the minor Permit modification for the corporate reorganization in a letter dated November 17, 1998. Both YRC and Flying J are referred to herein in describing various activities and documents that were completed under their periods of ownership.
- On December 18, 1998, Flying J requested that WDEQ approve a minor Permit modification for changes in analytical methods implemented by the analytical laboratory, Quanterra Environmental Services, for the analysis of volatile organics, and dissolved arsenic, lead, and selenium for the WMA groundwater monitoring program. These changes were necessary since the analytical methods for these constituents had become obsolete or had been removed from the SW-846 methods approved by EPA, and therefore were no longer supported by Quanterra. WDEQ approved of the minor Permit modification for the changes to the analytical methods in a letter dated March 5, 1999.
- On April 16, 2003, Flying J requested WDEQ approval for the replacement and abandonment of six multipoint wells that could no longer be sampled due to equipment failure and well integrity. Additionally, Flying J submitted a revised Sampling and Analysis Plan (SAP) to replace the old

multiport monitoring wells with other existing conventional monitoring wells onsite. The multiport well replacement and revised SAP were approved by WDEQ on July 19, 2004.

- On June 26, 2003, Flying J requested that WDEQ approve a minor Permit modification for changing Flying J Transportation, Inc. to Flying J Transportation, LLC. The name change was approved by WDEQ on July 24, 2003.
- As a recommendation in the 2005 WMA Annual Report submitted to WDEQ on April 21, 2006, Flying J requested that Monitored Natural Attenuation be changed from the conditional remedy to the final remedy for the WMA. WDEQ approval of the WMA final remedy was noted in a letter dated September 14, 2006, but that the permit change will not be in effect until the issuance of a new permit or other regulatory device. Currently, WDEQ has not issued a formal approval of the remedy nor have conditions, contingencies, or alternatives for the remedy been discussed or agreed upon.

On March 26, 2007, Flying J submitted a VRP application to WDEQ for all of the RP and WMA, except for the regulated units in the WMA.

## 2.3 Remediation activities

During operation of the refinery, different areas were used for petroleum refining, crude oil and product storage, product loading and unloading, and management of refinery wastes. Refining storage and process areas occurred only on the RP. The WMA and HMEP were solely used for waste management. Several waste management units were also operated at the RP. The following sections present a brief description of refining processes and cleanup activities for the three main areas of the former refinery. Figure 3 identifies areas where interim measures have been completed or are currently in operation.

### 2.3.1 Refinery Property

Petroleum and product storage, and refining processing occurred only in the RP within the upper portions of the Cody Terrace. In 1977, the Cody Refinery had a storage capacity of 1,310,320 barrels of which nearly 49% (642,400 bbls) was used for asphalt storage. Wastewater treatment separators, skimmers, and ponds were constructed on areas excavated in the lower portions of the Cody Terrace.

Railcar and transfer truck loading and unloading operations also occurred within the RP. Two distinct sewer systems for “clean” water and oily water were managed at the RP. Oily water was collected and routed through a series of separators, skimmers, and ponds as part of the treatment process. Prior to 1976, the treated wastewater was discharged to the Shoshone River. After 1976, refinery wastewater was pumped to the HMEP for disposal. The clean water sewer collected non-oily wastewater from the cooling towers, boilers, receivers, and steam generators. Clean water was routed to a cement lined ditch and discharged into Ponds 1A and 1B before cascading to Pond 4A where it was either routed to the Shoshone River or Pond 4B for transfer to the HMEP. A separate sanitary sewer system routed domestic wastewater to septic fields.

Closure activities at the RP included removal of materials in process units, products in pipelines and storage tanks, and wastes in several WMMUs at the RP following the shutdown of operations at the former refinery. Closure activities began in 1983 and were completed by 1988. The ponds were drained by pumping the water to the HMEP and then the sludge and contaminated soil was excavated, stabilized and placed in a containment cell at the Cody landfill.

Dismantlement, demolition, and removal of the aboveground structures at the RP started in 1991 and were completed in 1998 with a majority of the work completed between 1996 and 1998. Dismantlement involved the razing of aboveground structures including process units, storage tanks, piping, and buildings.

Materials including steel, copper, and other metals were salvaged for their scrap value. Demolition debris (bricks, concrete, etc) and residual asphalt were disposed of at the local Park County landfill. Asbestos material was appropriately handled and disposed of by licensed asbestos contractors.

Wolz's Ditch, shown on Figure 3, was originally constructed in 1958 to collect hydrocarbon spills and was improved in July 2000 by extending the ditch to the west approximately 200 feet and installing and backfilling a horizontal drain throughout the entire length of the ditch. These improvements converted Wolz's Ditch from an open ditch to a buried trench for the recovery of groundwater discharging from the upper terrace at the RP.

A Boundary Control System (BCS) was installed along the Shoshone River on the RP and began operation on November 7, 2000. The BCS, which is a barrier to potential migration of product to the river, consists of an impermeable vertical membrane (referred to as a hanging wall) which is installed within a subsurface trench that intercepts groundwater flow from the RP to the river. The purpose of the hanging wall is to collect product on the water table while allowing groundwater to flow under the hanging wall. Since operations began in 2000, 132 gallons of product have been recovered from the subsurface upgradient of the hanging wall.

Closure of the refinery landfill began in 2005 and will be completed by the end of 2007. Approximately 65,000 cubic yards of soil, solid wastes, and liquid asphalt materials were excavated, stabilized and disposed at the Cody landfill. Flying J's intent is to remove all waste and contaminated soil such that WDEQ can certify its closure.

The Subsurface Pipe Investigation and Removal Project (Pipe Removal) began in July 2005 and was completed in January 2007. Pipe Removal activities were concentrated on the process unit area, tank farm and other areas south of the railroad tracks where pipe had been estimated to be located based on previous electromagnetic investigation work.

Because pipe investigation and removal as a remedy disturbs subsurface soil, Flying J took the opportunity to characterize the subsurface across the investigation area. The following summarizes the investigation:

- Approximately 39,201 linear feet of pipe was removed from the subsurface of the refinery property.
- Within this pipe, approximately 40 gallons of mainly crude oil was recovered.
- Approximately 133,400 square feet (3 acres) of the 146-acre investigation area was excavated to an average depth of 4.5 feet.
- An estimated 592,400 cubic feet (21,941 cubic yards) of soil was excavated and inspected.
- Across this extent, only residual amounts of oil and asphalt were observed in test pits or pipe trenches. When encountered, these impacts were excavated and disposed of at the Cody Landfill.
- No unknown areas of impact were encountered during the pipe investigation. Flying J removed a known asphalt pit and nine isolated surface expressions of asphalt.
- Some pipes were left in place in areas of active utilities, in areas outside of the refinery property, or in areas of surface obstructions. These pipes were observed to be clean and will not serve as ongoing sources to the subsurface.

As a result of the numerous investigations (summarized in the reports listed in Table 2) and remediation activities at the Former Refinery, there is limited product in the subsurface at locations shown on Figure 3. Data from 2007 indicate thicknesses of product, in the monitoring wells containing product shown on Figure 3, as less than two inches. In addition, site contaminants (benzene) are dissolved in groundwater at

concentrations above drinking water standards at only one of the 23 monitoring wells and springs sampled on a routine basis at the Former Refinery.

### 2.3.2 Waste Management Area

The WMA was used to manage various wastes produced by the refining operations. A total of five waste disposal units were operated at the WMA including two surface impoundments (SIs), a Land Treatment Area (LTA), a Tetraethyl Lead Weathering Area (TEL), an Asphalt Disposal Area (ADA), and a Fire Fighting Training Area (FFTA). Three of these units were identified as hazardous waste management units: the SIs, LTA and TEL. Two of the five units, the ADA and FFTA, are identified as non-hazardous waste management units. The locations of the former waste management units at the WMA are identified on Figure 2. No other refining processes or operations were conducted at the WMA aside from these five waste disposal units. The former waste units at the WMA were closed by consolidating the wastes into a hazardous waste management unit, now known as the regulated unit.

Closure of the WMA was accomplished in two major stages of construction during the 1987 and 1988 construction seasons. Stage 1 closure activities were initiated during 1987 and included:

- Installation of a spring collection and a concrete lined runoff diversion system north of the SIs
- Excavation of buried asphalt and lime wastes located near the SIs and disposal within the interior of the SIs
- Preloading of the SI wastes with soil to consolidate them prior to construction of the final cover

Flow from spring SP-1 was diverted into the Spring Diversion System starting on September 18, 1987.

Stage 2 closure activities were approved by EPA on May 19, 1988. Stage 2 activities were initiated during 1988 and included construction of:

- An impermeable cap and infiltration drainage system over the SIs.
- A runoff diversion ditch for the SIs.
- A runoff containment berm for the LTA.
- A gravel erosion cover over the SIs and LTA.
- A chain-link security fence around the closed regulated unit

The regulated unit has been in post-closure monitoring since 1988. Post-closure activities are conducted in accordance with the Permit, and are not currently part of the VRP. WDEQ tentatively and informally approved monitored natural attenuation (MNA) as the final remedy for the WMA. In 2006, site contaminants (benzene, 2,4-dimethylphenol, selenium) dissolved in groundwater at concentrations above drinking water standards are present in only two of the 17 monitoring wells and springs sampled on a routine basis.

### 2.3.3 Heart Mountain Evaporation Ponds

The HMEP were constructed by Husky in 1976 to allow wastewater to be disposed of via evaporation, and avoid discharging wastewater to the Shoshone River. The HMEP occupied approximately 160 acres and are located approximately five miles north-northwest of the Former Refinery. Twenty evaporation ponds were constructed, but only the four northernmost ponds were ever used for the disposal of refinery wastewater by evaporation. Except for two occasions in 1986 and 1988 when the remaining water from the wastewater ponds on the RP was pumped to the HMEP as part of the RP wastewater pond closure, approved by WDEQ, the HMEP have remained out of service since 1982 when the refinery shutdown.

In 1999-2000, approximately 13,500 cubic yards of hydrocarbon-contaminated sediment/soil were removed from the four northernmost ponds and disposed of at the Cody landfill during closure of the HMEP. WDEQ approved the closure of the HMEP in a letter dated November 11, 2004.

### 3.0 Project schedule

As described in Section 2, a significant amount of work has been completed at the Former Refinery to date. General activities yet to be completed include the following:

- Completion of landfill closure activities
- Continued operation of existing groundwater interim measures
- Establishment of a Use Control Area for the site
- Finalization of the Pipe Removal Certification Report
- Finalization of the Ecological and Human Health Risk Assessments
- Preparation of a Corrective Measures Study (CMS)
- Development of a Remedy Agreement
- Implementation of final corrective measures, if necessary

Each of the activities is described briefly below:

#### Landfill closure activities

Closure of the refinery landfill began in 2005 and will be completed during 2008. Approximately 65,000 cubic yards of soil, solid wastes, and liquid asphalt materials were excavated, stabilized and disposed at the Cody landfill. Flying J's intent is to remove all waste and contaminated soil such that WDEQ can certify its closure.

#### Existing groundwater interim measures

As described in Section 2.3.1, Flying J recovers product floating on shallow groundwater from Wolz's Ditch and from the BCS. Product recovery will continue until a WDEQ-approved practicable endpoint is achieved.

#### Use control area

If soil contamination remains in place upon cleanup, it is required that the use of the property be restricted over the long term. Cleanup levels for use control areas, while remaining protective, are not as rigorous as the levels used for sites with unrestricted use. A Use Control Area (UCA) designation must be in place before WDEQ can evaluate alternative uses for the site in the future remedial alternatives evaluation (or Corrective Measures Study). Even if FJT obtains a UCA for the site, it does not ensure that the WDEQ will approve a remedy with cleanup levels less stringent than those for unrestricted site use.

#### Pipe removal certification report

Between July 2005 and January 2007, subsurface pipe was investigated and removed, as described in Section 2. The goal of the subsurface pipe investigation was to remove the last remaining potential source of impacts to the subsurface at the refinery and the results from the investigation and interim action were summarized in the report.

### Ecological and human health risk assessments

Flying J has prepared two draft documents summarizing potential ecological and human health risks. WDEQ is currently reviewing them and once finalized, a copy of each document will be available at the public repository listed in Section 5.2.1.

### Corrective Measures Study

The purpose of the CMS is (1) to develop and evaluate corrective action alternatives that will address potential risks identified in the ecological and human health risk assessments, and (2) to recommend the corrective measures to be implemented at the Former Refinery. The CMS consists of four tasks:

- Identification and development of the corrective measures alternatives
- Evaluation of the corrective measures alternatives
- Justification and recommendation of the corrective measures
- Final CMS Report and subsequent progress reports

### Remedy agreement

A remedy agreement is an agreement between WDEQ and Flying J that establishes the specific remedial actions that will be implemented at the Former Refinery. The remedy and remediation standards for the site that are set forth in a remedy agreement are permanent, subject to the reopeners and termination clauses defined in the Environmental Quality Act. A remedy agreement typically contains:

- A remedial action plan
- A description of any engineering or institutional controls that are associated with the remedy
- A schedule
- Provisions for modifying (reopening) or terminating the agreement
- Financial assurances
- Other provisions necessary to support efficient and effective implementation of the remedy.

Once the WDEQ and Flying J enter into a remedy agreement, Flying J will implement the remedy in accordance with the terms and conditions set forth in the agreement.

The general timeline for completion of these activities is shown in the Gantt chart included in Appendix A. Tasks performed by WDEQ as shown in red, and anticipated public involvement/review opportunities are shown in blue. The general process for finalizing reports includes the issuance of a draft document to WDEQ for review, the inclusion of WDEQ's comments into an amended draft document, and the finalization of the document. The only process that requires public notification and involvement per Wyoming Statutes is the Remedy Agreement. However, Flying J intends to keep interested stakeholders involved through various public involvement activities, as described in Section 5.

## 4.0 Community background

To date, Flying J has completed the obligations for public notice related to inclusion of the site into the VRP as set forth by WDEQ. Flying J published a display advertisement in the Cody Enterprise. The advertisement was displayed weekly for four consecutive weeks. Flying J also mailed letters to all surface owners of record of land adjacent to the site.

WDEQ received two requests from the public for Flying J to develop a PPP. The requests were from the Clark Resource Council and the Powder River Basin Resource Council.

### 4.1 Issues of concern

Currently, the only known issues of concern include the requests from the Clark and Powder River Basin Resource Councils for public involvement, including public review and input.

### 4.2 Commitment to public participation

Flying J is committed to keeping the community informed of progress on all phases of the project, creating avenues for public involvement that address public comments and encourage two-way dialogue, and maintaining a Flying J telephone contact that allows citizens to call with questions concerning Flying J environmental improvement activities (see Appendix B). These goals will be met through implementation of the PPP, as described in Section 5.

In order to keep the public informed of activities at the site, Flying J instituted a public repository in 1996 as required by the permit, of all reports and correspondence with the regulatory agencies involved with the site. This repository is located in the Cody Public Library and has been diligently maintained by Flying J throughout the years. Any of the information stored in the repository regarding the facility is available to the public upon request during normal business hours.

## 5.0 Public involvement activities

To address the objectives of the PPP listed in Section 1, Flying J proposes the following specific tasks, organized into three categories: research, implementation, and follow-up.

### 5.1 Research

To understand the needs, issues, and concerns of the community, Flying J will conduct the following types of research activities:

- Identify stakeholders, including community leaders, government officials, and Flying J's site neighbors, and include them on a mailing list.
- Identify needs and goals of community groups and organizations through scheduled public meetings.

Current stakeholders are listed in the mailing list in Appendix C. Additional stakeholders identified in the future will be added to the mailing list in Appendix C.

### 5.2 Implementation

This section gives a general description of PPP activities, followed by actions Flying J will conduct to implement these activities.

#### 5.2.1 Description of activities

Flying J's PPP will consist of two types of activities: information sharing and public involvement.

Information sharing activities. These types of activities are designed to reach the largest audience with a minimum of time commitment by the receiver of the information. Sample activities include communication vehicles such as newsletters, fact sheets, information packets, public notices, and/or public displays. Use of the internet as a possible vehicle for public communication will be assessed at a later date as the PPP is implemented.

Project deliverables will be made available at the Park County Library, in Cody. Condensed electronic versions (when necessary) of the deliverables will be available for download on the WDEQ website. The following presents the pertinent repository information:

Park County Library  
1057 Sheridan Avenue  
Cody, WY 82414  
307.527.8820

The persons and organizations presently on the mailing list for notification of progress at the site, schedules for public meetings, and other updates are included in Appendix C. The mailing list may be modified at any time by contacting Mr. Kent Lindberg of RETEC. His contact information is as follows:

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Program Manager  
The RETEC Group, Inc.  
1726 Cole Boulevard, Suite 150  
Golden, CO 80401  
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Public involvement activities. These types of activities are designed to provide interested citizens with opportunities to interact with Flying J on a more personal level that allows for public input and two-way dialogue. Sample activities include the following:

- Site tours. Site tours provide the public with a visual image of the overall project and current activities that are taking place, and can be scheduled as needed and based on overall demand.
- Information booths. Where appropriate and requested by members of the community, Flying J can provide an information booth at community functions to update citizens on environmental improvement activities and to discuss individual issues and concerns.
- Public meetings. Regularly scheduled public meetings (e.g., quarterly) to solicit public input will be identified and scheduled during periods of environmental improvement activities and during periods of public interest. The initial public meeting will be advertised in the Cody Enterprise and subsequent meeting notifications will be sent to those on the mailing list.
- Informal meetings. Flying J is open to participating in focused meetings requested by high-interest groups that are potentially affected by Flying J activities. Example groups include the Cody Chamber of Commerce, site neighbors, environmental organizations, etc.

### 5.2.2 Implementation of activities

To effectively implement the PPP, Flying J will conduct the following activities:

- Create an internal Flying J PPP team. Most effective public involvement endeavors are the result of a team effort by those involved in the project. The Flying J PPP team will consist of the Flying J Project Manager, the Flying J site caretaker and local contact, and Flying J's environmental consultant's Program Manager
- Maintain a public repository of appropriate Flying J documents for easy access by interested citizens. (see Section 5.2.1).
- Develop and maintain a master mailing list and disseminate written materials such as fact sheets, newsletters, public notices, etc., as appropriate. The mailing list will be compiled and updated regularly as interested groups and individuals are identified.
- Develop, schedule, and conduct the type of public involvement activities described in Section 5.2.1 to promote consistent availability of company representatives in the community. This will provide opportunities for citizen input and allow Flying J to respond effectively to new and ongoing citizen concerns.
- Keep local, and, if interested, regional government officials informed of public announcements so they can adequately address citizen questions and concerns.
- Continue to manage future land use issues through incorporation into the other activities listed in Section 5.2.1.

### 5.3 Follow-up

Flying J's PPP is designed as a flexible program that can be revised at any point to improve its effectiveness. Flying J will evaluate the PPP on a regular basis and determine the need for additions and/or revisions based on input from stakeholders and the need for additional public participation activities and opportunities. Flying J's PPP will be a consistent and ongoing effort to involve the public and maintain open lines of communication and understanding with the local community.

## Tables

**Table 1 Previous Site Investigation or Remediation Activities  
Waste Management Area**

<b>Report</b>	<b>Date Submitted</b>	<b>Author</b>
Hydrogeologic Studies Related to Groundwater Monitoring of Hazardous Waste Management Facility	Dec. 1981	Dames & Moore
Evaluation of Land Treatment Practice and Rationale for Unsaturated Zone Monitoring Plan	Jan. 11, 1982	Dames & Moore
RCRA Operating Record and Closure/Post-Closure Plans	1982	Dames & Moore
Closure-Post Closure Plan for Interim Status Hazardous Waste Management Facility and Process Units, Husky Refinery, Cody Wyoming	Oct. 12, 1983	Dames & Moore
Closure/Post-Closure Plans and Ground Water Investigations, Inactive Waste Management Facilities, Husky Oil Company, Cody, Wyoming	Dec. 27, 1983	Dames & Moore
Ground Water Quality Assessment Report	Apr. 1984	Dames & Moore
EPA / Husky (RMT Properties, Inc.) Consent Agreement	Oct. 10, 1984	U.S. EPA / Husky
Ground Water Investigation (Phase 1)	Jan. 1986	Dames & Moore
Closure and Post-Closure Plans Volume 1: Closure and Post-Closure Plans Volume 2: Facility Description and Information Volume 3: Phase 2 Ground-Water Investigation (Geology and Hydrogeology) Volume 4: Phase II Ground-Water Quality Assessment Report Volume 5: Waste Characterization Summary Volume 6: Design Information for Spring Collection and Diversion System Volume 7: Design Information for Surface Impoundment Closure Volume 8: Design Data and Criteria for LTA Closure and Cover	Aug. 14, 1987 Aug. 14, 1987 Jun. 19, 1987 Dec. 15, 1987 Jan. 1988 Sep. 18, 1987 Apr. 1988 Apr. 1988	Dames & Moore
Ground Water Monitoring Update Report	Feb. 1988	Dames & Moore
Corrective Measures Study	Oct. 3, 1988	Dames & Moore
Summary Report: Documentation of Construction Activities for Closure of WMA	Dec. 1988	Dames & Moore
RCRA Facility Assessment	Mar. 1989	U.S. EPA
1990 Sampling and Analysis Plan, Groundwater Monitoring Activities, WMA	Feb. 1990	GeoWest
Phase II Interim Status Post-Closure Ground Water Monitoring, Sampling and Analysis Plan	Feb. 1991	GeoWest



**Table 1 Previous Site Investigation or Remediation Activities Waste Management Area**

Report	Date Submitted	Author
2 <sup>nd</sup> Half Progress Reports 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 Subsequent progress reports are included in annual reports	Jan. 23, 1997 Jan. 28, 1998 Jan. 22, 1999 Mar. 17, 2000 Jan. 31, 2001 Jan. 31, 2002 Jan. 27, 2003 Jan. 27, 2004 Mar. 07, 2005 Mar. 14, 2006	TriTechnics RETEC ThermoRetec ThermoRetec ThermoRetec RETEC RETEC RETEC RETEC RETEC
Annual Reports 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007	Mar. 1989 May 25, 1990 Apr. 1991 Apr. 9, 1992 Apr. 14, 1993 Apr. 14, 1994 Apr. 13, 1995 Apr. 12, 1996 Mar. 14, 1997 Feb. 27, 1998 Feb. 25, 1999 Mar. 24, 2000 Feb. 27, 2001 Feb. 28, 2002 Feb. 28, 2003 Feb. 24, 2004 Apr. 8, 2005 Apr. 21, 2006 May 15, 2007 Feb. 15, 2008	Dames & Moore GeoWest GeoWest GeoWest GeoWest GeoWest Ecova TriTechnics TriTechnics RETEC ThermoRetec ThermoRetec ThermoRetec RETEC RETEC RETEC RETEC RETEC RETEC RETEC ENSR

**Table 2 Previous Site Investigation or Remediation Activities  
Refinery Property**

<b>Report</b>	<b>Date Submitted</b>	<b>Author</b>
Closure/Post Closure Plan for Interim Status Hazardous Waste Management Facility & Process Units	Oct. 12, 1983	Dames & Moore
Closure Plan, Hazardous Waste Management Facility Process Units	May 24, 1984	Dames & Moore
Closure Plan, API Separator and 2A Tank	May 1988	Dames & Moore
Plans and Design Data for Removal of Wastewater Ponds	Aug. 1988	Dames & Moore
Summary of Construction Activities—Removal, Stabilization and Disposal of Wastewater Pond Solid Wastes	Feb. 1989	Dames & Moore
Site Assessment and Ground Water Investigation	Jun. 1989	IT
RCRA Facility Assessment	Mar. 1989	U.S. EPA
Phase 2 Ground Water Assessment	Apr. 30, 1990	GeoWest
Corrective Measures Study Work Plan	Dec. 1996	TriTechnics
Analysis of Groundwater Monitoring Results From 1990 Sampling and Analysis Plan	Apr. 14, 1997	TriTechnics
Corrective Measures Study Work Plan, Stage 1 Source Characterization Study and CMS Overview	Revised: July 8, 1997 (Original: Nov. 27, 1996)	TriTechnics
Subsurface Investigation Work Plan for Former Refinery Landfill	Oct. 23, 1997	TriTechnics
Revised Sampling and Analysis Plan for RP Groundwater Monitoring	Revised: May 6, 1998 (Original: Apr. 14, 1997)	RETEC
Interim Measures Work Plan	Nov. 20, 1998	ThermoRetec
Soil Disposal Plan for Interim Measures Investigation	Feb. 11, 1999	ThermoRetec
Interim Measures Investigation Report	Jul. 16, 1999	ThermoRetec
Additional Characterization – Former Asphalt Landfill	Aug. 19, 1999	ThermoRetec
Corrective Measures Study Stage 1 Report – Source Characterization Study	Revised: Nov. 23, 1999 (Original: by RETEC dated Jan. 30, 1998)	ThermoRetec
Corrective Measures Study Stage 2 Work Plan	Feb. 11, 2000 (Original: by RETEC, dated Jan. 30, 1998)	ThermoRetec
Stabilization Measures Design and Work Plan Interceptor Trench/Hanging Wall Barrier	Mar. 1, 2000	ThermoRetec

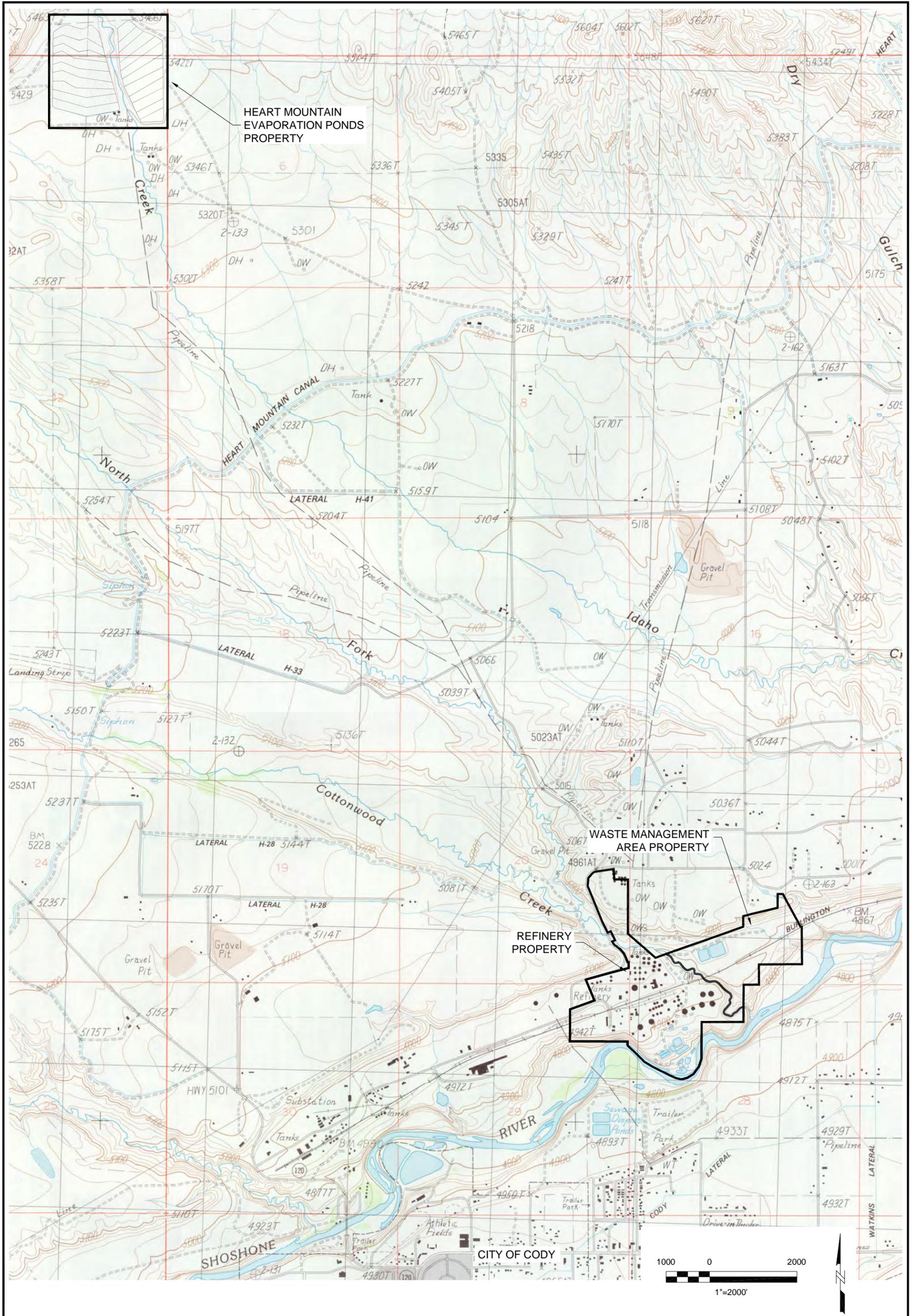
**Table 2 Previous Site Investigation or Remediation Activities  
Refinery Property**

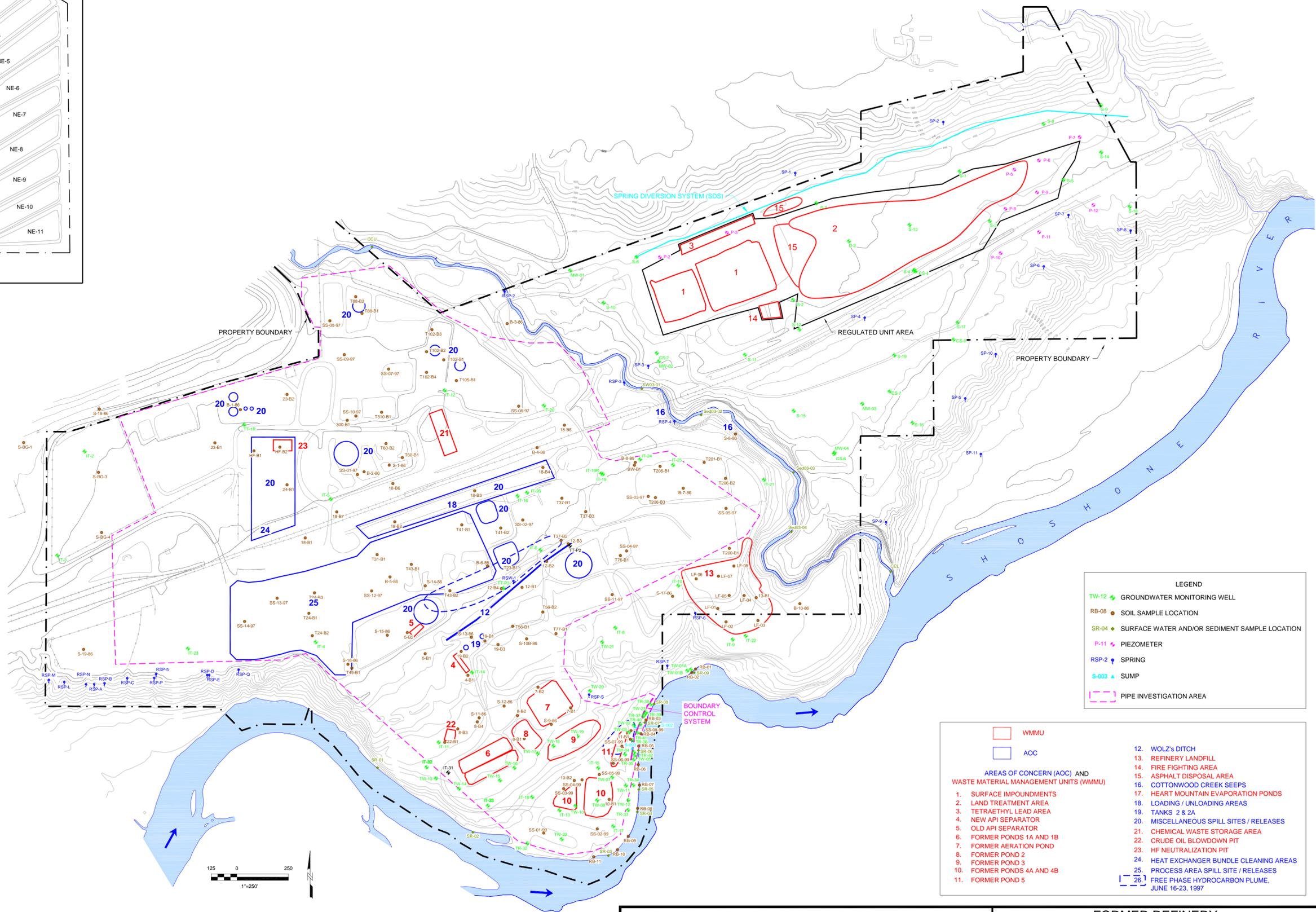
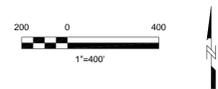
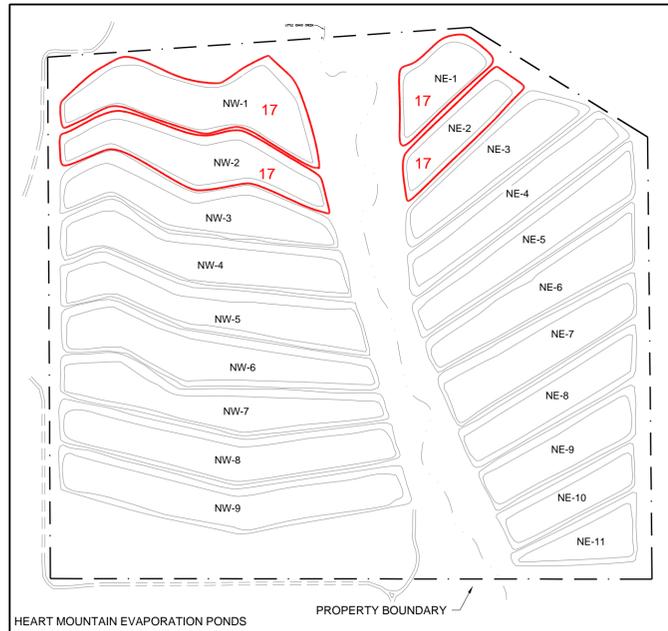
<b>Report</b>	<b>Date Submitted</b>	<b>Author</b>
Planned Improvements to Wolz Ditch	May 4, 2000	ThermoRetec
Completed Improvements to Wolz Ditch letter report	Sep. 11, 2000	ThermoRetec
Post-Closure/Corrective Action Permit Application	Mar. 2, 2001	ThermoRetec
Stabilization Measures Construction and Start-Up Monitoring Report	Apr. 6, 2001	ThermoRetec
Summary of Plan of Action for Monitoring Discharge Under NPDES Permit No. WY0000451	Oct. 29, 2001	RETEC
Summary of Oct. 2001 Wastewater Discharge Analytical Results Under NPDES Permit No. WY0000451	Oct. 29, 2001	RETEC
Report for Excavation and Disposal of Additional Subsurface Soil between Hanging Wall/Trench and Riverbank	Jun. 3, 2002	RETEC
Notification of Discovery of Area of Buried Asphalt at Refinery Property	Jul. 15, 2002	RETEC
Proposed Interim Measures for Asphalt Seepage from Former Asphalt Landfill	Jul. 1, 2003	RETEC
2003 Hanging Wall/Trench System Activity Summary	Aug. 18, 2003	RETEC
Revised Sampling and Analysis Plan	Sep. 19, 2003	RETEC
CMS Stage 2 Risk Assessment Work Plan	Aug. 6, 2004	RETEC
Human Health Risk Assessment and Ecological Risk Assessment (Volumes 1 and 2 of the CMS Stage 2)	Apr. 29, 2005	RETEC
Additional Characterization, Former Asphalt Landfill	May 11, 2005	RETEC
Asphalt Landfill Test Pit Work Plan	Jun. 3, 2005	RETEC
Landfill Closure Plan	Sep. 15, 2005	RETEC
Revised Closure/Post-Closure Plan, Former Refinery Landfill	Dec. 12, 2005	RETEC
Certification Report for the Subsurface Pipe Investigation and Removal	Apr. 10, 2007	RETEC
Public Participation Plan	Jan. 7, 2008	RETEC
Analytical Results for June Groundwater Monitoring Events 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007	Sep. 19, 1997 Aug. 21, 1998 Aug. 17, 1999 Sep. 18, 2000 Oct. 17, 2001 Aug. 30, 2002 Oct. 3, 2003 Sep. 30, 2004 Oct. 17, 2005 Oct. 26, 2006 Sep. 11, 2007	TriTechnics RETEC ThermoRetec ThermoRetec RETEC RETEC RETEC RETEC RETEC RETEC RETEC RETEC

**Table 2 Previous Site Investigation or Remediation Activities  
Refinery Property**

Report	Date Submitted	Author
1 <sup>st</sup> Half Progress Reports 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 Subsequent progress reports are included in annual reports	Jul. 29, 1997 Jul. 14, 1998 Jul. 28, 1999 Jul. 31, 2000 Jul. 31, 2001 Jul. 31, 2002 Jul. 31, 2003 Jul. 30, 2004 Jul. 29, 2005 Jul. 24, 2006	TriTechnics RETEC ThermoRetec ThermoRetec ThermoRetec RETEC RETEC RETEC RETEC RETEC
2 <sup>nd</sup> Half Progress Reports 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 Subsequent progress reports are included in annual reports	Jan. 23, 1997 Jan. 28, 1998 Jan. 22, 1999 Mar. 17, 2000 Jan. 24, 2001 Jan. 31, 2002 Jan. 27, 2003 Jan. 27, 2004 Mar. 7, 2005 Mar. 14, 2006	TriTechnics RETEC ThermoRetec ThermoRetec ThermoRetec RETEC RETEC RETEC RETEC RETEC
Annual Reports 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007	May 1991 Apr. 9, 1992 Apr. 14, 1993 Apr. 14, 1994 Apr. 13, 1995 Apr. 12, 1996 Mar. 13, 1997 Feb. 27, 1998 Feb. 25, 1999 Mar. 31, 2000 Feb. 23, 2001 Feb. 26, 2002 Feb. 18, 2003 Feb. 27, 2004 Mar. 15, 2005 May 8, 2006 Jun. 13, 2007 Feb. 11, 2008	GeoWest GeoWest GeoWest GeoWest Ecova TriTechnics TriTechnics RETEC ThermoRetec ThermoRetec ThermoRetec RETEC RETEC RETEC RETEC RETEC RETEC RETEC ENSR

## Figures





LEGEND	
TW-12	GROUNDWATER MONITORING WELL
RB-08	SOIL SAMPLE LOCATION
SR-04	SURFACE WATER AND/OR SEDIMENT SAMPLE LOCATION
P-11	PIEZOMETER
RSP-2	SPRING
S-003	SUMP
(Pink dashed line)	PIPE INVESTIGATION AREA

(Red outline)	WMMU	12.	WOLZ'S DITCH
(Blue outline)	AOC	13.	REFINERY LANDFILL
(Red outline)	AREAS OF CONCERN (AOC) AND WASTE MATERIAL MANAGEMENT UNITS (WMMU)	14.	FIRE FIGHTING AREA
1.	SURFACE IMPONDMENTS	15.	ASPHALT DISPOSAL AREA
2.	LAND TREATMENT AREA	16.	COTTONWOOD CREEK SEEPS
3.	TETRAETHYL LEAD AREA	17.	HEART MOUNTAIN EVAPORATION PONDS
4.	NEW API SEPARATOR	18.	LOADING / UNLOADING AREAS
5.	OLD API SEPARATOR	19.	TANKS 2 & 2A
6.	FORMER PONDS 1A AND 1B	20.	MISCELLANEOUS SPILL SITES / RELEASES
7.	FORMER AERATION POND	21.	CHEMICAL WASTE STORAGE AREA
8.	FORMER POND 2	22.	CRUDE OIL BLOWDOWN PIT
9.	FORMER POND 3	23.	HF NEUTRALIZATION PIT
10.	FORMER PONDS 4A AND 4B	24.	HEAT EXCHANGER BUNDLE CLEANING AREAS
11.	FORMER POND 5	25.	PROCESS AREA SPILL SITE / RELEASES
		26.	FREE PHASE HYDROCARBON PLUME, JUNE 16-23, 1997



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Public Participation Plan

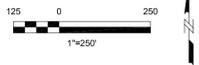
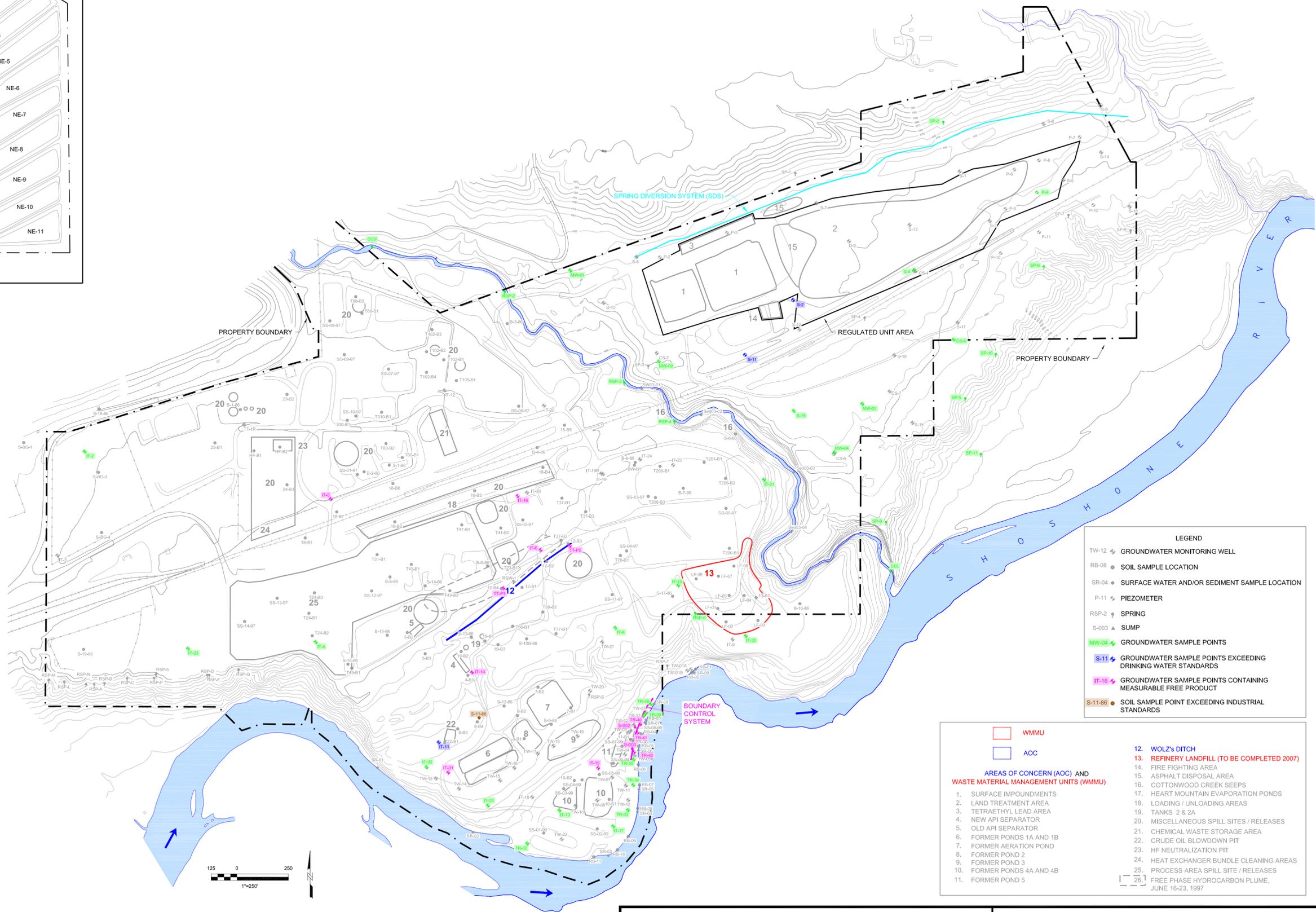
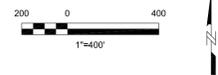
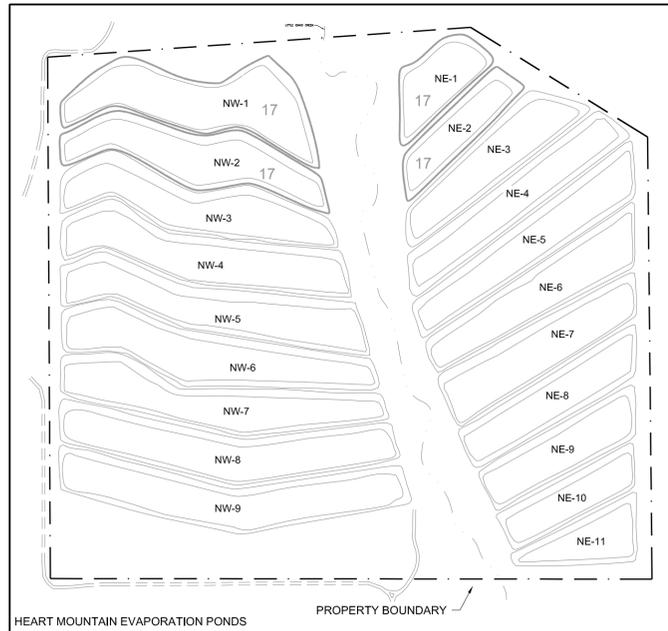
Flying J Transportation LLC., Cody Wyoming

DATE: 09/19/07

DRWN: E.S.S./DEN

FORMER REFINERY  
AOC, WMMU, AND INVESTIGATION AREA  
LOCATION MAP

FIGURE 2



LEGEND	
TW-12	GROUNDWATER MONITORING WELL
RB-08	SOIL SAMPLE LOCATION
SR-04	SURFACE WATER AND/OR SEDIMENT SAMPLE LOCATION
P-11	PIEZOMETER
RSP-2	SPRING
S-003	SUMP
MW-04	GROUNDWATER SAMPLE POINTS
S-11	GROUNDWATER SAMPLE POINTS EXCEEDING DRINKING WATER STANDARDS
IT-16	GROUNDWATER SAMPLE POINTS CONTAINING MEASURABLE FREE PRODUCT
S-11-88	SOIL SAMPLE POINT EXCEEDING INDUSTRIAL STANDARDS

WMMU	12. WOLZ'S DITCH
AOC	13. REFINERY LANDFILL (TO BE COMPLETED 2007)
AREAS OF CONCERN (AOC) AND WASTE MATERIAL MANAGEMENT UNITS (WMMU)	
1. SURFACE IMPOUNDMENTS	14. FIRE FIGHTING AREA
2. LAND TREATMENT AREA	15. ASPHALT DISPOSAL AREA
3. TETRAETHYL LEAD AREA	16. COTTONWOOD CREEK SEEPS
4. NEW API SEPARATOR	17. HEART MOUNTAIN EVAPORATION PONDS
5. OLD API SEPARATOR	18. LOADING / UNLOADING AREAS
6. FORMER POND 1A AND 1B	19. TANKS 2 & 2A
7. FORMER AERATION POND	20. MISCELLANEOUS SPILL SITES / RELEASES
8. FORMER POND 2	21. CHEMICAL WASTE STORAGE AREA
9. FORMER POND 3	22. CRUDE OIL BLOWDOWN PIT
10. FORMER POND 4A AND 4B	23. HF NEUTRALIZATION PIT
11. FORMER POND 5	24. HEAT EXCHANGER BUNDLE CLEANING AREAS
	25. PROCESS AREA SPILL SITE / RELEASES
	26. FREE PHASE HYDROCARBON PLUME, JUNE 16-23, 1997

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Public Participation Plan

Flying J Transportation LLC., Cody Wyoming

CURRENT CONDITIONS

DATE: 09/19/07

DRWN: E.S.S./DEN

FIGURE 3

## Appendix A

### Project Schedule









**Appendix B**

**PPP Contact List**

## Public Participation Plan Contact List

### Flying J

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### RETEC (ENSR Corporation (dba The RETEC Group, Inc.))

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**Appendix C**

**Mailing List**

## Mailing List

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Cody WY 82414  
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Clark Resource Council  
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Powell, WY 82435

Kevin F. Lind, Director  
Powder River Basin Resource Council  
934 N. Main St.  
Sheridan, WY 82801  
Phone: 307-672-5809

Nikki Burnett, Assistant Planner  
Park County Planning and Zoning  
1002 Sheridan Avenue  
Cody, WY 82414  
Phone: 307-527-8542

Jim Davis  
Park County Attorney  
1002 Sheridan Avenue  
Cody, WY 82414  
Phone: 307-527-8667

## Mailing List

### Off-Site Landowners Adjacent to VRP Cody Refinery Property, Cody Wyoming

Ronald E. and Yvonne A. Lofland  
P. O. Box 2074  
Cody, WY 82414

Wild West Partners, LLC  
c/o CDM Properties  
13 Corporate Plaza, Suite 150  
Newport Beach, CA 92660

Cody Land Development Corporation  
836 Sheridan Avenue  
Cody, WY 82414

Harris Trucking & Construction  
Box 296  
Cody, WY 82414

T. F. and Fern Kinsey  
P. O. Box 69  
Hyattville, WY 82428

Merit Partners LP  
c/o Andrews and Company  
P. O. Box 870849  
Mesquite, TX 75187

Wilma J. Gerber, Trustee  
2420 Davidson  
Cody, WY 82414

Darryl L. and Silvia B. Singer  
6 Schneider Road  
Cody, WY 82414

Max V. and Sally J. Spooner  
28 Schneider Road  
Cody, WY 82414

Ann L. and James G. Gist, Trustees  
38 Schneider Road  
Cody, WY 82414

City of Cody  
P. O. Drawer 2200  
Cody, WY 82414

## Mailing List

### **Off-Site Landowners Adjacent to VRP Cody Refinery Property, Cody Wyoming (continued)**

Bureau of Land Management  
Cody Field Office  
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Cody, WY 82414

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Wyoming Area Office  
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Mills, WY 82644