

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD), and Platte Valley Construction Company, LLC (Platte Valley), a company authorized to do business in Wyoming, enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in **Notice of Violation Docket (NOV) Number 3882-06 dated June 26, 2006.**

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, Platte Valley and the DEQ hereby stipulate and agree as follows:

1. The DEQ, pursuant to W.S. §35-11-104, is a department in the executive branch of the state government of Wyoming and is principally situated in Cheyenne, Wyoming. DEQ is the agency with the responsibility for administering the Wyoming Environmental Quality Act (Act) including all provisions of the Wyoming Water Quality Rules and Regulations (WWQRR).

2. Platte Valley accepts responsibility for the paperwork violations of not submitting the storm water Notice of Intent (NOI) prior to the start of the construction project alleged in NOV Docket Number 3882-06 which occurred in Laramie County, Wyoming.

3. Since receiving NOV Docket Number 3882-06, Platte Valley, has provided the WQD with documentation indicating the steps taken to prevent the violations from occurring again including the submission of the storm water NOI and the Storm Water Pollution Prevention Plan (SWPPP), and placing erosion control measures at the construction site.

4. Platte Valley agrees to pay a total penalty of four thousand seven dollars and no cents (\$4,700.00) as a stipulated settlement to resolve this matter in lieu of litigation under W.S. §35-11-901(a)(ii). Payment shall be according to the following plan: Platte Valley shall pay \$4,700.00 directly to the DEQ. Payment to the DEQ shall be due and payable within thirty (30) days of the full execution of this Settlement Agreement or by September 15, 2006, which ever occurs first. Payment to DEQ shall be by check made payable to the Wyoming Department of Environmental Quality, Water Quality Division and shall be sent to: Mr. Brian R. Bohlmann, P.E., Compliance & Enforcement Coordinator, Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor-West, 122 West 25th Street, Cheyenne, Wyoming 82002. The check should reference NOV Docket Number 3882-06.

5. Except as provided in paragraph 4 above, this signed Settlement Agreement and payment by Platte Valley as specified above shall constitute full satisfaction for and resolution of all claims by the DEQ against Platte Valley based on the violations alleged in Notice of Violation Docket Number 3882-06. Contingent upon Platte Valley's compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement actions against Platte Valley for these particular violations. By this Settlement Agreement, the parties intend to resolve with prejudice all allegations that were asserted in NOV Docket Number 3882-06.

6. Platte Valley waives any statute of limitations which may apply to an enforcement action by the DEQ involving the specific matters described in Notice of Violation Docket Number 3882-06 in the event that Platte Valley fails to fulfill their obligations under this Settlement Agreement.

7. Nothing in this agreement precludes DEQ from taking additional enforcement action, including the issuance of a Notice of Violation, Order, and/or pursuing additional penalties, should Platte Valley violate the Act or applicable rules and regulations in the future.

8. This Settlement Agreement shall be admissible by either party without objection by the other party in any subsequent action between these parties.

9. Notwithstanding any other language in this Settlement Agreement, the State of Wyoming and DEQ do not waive sovereign immunity by entering into this Settlement Agreement with Platte Valley and specifically retain all immunity and all defenses available as sovereigns under state and federal law.

10. Each party shall bear its own attorney fees and costs, if any incurred, through the date this Settlement Agreement is signed by both parties.

11. This Settlement Agreement is binding upon Platte Valley, its successors and assigns, and upon the DEQ.

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

13. Full execution of this Settlement Agreement shall be determined by the latest date when signed by all parties.

FOR: PLATTE VALLEY CONSTRUCTION COMPANY, LLC

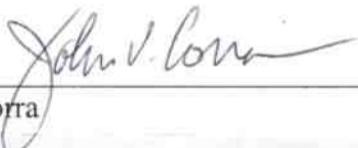
Signed: 

Typed: John Niedfelt

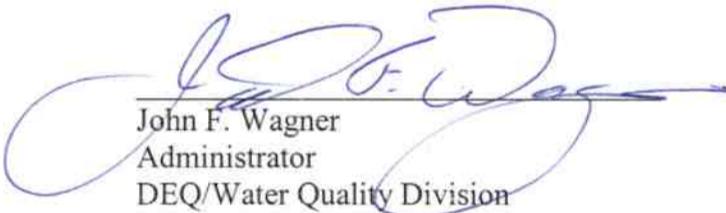
Title: Member

Date: 8-29-06

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:


John V. Corra
Director
Department of Environmental Quality

Date: 8/10/06


John F. Wagner
Administrator
DEQ/Water Quality Division

Date: 8/9/06

JVC/JFW/BRB/bb/6-0678.SA

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8 (signed copy by all parties only)
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
IPS (for scanning) ► Docket 3882-06
Keith Guille, DEQ Public Information Officer (PDF File of signed copy by all parties only)

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF
VIOLATION ISSUED TO:

Mr. John Niedfelt
Member
Platte Valley Construction Company, LLC
P.O. Box 1445
Grand Island, Nebraska 68802

DOCKET NUMBER 3882-06

NOTICE OF COMPLIANCE

The Department of Environmental Quality (DEQ), Water Quality Division (WQD) issued Notice of Violation (NOV) Docket Number 3882-06 to Platte Valley Construction Company, LLC (Platte Valley) on June 26, 2006. The NOV alleged that Platte Valley failed to submit the storm water Notice of Intent (NOI) prior to the start of the construction project. This is a violation of the Wyoming Environmental Quality Act (Act) and applicable Wyoming Water Quality Rules and Regulations (WWQRR).

The NOV required Platte Valley to pay a total penalty of four thousand seven hundred dollars and no cents (\$4,700.00) to the DEQ. Based on the submittal of the NOI to the WQD and receipt of the \$4,700.00 penalty by DEQ, Platte Valley has complied with the conditions of the Settlement Agreement for Docket Number 3882-06 and the DEQ finds that all terms have been satisfied.

Dated this 5th day of September, 2006.


Brian R. Bohlmann, P.E.
WYPDES Compliance & Enforcement Coordinator
Water Quality Division
Wyoming DEQ

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
IPS (for scanning) ► Docket 3882-06
Keith Guille, DEQ Public Information Officer (PDF File only)