



The State
of Wyoming



Department of Environmental Quality

Dave Freudenthal, Governor

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

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|---|--|--|--|---|---|--|
| ADMIN/OUTREACH (307)777-7758 FAX 777-3610 | ABANDONED MINES (307)777-6145 FAX 777-6462 | AIR QUALITY (307)777-7391 FAX 777-5616 | INDUSTRIAL SITING (307)777-7369 FAX 777-6937 | LAND QUALITY (307)777-7756 FAX 777-5864 | SOLID & HAZ. WASTE (307)777-7752 FAX 777-5973 | WATER QUALITY (307)777-7781 FAX 777-5973 |
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April 21, 2004

Joe Deschamp
Environmental Business Manager
BP Corporation
P.O. Box 160
Casper, Wyoming 82602



RE: Modification #2 to a Remedy Agreement for the Former BP Casper Refinery, Casper, Wyoming

Dear Mr. Deschamp:

Please find enclosed for your signature two originals of the Modification #2 to the Remedy Agreement for the Former BP Casper Refinery. This modification suspends the performance criterion in Section 10.2.1 of Remedy Decision #1 dated September 19, 2001 which requires BP to maintain an inward gradient along the Poplar Street portion of the barrier wall.

This performance criterion is being modified in accordance with Section XXVI. (Subsequent Modification) of the *Remedy Agreement for the Former BP Casper Refinery, South Properties Area, North Properties Area and North Platte River, Soda Lake Area, January 10, 2002*. Section XXVI.A. states that "BP and WDEQ may modify this Agreement by mutual consent. Any modification of this Agreement must be in writing and signed by BP and WDEQ". Section XXVI.A. also states "Prior to executing any significant modification to this Agreement, the modification shall be submitted for public review and comment".

BP provided notification to the public in a legal notice that was published once a week for four weeks in the *Casper Journal* (commencing February 18, 2004 and ending with the issue dated March 10, 2004) and also provided the notice to all surface owners of record of land adjacent to the site. The WDEQ accepted comment on the proposed Modification #2 as well as the *Draft Off-Site Area A Remediation System Work Plan (October 27, 2003)* until 5:00 p.m. on April 9, 2004. The WDEQ did not receive any comments on either document.

Please execute both of the original documents and return one of the originals via certified mail to the attention of Ms. Connie Scranton, WDEQ, 122 W. 25th Street, Herschler Building, Cheyenne, Wyoming 82001.

If you have any questions or wish to discuss this modification, please feel free to contact me at 307-777-7752.

Sincerely,



Carl Anderson
Manager
HW Permitting and Corrective Action Program

Enclosures

COPY: BP File - South Properties
BP File - Casper
Connie Scranton - WDEQ/Cheyenne
Vickie Meredith - WDEQ/Lander
Mike Barrash - WDEQ/Cheyenne
Pat Billig - Waterstone Inc./Boulder, CO
Tom Aalto - USEPA Region 8/Denver CO
Dave Folkes - EnviroGroup/Englewood, CO
Dave Applegate - Retec/Casper

REMEDY AGREEMENT
Between State of Wyoming and
BP Corporation N.A. Inc. and BP Products NA. Inc.
MODIFICATION NO. 2

1. **Parties.** This Modification No. 2 (Modification) to the Remedy Agreement is between the Wyoming Department of Environmental Quality (DEQ), whose address is Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002 and BP Corporation N.A. Inc. and BP Products NA. Inc., (BP) whose address is 1707 West Yellowstone Highway, P.O. Box 160, Casper, Wyoming 82602-0160.

2. **Purpose of Modification.** The purpose of this Modification is to suspend a performance criterion for maintenance of an inward gradient along the Poplar Street Barrier Wall as described in Section 10.2.1 of Remedy Decision #1 (RD#1) in order to efficiently operate a remediation system in Off-Site Area A (east of the Poplar Street Barrier Wall).

The RD #1, dated September 19, 2001, provided the remedy for the Former BP Casper Refinery South Properties Area.

3. **Modification Provision.** This Modification suspends the performance criterion in Section 10.2.1, which requires BP to maintain the water level elevation in the inner wells along the Poplar Street portion of the barrier wall to be 0.1 feet lower than the water level elevation in the corresponding outer well at all times where the WDEQ approved design requires an inward gradient. This suspension shall continue only so long as BP continues to operate the Off-Site Area A Remediation System as approved by WDEQ, or until the WDEQ determines that conditions indicate the benefits of the suspension no longer outweigh the consequences.

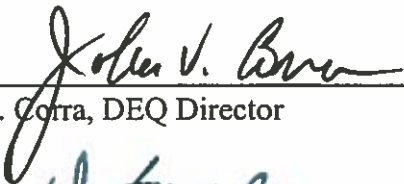
4. **Special Provisions.** With the exception of the items explicitly delineated in this Modification No. 2, all other terms and conditions of Remedy Agreement, as previously modified, remain unchanged and in full force and effect.

5. **Effective Date.** The date of this Modification is the date last executed by the duly authorized representatives of this Modification.

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6. **Signatures.** IN WITNESS THEREOF, the parties, through their duly authorized representatives, have executed this Modification No. 2 to the Remedy Agreement between the State of Wyoming, Department of Environmental Quality (DEQ), and BP Corporation N.A. Inc. and BP Products NA. Inc., (BP), on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Modification No. 2 as set forth herein.

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY



John V. Corra, DEQ Director
4/30/04

Date



David A. Finley, SHWD Administrator
4/30/04

Date

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM



Mike Barrash, Senior Assistant Attorney General
4/27/2004

Date

BP PRODUCTS NA. INC.



Joe Deschamp, Environmental Business Manager
5/4/2004

Date

BP CORPORATION N.A. INC.



Janice M. McLain, Esq., Senior Attorney, HSE
5/11/04

Date