

SHERIDAN COUNTY CONSERVATION DISTRICT

1949 SUGARLAND DRIVE, SUITE 102, SHERIDAN, WYOMING 82801 (307) 672-5820 ext. 3 www.sccdwy.org

Protecting Sheridan County's Water and Land Quality through Assistance Programs, Information and Outreach, Monitoring, and Planning

Narrative Information Sheet

IV.D.1 Applicant Identification

Sheridan County Conservation District (District) 1949 Sugarland Drive, Suite 102 Sheridan, WY 82801

IV.D.2 Funding Requested

IV.D.2.a Grant Type: Single Site Cleanup IV.D.2.b Federal Funds Requested:

i. Amount Requested: \$585,000.

ii. Cost-Share Waiver: The District IS NOT requesting a cost-share waiver

iii. Limit Waiver: The District IS requesting a waiver of the \$500,000 limit (Attachment A)

IV.D.3 Location

a) City: City of Sheridanb) County: Sheridan County

c) State: Wyoming

IV.D.4 Property Information

Property Name: Former Acme Power Plant

Site Address: 165 Acme Road, Sheridan, WY 82801

IV.D.5 Contacts

IV.D.5.a Project Director

Carrie Rogaczewski, District Manager Sheridan County Conservation District 1949 Sugarland Drive, Suite 102 Sheridan, WY 82801

carrie.rogaczewski@sccdwy.org

(307) 672-5820 x. 3

IV.D.5.b Chief Executive/Highest Ranking Elected Official

Susan Holmes, Chair

Sheridan County Conservation District Board of Supervisors

1949 Sugarland Drive, Suite 102

Sheridan, WY 82801

susan.holmes.@sccdwy.org

(307) 672-2976

IV.D.6 Population

The population of the State of Wyoming is 576,851 (2020 Census; https://data.census.gov/)
The population of Sheridan County is 30,921 (2020 Census; https://data.census.gov/)
The target area population is 22,819 including the Upper Tongue River Valley in Western Sheridan County Census Tracts 1,2,3,4 & 6 (https://data.census.gov/)

Susan Holmes Chair Edith Heyward Vice-Chair Orrin Connell
Secretary/Treasurer

Emerson Scott, III Supervisor

Stephanie Masters
Supervisor

IV.D.7 Other Factors Checklist

Other Factors	Page #
Community population is 10,000 or less.	
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
The proposed brownfield site(s) is impacted by mine-scarred land.	Page 1
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/reuse; secured resource is identified in the Narrative and substantiated in the attached documentation.	Page 4 & Attachment B
The proposed site(s) is adjacent to a body of water (i.e., the border of the proposed site(s) is contiguous or partially contiguous to the body of water or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	Page 1
The proposed site(s) is in a federally designated flood plain.	Page 2
The reuse of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy.	Page 3 & 4
The reuse of the proposed cleanup site(s) will incorporate energy efficiency measures.	Page 3
The target area(s) is located within a community in which a coal-fired power plant has recently closed (2011 or later) or is closing.	

IV.D.8 Letter from the State or Tribal Environmental Authority

Please see attached letter on following page from the Wyoming Department of Environmental Quality Voluntary Remediation Program and Brownfields Assistance Program.

IV.D.9 Releasing Copies of Applications

N/A: The application does not contain confidential, privileged, or sensitive information.



Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations.



Todd Parfitt, Director



October 29, 2021

Ms. Melisa Devincenzi **Environmental Protection Agency** Region 8 Brownfields Program 1595 Wynkoop Street (EPR-B) Denver, Colorado 80202-1129

RE: Letter of Support for Sheridan County Conservation District FY22 Cleanup Grant Application

Dear Ms. Devincenzi:

The Wyoming Department of Environmental Quality Voluntary Remediation and Brownfields Assistance Programs (WDEQ/VRP/BAP) wish to express our full support for the Sheridan County Conservation District's (SCCD) application for a USEPA FY22 Cleanup Grant for the Former Acme Power Plant (Acme) in Sheridan County, Wyoming. Although much has already been accomplished at the Acme site, much remains as well. The SCCD will successfully leverage state and federal resources with community involvement, multiple partners, and private donations to further the cleanup work anticipated in the future. Brownfields remediation is critical to protecting and restoring the environment, protecting human health, and revitalizing communities.

Consistent with community priorities, reuse of the Acme site will bolster a growing tourism industry, increase availability of outdoor spaces for youth programs and recreation opportunities, promote sustainable reuse of an historic building or building materials, and eliminate exposure risks to disadvantaged populations. Specifically, cleanup of the Acme Power Plant will facilitate the creation of greenspace and recreational property within the Tongue River Valley.

The VRP/BAP look forward to the continued partnership with the SCCD to ensure the Acme site is properly cleaned up, and restored to its highest and best use, in accordance with the VRP's protocols and procedures. Please don't hesitate to call me at (307)777-2948, or email me at cindi.martinez@wyo.gov if you'd like to discuss this letter of support.

Sincerely,

Cindi Martinez

Brownfields and Orphan Sites Remediation Program Supervisor

Solid and Hazardous Waste Division

Lucu Martinez

Wyoming Department of Environmental Quality

200 West 17th Street · 2nd Floor · Cheyenne, WY 82002 · http://http://decj.wyoming.gov/



Cc: Carrie Rogaczewski, District Manager Sheridan County Conservation Districts (electronic only)
Susan Holmes, Chair Sheridan County Conservation District Board of Supervisors
(electronic only)

Department of Environmental Quality

NARRATIVE/RANKING CRITERIA

IV.E.1. Project Area Description and Plans for Revitalization

IV.E.1.a. Target Area and Brownfields

IV.E.1.a.i. Background and Description of Target Area: As the least populous state in the Union with 576,851 residents, (2020 Census; https://data.census.gov/cedsci), a population density of only 6 people per square mile and a single four-year university, most Wyomingites consider the entire state as one community. Sparse populations, open spaces, and the boom-and-bust cycles related to energy extraction employment are an important economic and cultural part of Wyoming's history. The target area consists of the Upper Tongue River valley in western Sheridan County and includes sites representative of the types of abandoned, energy-related sites that dot the Wyoming landscape. Decades of energy boom-and-bust cycles have left behind a legacy of mine-scarred lands and associated environmental contamination, including subsidence areas and dilapidated structures, including the former Acme Power Plant.

The Upper Tongue River Valley provides the municipal, agricultural, recreational, and wildlife opportunities for the region and includes the City of Sheridan, the towns of Dayton and Ranchester, and rural populations. The character and diversity of the valley was shaped by the mining history. As many as 10,000 people lived in the valley's coal camps and mining communities, which was more than twice the population of Sheridan (https://www.wyohistory.org/encyclopedia/coal-camps-sheridan-county). "The Power of Acme's Past", completed by the University of Wyoming Haub School of Environment and Natural Resources (Haub School Report), describes the significance of the mining activities that drew a diversity of people, including Polish, Japanese, Italian, and others, descendants of which still live in the area (https://www.acmeprojectwyoming.org/site-history). Remnants of these vibrant communities, including the old Acme townsite, are documented on the Black Diamond Interpretive Trail. Acme was an important component of this cultural and industrial history; however, the current condition impacts water and land quality, recreational activities, and the health and safety of residents and tourists that come to enjoy the beauty and history of this landscape.

IV.E.1.a.ii. Description of the Proposed Brownfield Site(s): The proposed brownfield site for this cleanup grant is the ±2-acre Acme Power Plant (Acme), where most activities associated with plant operation and subsequent battery recycling, transformer storage, and auto salvage were conducted. The site includes a $\pm 16,500$ square foot abandoned coal-fired power plant that operated from 1910 to 1976, a ± 1400 square foot masonry maintenance shop, ± 2100 square foot wood frame barn, and ± 85 square foot one-room little house. Built in 1910 from bricks made locally by the Sheridan Press and Brick Company, the Acme Power Plant, which appears to be the primary source of contamination, was said to be "one of the most advanced in the West" and supplied power to the mines, coal camps, Fort MacKenzie, and Sheridan (https://www.wyohistory.org/encyclopedia/coal-camps-sheridan-county). Phase I and Phase II Targeted Brownfield Assessments were completed for the site, adjacent 1-acre outlot, and ±2-acre coal-ash pile directly across the Tongue River, which is adjacent to the site. These assessments documented large quantities of asbestos including: 32,345 square feet in boiler and door insulation, brick plaster, equipment jackets, fiberboard, fire brick, furnace brick and cement, plaster, and roofing materials; 1520 linear feet in brick caulk, pipe insulation, and wire insulation; 1380 cubic feet in insulation debris throughout the building; and other electrical panels, fire doors, pipe gaskets and pipe joints in the main building; 160 square feet in linoleum and fiber board; 115 linear feet of covering and roofing materials and other panels, pipe joints, and gaskets in the other buildings. Through participation in the Wyoming Voluntary Remediation Program, ~1000 cubic feet of bulk and loose asbestos containing materials, including insulation debris, were removed from the property in October 2018.

An EPA Assessment Grant administered by the Wyoming Voluntary Remediation Program for soils and

groundwater on the site and adjacent outlot concluded that one of the primary contaminants of concern is asbestos in soils. Excess Lifetime Cancer Risk (ELCR) calculations for asbestos in soils completed as part of risk assessments (WWC Engineering) show a significant risk of lung cancer for salvage operations and dusty conditions. The presence of asbestos in surface soils indicates friable asbestos fibers are migrating beyond the walls of the power plant building. Due to continued issues with youth trespassing, abatement is the surest way to eliminate exposure and transport pathways. A 2020 incident in which Search and Rescue volunteers endured several hours of exposure to extract a trespassing teen from a coal chute is a stark reminder of the health and safety hazards at this abandoned site.

IV.E.1.b. Revitalization of the Target Area

IV.E.1.b.i. Reuse Strategy and Alignment with Revitalization Plans: The Acme Working Group, a mix of government agencies, non-profit and non-government organizations, and for-profit business and utilities, was convened in 2017 by the Sheridan County Conservation District (District) to ensure cleanup and proposed reuse are consistent with community priorities. Initial project partners identified three themes to be maintained for future uses: 1) protect water and land quality, 2) ensure public access and use, and 3) capture the site's historical importance. Ideas presented in an initial community visioning session (2017), public meetings, and other feedback, indicate a desire for uses that support outdoor recreation and an appreciation of the area's history, which directly correspond with reuse themes 2 and 3. Incorporating previous input, the Working Group prioritized reuse categories and established a specific reuse strategy to enhance outdoor recreation opportunities that promote health and well-being.

Preserving the power plant building was particularly important to local residents who previously lived or worked in the area if structurally sound and economically feasible to do so (Haub School Report). A structural survey (October 2020; American Engineering Testing, Inc.) determined that the building was in good structural condition but required roof repairs and brick work. A "Highest and Best-Use Study" and an "Infrastructure Needs Assessment" are underway to identify and evaluate potential feasible, long-term, reuse opportunities. The Acme Working Group noted that if unfeasible to maintain the building, there would be significant value in reusing some building elements in trails and interpretive features.

Proposed green space and outdoor recreation uses directly align with the Sheridan County Comprehensive Plan, updated in 2020, which identifies agriculture, wildlife and natural resources, access to public lands for outdoor recreation, open lands and viewsheds, and historic sites among the key issues of importance to Sheridan County residents. The area around Acme is identified as a "Special Planning Area" and specifically referenced under Historic Sites. Additionally, the City of Sheridan's Land Use Master Plan prioritizes open space through bike and walking paths, corridors along Goose Creek and the Tongue River for recreation and revitalization, and development that preserves community character, natural space, and scenic vistas. Near the confluence of Goose Creek and Tongue River, Acme is within a designated Special Flood Hazard Area (https://msc.fema.gov/portal/search) and the Sheridan County Groundwater Protection Area (https://maps.greenwoodmap.com/sheridan/map); both of which are most suited for development of greenspaces and reuse of existing structures.

IV.E.1.b.ii. Outcomes and Benefits of Reuse Strategy: Consistent with community priorities, reuse of the Acme site will bolster a growing tourism industry, increase availability of outdoor spaces for youth programs and recreation opportunities, promote sustainable reuse of an historic building or building materials, and eliminate exposure risks to disadvantaged populations, which includes vulnerable youth trespassers. Specifically, cleanup of the Acme Power Plant will facilitate the creation of greenspace and recreational property within the Tongue River Valley. The Sheridan County YMCA, which serves over 1000 local youth, will benefit from additional outdoor spaces for summer camps and youth programs.

While the Bighorn National Forest offers over 1 million acres of outdoor recreation opportunities, having similar options closer to town makes it easier for residents to enjoy open spaces on a more regular basis. The Acme site is well-placed to build upon successes of the Sheridan Community Land Trust, especially related to trail development. For rural communities, such as Sheridan, outdoor recreation is an economic driver with visitors spending more than \$115 million in Sheridan County each year and generating \$6.2 million in local tax revenues (Sheridan Travel and Tourism). Tourists and residents attracted to Acme for its recreation opportunities and historical significance will encourage travel to nearby communities for similar experiences contributing to a regional destination of outdoor recreation with a strong connection to history and the natural environment. Project partners are committed to maintaining a connection between the future use of the site and its history and will reuse existing structures or materials as appropriate. The "Highest and Best Use" study and "Infrastructure Needs Assessment" will help indicate whether the building can be retained and the potential for incorporating and demonstrating renewable energy from solar and hydroelectric power; a greenspace would not require additional energy infrastructure.

In this rural, sparsely populated area, the disadvantaged or vulnerable populations in the target area are those with greater susceptibility to adverse effects from environmental hazards associated with asbestos and other legacy pollutants. Asbestos abatement will directly benefit these populations, by eliminating exposure pathways for trespassers, especially vulnerable youth, and workers, preventing continued contamination of the surrounding soils, and providing outdoor spaces to improve health and well-being.

IV.E.1.c. Strategy for Leveraging Resources

IV.E.1.c.i. Resources Needed for Site Reuse: A local unit of government, the District is eligible for funding from other resources including state and federal grants. Partnerships with municipal governments further expand the ability to leverage opportunities for cleanup and reuse of the Acme site. Since 2015, partners, including the District, have invested just over \$900,000, including expenses associated with property acquisition; completion of Phase I, Phase II, and other assessments; outreach; initial site stabilization; security and access to address safety concerns; and other site surveys/studies.

Federal Grants/Support	State Grants/Support	Local Government	Partner contributions	Private Grants and Donations	In-Kind Services
\$453,000	\$288,000	\$28,000	\$60,000	\$44,000	\$27,000

Other support not specifically tracked, but critical to success includes: Wyoming Voluntary Remediation Program administration of the \$325,000 EPA site-specific grant for soil and groundwater assessment, technical assistance grant for infrastructure needs assessments, and initial site stabilization activities; Yale School of Forestry for initial website development; University of Wyoming Haub School for compilation of historical narratives; and Kansas State University Technical Assistance to Brownfields for facilitation of the community visioning session, Highest and Best Use Study, and other guidance.

Cleanup of the power plant will stimulate additional funding by reigniting initial excitement and momentum. In addition to potential revenue through salvage and/or reuse of bricks, steel, and other materials, specific eligible leverage sources are available to support this project (Attachment B).

Secured Leverage Sources	Amount
District appropriations and fees (above required cost-share)	\$33,000
District dedicated existing grants/reserves for Acme	\$15,000
KSU TAB Highest and Best Use Market Study	\$15,000
Wyoming Brownfields Revolving Loan Fund-soil and groundwater cleanup	\$300,000
WDEQ EPA Grant for Infrastructure Needs Assessment	\$23,300

The Acme Working Group and District Board of Supervisors have committed to initiating a formal fundraising campaign to augment funds from a cleanup grant and support redevelopment activities. This campaign would include identification and discussions with potential donors, community events, and applications to various public and private sources. The high-level of commitment from the Wyoming Voluntary Remediation Program demonstrates the potential for additional funding through the State's Orphan Site and/or Abandoned Mine Lands programs. Other opportunities for grants and programs for recreation and tourism may exist through the Wyoming Business Council and others. For development of trails, fencing, signs, and other greenspace features, grants from the Wyoming Recreational Trails Programs and other sources could be available.

IV.E.1.c.ii. Use of Existing Infrastructure: The ongoing "Infrastructure Needs Assessment" and "Highest and Best Use Study" will aid in the determination of infrastructure needs and availability. An existing road easement ensures permanent access for public use. Water rights are available to support reuse opportunities. Along with existing power grids, the Acme site affords potential for using wind, hydro, or solar power through existing water rights, building orientation, and size. State and county resources, such as the State of Wyoming Revolving Loan Fund (SRF) for water improvements will be sought if needed for water and sewer upgrades. Where reuse of structures is not feasible, bricks and/or other materials could be incorporated into other features, including trails or benches.

IV.E.2. Community Need and Community Engagement

IV.E.2.a. Community Need

IV.E.2.a.i. The Community's Need for Funding: At just under 31,000 people (12 per square mile), the small population of Sheridan County results in a limited ability to draw on initial funding for high cleanup costs after other priorities, such as building and maintaining infrastructure, education, and social services (for seniors and vulnerable populations) are met. As elsewhere, Wyoming suffered economic impacts from COVID 19 in 2020, especially in the leisure and hospitality sector. In the first quarter 2021, these sectors started to bounce back as visits to Yellowstone National Park increased 20.7%, (the highest number of first quarter visitations in history) and lodging sales increased 16.4%. However, significant declines in energy industries continue to be concerning as Wyoming, including the target area, depends on funding from mineral extraction industries. In the first quarter of 2021, the Wyoming mining industry (including oil and gas extraction) lost about 5070 (over 25%) of its employees. Sales and use tax collections from sales of equipment, supplies, and services related to the energy industry, reported a 52.6% drop from the previous year, which is one of the largest in Wyoming history (http://eadiv.state.wy.us/wef/Economic_Summary1Q21.pdf). In 2021, this directly impacted the Conservation District and other organizations that saw a reduction in annual local appropriations.

IV.E.2.a.ii. Threats to Sensitive Populations:

1) Health or Welfare of Sensitive Populations: Wyoming's seniors and children are among the most vulnerable and often most at risk for health impacts. Target area populations over age 64 are above 80% of the national profile, and low-income indices (less than 2 times the poverty level) were as much as 80-90% of the national profiles (https://ejscreen.epa.gov/mapper/index.html?wherestr=82801). Wyoming consistently has mediocre-to-poor rankings for senior health care core measures and ranks 49th for seniors with a dedicated healthcare provider and 17th for seniors that exercise regularly, which likely contributed to a 41% increase in senior obesity rates observed between 2011 and 2019 (https://assets. americashealthrankings.org/app/uploads/ahr2021_seniorreport.pdf). Nearly 62% of Sheridan County adults are considered overweight or obese with 20% reporting depression (https://health.wyo.gov/publichealth/chronic-disease-and-maternal-child-health-epidemiology-unit/wyoming-behavior-risk-factor-surveillance-system-2/brfss-data-2/2015-2019-county-data/). Cleanup of the Acme site will help

offset the poor health issues by providing opportunities for outdoor recreation that are close to home and easily accessible, thereby improving overall health and well-being.

- 2) Greater than Normal Incidence of Disease and Adverse Health Conditions: Staggering public health statistics include the 3rd highest rate in the nation for suicide, chronic liver disease, and cirrhosis of the liver (https://www.cdc.gov/nchs/pressroom/states/wyoming/wyoming.htm). The highest among Wyoming cancer death rates, lung cancer death rates average 32.2 (per 100,000), (https://cancerstatistics center.cancer.org/#!/state/Wyoming). At approximately 12 people per million each year (https://www. mesothelioma.com/states/wyoming/), Wyoming's mesothelioma mortality rate is higher than the national average of 8 people per million (https://www.asbestos.com/mesothelioma/death-rate/). Mesothelioma and other lung cancers can result from exposure to asbestos, but it may take years before symptoms develop (https://www.epa.gov/asbestos). The abundance of asbestos containing material at Acme and long-term exposure impacts suggests the most "at-risk" population are the youth who illegally enter this fascinating but dangerous property. Removing the asbestos will not only remove exposure risks but will also create a destination that encourages outdoor recreation and promotes improved physical and mental well-being. This is especially important in that in 2021, Wyoming Legislature was forced to cut millions from the state budget, including over \$112 million from the WY Department of Health, which affects local resources to address mental health and substance abuse issues (https://better wyo.org/2021/04/30/public-health-cuts-hit-communities-across-wyoming/).
- 3) Promoting Environmental Justice: Wyoming and the target area have cumulative environmental impacts largely related to the energy industry, past and present. Abandonment of old facilities and older residences result in lead paint indicators (based on percent of pre-1960 housing) as high as 95% of national profiles (https://ejscreen.epa.gov/mapper/index.html?wherestr=82801). Addressing asbestos will allow further evaluation of options related to lead-based paint remediation at Acme. There is also environmental injustice where people with money can afford to relocate to rural subdivisions while those without the means continue to live in and around dilapidated, contaminated properties. Sheridan County Census Tract #5, which includes some such developments, had a 2015 Median Family Income of \$82,801, 3.5% minority population, and 4.5% below poverty line versus \$71,093, 9.3% and 9.1%, in the target area (https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx). Cleanup of the Acme site will support populations within the target area by eliminating an attractive nuisance site, reducing pollutant levels, and providing a clean, outdoor space that is easily accessible.

IV.E.2.b. Community Engagement

IV.E.2.b.i. and ii Project Involvement and Roles: The diverse perspectives provided by the Acme Working Group and other partners ensure consideration of multiple interests, including: conservation, recreation, wildlife management, tourism, economy, history, and agriculture/industry.

Name of organization / entity/group	Point of Contact (name, email and phone)	Specific involvement in the Project or assistance provided
Padlock Ranch	Trey Patterson trey@padlockranch.com (307) 655-2264	Acme Working Group; adjacent landowner, specific input on access and impacts to agricultural operation
Black Gold LLC	Brian Beisher beisher@wavecom.net (307) 751-0448	Acme Working Group; adjacent landowner, specific input on access and impacts to property
Sheridan Community Land Trust	Brad Bauer director@sheridanclt.org (307)673-4702	Acme Working Group; compilation of historical narratives; potential for trails development, recreation interests

		Nutrative/Runking Criteria Page 6 0] 1
Sheridan County	Terry Cram tcram@sheridancounty.com (307) 674-2902	Acme Working Group; interface with Kleenburn Recreation Area users and Sheridan County Comprehensive Plan
Sheridan County Travel and Tourism	Shawn Parker sparker@sheridanwy.net (307) 673-7120	Acme Working Group; reuse connections in tourism; marketing
Wyoming Game and Fish	Christina Schmidt christina.schmidt@wyo.gov (307) 672-8003 x. 240	Acme Working Group; interface with public access areas and state lands; input on habitat and fishery impacts
Museum of the Bighorns	Mikayla Larrow mikayla.larrow@sheridanmuseum.org (307) 675-1150	Acme Working Group; historical narratives and relationships; access to grant sources
Montana Dakota Utilities	Chris Lawler Christopher.Lawler@mdu.com (307) 674-3545	Acme Working Group; technical insight of site components and availability of infrastructure; access to grant sources
Sheridan County Chamber of Commerce	Dixie Johnson dixiejohnson@sheridanwyomingchamber.org (307) 672-2485	Acme Working Group; economic feasibility and reuse opportunities
Sheridan County YMCA	Elizabeth Cassiday ecassiday@sheridanymca.org (307) 674-7488	Acme Working Group; youth program needs and reuse potential
Sheridan County Parks and Recreation Board	Seth Ulvestad Seth.ulvestad@sheridanrecreation.com (307)674-6421	Acme Working Group; community recreation needs and potential maintenance
Wyoming State Parks and Cultural Resources	Misty Stoll Misty.stoll@wyo.gov (307) 620-0331	Acme Working Group; potential reuse and maintenance considerations; access to grant sources
City of Sheridan	Rich Bridger, Mayor rbridger@sheridanwy.gov (307) 751-3198	Acme Working Group; community recreation needs and impacts
WY Dept of Environmental Quality Voluntary Remediation Program	Cindi Martinez cindi.martinez@wyo.gov (307) 777-2948	Clean-up oversight and technical support; funding other activities; assistance with reuse and outreach
Kansas State University Technical Assistance to Brownfields	Maggie Belanger maggiejessie@ksu.edu (785) 532-0782	Assistance on focused reuse discussions; Highest and Best Use Study; other technical support and guidance

IV.E.2.b.iii Incorporating Community Input: Community involvement has been and will continue to be an integral part of the project. Previous input from the 2017 Community Visioning Session and public meetings, the Haub School Report on historical narratives, and other input from the project website have been incorporated to shape the current vision for the project, including development of the proposed reuse strategy. As with other rural areas of Wyoming, the most effective means of communication are face-to-face interactions, either through project-specific meetings or through informal discussions at community events. Only 86% of households have computers and only 81% have broadband internet within the target area as compared with 93% and 88% nationally (Table DP02 from 2019: American Community Survey 5-year Estimates Data Profiles on https://data.census.gov/cedsci). Virtual options will be incorporated into future community engagement activities, but the key for the aging target population will be achieved through a minimum of 3 community meetings during the project-specific events is a

combination of local newspaper and radio stations, and social media outlets. As part of this application, the District provided public notice and opportunities for public comment, including 2 public meetings. Input will be incorporated and considered in development of specific reuse plans and cleanup activities.

IV.E.3. Task Descriptions, Cost Estimates, and Measuring Progress

IV.E.3a. Proposed Cleanup Plan

The cleanup plan, as recommended in the DRAFT Analysis of Brownfields Cleanup Alternatives (ABCA; Attachment C) includes removal and abatement of asbestos containing materials in the buildings to eliminate exposure risks and migration of asbestos fibers to exterior soils. The District will hire a qualified environmental professional (QEP) and abatement contractor using a competitive bid process. Abatement will consist of site-setup and containment measures; permitting; removing, packaging, and labeling asbestos materials; disposal at a certified landfill; post-abatement cleanup; and clearance monitoring and sampling. All work will be conducted with oversight from the Wyoming Voluntary Remediation Program and US EPA to ensure compliance with state and federal standards.

IV.E.3.b. Description of Tasks/Activities and Outputs

The following task tables document the EPA-funded activities and associated outputs necessary to implement the proposed project. All activities will support EPA's FY2018-2022 Strategic Plan, specifically Goal 1 (A Cleaner, Healthier, Environment) Objective 3 (Revitalize Land and Prevent Contamination) by removing asbestos and associated exposure and transport pathways.

Task 1: Grant Management/Coordination

- i. Project Implementation: Prepare Work Plans and Execute Cooperative Agreement with EPA o Solicit Qualified Environmental Professional (QEP) through a competitive selection process that meets EPA's procurement requirements, with input from Wyoming Voluntary Remediation Program o Submit reimbursement requests and required programmatic reports to EPA
- Non-EPA resources includes: WDEQ VRP/Program oversight, Board member and other District staff time; travel and District staff time to attend National Brownfield Conference and trainings
- ii. Anticipated Project Schedule: Life of project-all years (2022-2025): Develop Work Plan and Cooperative Agreement soon after award notification \circ Select QEP within 6 months of award \circ Submit Disadvantaged Business Enterprise (DBE) and Federal Financial Reports (FFR) annually and other reports as determined in the Work Plan \circ Timely complete ACRES reporting as needed
- iii. Task/Activity Lead: District Manager with assistance from other District Board and staff and partners iv: Outputs: Work Plan and Cooperative Agreement of Disadvantaged Business Enterprise, Federal Financial Reports and other programmatic reports of Property Profile forms documenting site-specific accomplishments through the ACRES reporting system of Final Report

Task 2: Community Engagement

- i. Project Implementation: Host 3 community update meetings with in-person and virtual options as appropriate \circ Convene 3 Acme Working Group meetings with additional updates \circ Provide other updates and solicit and respond to input through meetings, social media, press releases, direct mailings, and other means Non-EPA resources includes Working Group and partner time at meetings and working with community members and other District staff time for development of additional outreach materials and website updates
- ii. Anticipated Project Schedule (2022-2025): Community meetings annually, with first being within 3 months of award o Acme Working Group meetings annually, prior to community updates o progress updates as milestones are completed through project website, newsletters, press releases, and other means
- iii. Task/Activity Lead: District Manager, with assistance from Qualified Environmental Professional, Acme Working Group, KSU Technical Assistance to Brownfields and Wyoming Voluntary Remediation Program
- iv: Outputs: 3 annual community update meetings o 3 Acme Working Group meetings o Progress updates through press releases, social media, direct mailings, and other means as milestones are completed

Task 3: Cleanup

i. Project Implementation: Finalize Analysis of Brownfield Cleanup Alternatives (ABCA) and Cleanup Plan, incorporating community input of Develop Quality Assurance Project Plan (QAPP) and Sampling Analysis Plan (SAP) to detail cleanup related protocols and controls of Secure Asbestos Abatement Contractor with input and oversight from Wyoming Voluntary Remediation Program of Perform cleanup including proper disposal of asbestos containing materials of Prepare completion reports and documentation to WDEQ Non-EPA resources includes WDEQ program oversight and plan reviews

ii. Anticipated Project Schedule: Year 2-3 (2023-2025): Final ABCA, Cleanup Plan, QAPP, and SAP, within 12 months of selection of QEP in Task 1 o Asbestos Abatement Contractor selection within 3 months after plan approvals o Cleanup completed within 12 months of Abatement contractor selection o Completion and documentation submitted within 3 months after cleanup

iii. Task/Activity Lead: QEP and Asbestos Abatement Contractor with oversight from District Manager and Board, Wyoming Voluntary Remediation Program, and US EPA

iv: Outputs: Final ABCA and Cleanup Plan Ouality Assurance Project Plan (QAPP) and Sampling Analysis Plan (SAP) Outputs: Asbestos Abatement Ocleanup Documentation and Certificate(s) of completion from Wyoming Voluntary Remediation Program

IV.E.3.c. Cost Estimates:

Budget Categories		Grant Management	Community Engagement	Cleanup	Total
ct	Personnel	\$7000	\$3750	\$2500	\$13,250
Direct Costs	Contractual-QEP Contractual-Cleanup/Abatement	\$875	\$7875	\$50,000 \$630,000	\$688,750
	Total Direct Costs	\$7875	\$11,625	\$682,500	\$702,000
Indirec	et Costs				-0-
(Not to	Federal Funding o exceed \$500,000; or \$650,000 if ting waiver of the \$500,000)	\$0	\$0	\$585,000	\$585,000
Cost Share (\$20% of requested federal funds)		\$7875	\$11,625	\$97,500	\$117,000
Total Budget (Direct + Indirect Costs)		\$7875	\$11,625	\$682,500	\$702,000

Personnel costs were derived from the current \$50/hour rate for the District Manager, who will perform all the covered activities; QEP costs are \$175/hr based on an average hourly rate for proposed and/or contracted services in 2021; cleanup costs are based on the Draft ABCA and 2020 estimate for asbestos abatement. Other District staff support will be through Non-EPA resources. The 20% cost-share of \$117,000 will be for eligible activities and provided through non-federal sources, including \$13,250 of District personnel, \$58,750 QEP contractual costs, and \$45,000 abatement and disposal costs:

Task 1 Grant Management Personnel (District Manager 140 hrs @ \$50/hr) - \$7000 for developing work plans/cooperative agreements (45 hrs), coordinating QEP selection and requests for proposals (20 hrs), and completing reports and other program management (65 hrs)

Task 1 Grant Management Contractual (QEP 5 hrs @ \$175/hr)- \$875 for program support Task 2 Community Engagement Personnel (District Manager 75 hrs @ \$50/hr) - \$3750 for coordinating and preparing materials for working group meetings at 10 hrs/mtg (30 hrs) and coordinating and preparing materials for community meetings at 15 hrs/mtg (45 hrs)

Task 2 Community Engagement Contractual (QEP 45 hrs @ \$175/hr) - \$7875 for assistance with working group meetings at 5 hrs/mtg (15 hrs) and community meetings at 10 hrs/mtg (30 hrs)

Task 3 Clean Up Personnel (District Manager 50 hrs @ \$50/hr) - \$2500 for reviewing plans and coordinating cleanup activities (40 hrs) and compiling and submitting closure reports (10 hrs)

Task 3 Clean Up Contractual (Asbestos Abatement in buildings) - \$680,000 including:

- \$50,000 (QEP 286 hrs @ \$175/hr) for finalizing ABCA and Cleanup Plan (40 hours), developing QAPP and SAP (40 hours), development bid documents and assistance w/ abatement contractor selection (70 hrs), cleanup contractor oversight (96 hrs), and coordination with EPA, WDEQ, and other permitting agencies as needed (40 hours)
- \$630,000 Asbestos Abatement and disposal costs per 2020 SafeTech estimate with 5% adjustment to account for increased disposal costs and additional costs associated with subsequent roof collapse

IV.E.3.d. Measuring Environmental Results: If awarded, the District will report progress to EPA, other project partners, and the public to demonstrate attainment of expected project outputs. To track project activities, investments, and grant sources, the District currently uses an ACCESS database that allows District staff to query information specific to grant reports, partner contributions, and other reportable metrics. District staff will provide a minimum of quarterly project updates during Board meetings, which will be documented in meeting minutes and regular updates to the Acme Working Group, at least twice per year, through email and/or in-person meetings. The project website and social media platforms will be updated with community meetings and completed milestones.

IV.E.4 Programmatic Capability and Past Performance

IV.E.4.a Programmatic Capability

IV.E.4.a.i Organizational Structure: A political subdivision of state government, the District is governed by a 5-member elected Board of Supervisors. As an elected-body, the Board maintains fiscal accountability of public funds and conduct business (including project-specific discussions) in an open, transparent process. As the site owner, the District is ultimately responsible for ensuring that the Acme site be made suitable for reuse. Close communication with the Wyoming Voluntary Remediation Program and EPA will guarantee activities meet the appropriate regulatory standards and are completed in a timely manner. The District Manager, in consultation with other staff and partners, will provide documentation on progress and accomplishments to the Board, partners, the public, and to EPA through quarterly reports and updates to ACRES. The District Board, with input from staff and partners, will approve all agreements, contracts, and payments and is responsible for soliciting and selecting contractors and service providers according to the District procurement policy.

IV.E.4.a.ii Description of Key Staff: Board members and staff have degrees and experience in environmental and land management, engineering, and education fields. District Manager, Carrie Rogaczewski, has a Master of Science in Rangeland Ecology and Watershed Management with an emphasis in water resources from the University of Wyoming, with over 23 years of experience with the District and a solid understanding of grant management, fiscal accountability, and community resources. She serves as the liaison between the Board of Supervisors and other government agencies and organizations and is responsible for all fiscal and administrative matters, including management of multiple grants from federal, state, and private sources; development and distribution of Requests for Proposals; and oversight of water quality monitoring programs (including planning and data validation). Program Specialist, Jackie Turner, who will provide in-kind support services, has Bachelor of Science degrees in Geography and Environment and Natural Resources with GIS and natural resource management concentrations, a minor in journalism, and over 4 years of experience with the District. Jackie serves as the field supervisor for the water quality monitoring program, manages individual contracts with landowners, and is responsible for maintaining and developing the District website/social media platforms and outreach materials. Carrie and Jackie will be supported by Susan Holmes (current chair of the District) who is a retired professional engineer and Cindi Martinez and Ben Luckey with the Wyoming Voluntary Remediation Program, all of whom have relevant backgrounds and/or experience.

IV.E.4.a.iii. Acquiring Additional Resources: As a small office, the District has experience securing professional engineering and/or technical services for larger projects. The District uses a competitive procurement process for goods and services in excess of \$75,000. Requests for Proposals define all minimum requirements for design, performance, and qualifications and the method/criteria to be used for selection. Typically, the District assembles a technical review team to review and rank proposals and make a recommendation to the Board, who is responsible for final contractor selection. For this project, the review team will include the Wyoming Voluntary Remediation Program staff and other partners.

IV.E.4.b. Past Performance and Accomplishments IV.E.4.b.i. Currently Has or Previously Received an EPA Brownfields Grant: N/A

IV.E.4.b.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements: The District has collaborated with EPA and the Wyoming Voluntary Remediation Program on Targeted Brownfield Assessments and the EPA Assessment Grant for the Acme site and has a long history of managing multiple grants and agreements. Federal dollars have been leveraged with state and private grants through the Wyoming Department of Agriculture, Wyoming Game and Fish Department, Wyoming Wildlife and Natural Resource Trust, and other sources.

Grant	Awarding Agency	Amount	Leverage	Status
Sheridan County Water Quality Improvements #5 (2016-2020)	US EPA through WDEQ; Section 319 of Clean Water Act	\$253,250	\$312,736	Completed
	USDA-NRCS RCPP (Regional Conservation Partnership Program)	\$1.9 Million	\$1.7 Million	Completed
2019 Sheridan County Flood Mitigation Projects (2020-2021)	USDA-NRCS EWP (Emergency Watershed Protection Program)	\$473,060	\$139,117	Completed

- 1) Purpose and Accomplishment: The purpose of the Sheridan County Water Quality Improvements #5 and Upper Tongue River Water Quality Improvements Projects was to improve water quality in the Tongue River watershed by addressing bacteria, sediment, and temperature impairments, through implementation of existing watershed plans and partner priorities. These efforts included procuring engineering services and construction on a 16-landowner bank and channel stabilization project with over \$520,000 in federal, state, municipal, and private funding sources, all of which were administered by the District. Funding from the Sheridan County USDA Emergency Watershed Protection Program was used to mitigate flood damages on multiple sites in two separate watersheds.
- 2) Compliance with Grant Requirements: The District has a strong track record of meeting reporting deadlines and multiple levels of grant compliance, including submission of reimbursement requests on SF270 Claims forms or other required formats, project specific Minority or Woman Owned Business Enterprise (MBE/WBE) reporting forms, quarterly SF425 financial reports, semi-annual and/or annual progress reports, and final reports. As part of the Upper Tongue River RCPP Project, the District tracked and reported USDA project contributions as well as all partner leverage from The Nature Conservancy, Sheridan Community Land Trust, and Wyoming Game and Fish Department. For contracted technical assistance portions on all the grants, the District coordinated with design engineers and USDA to ensure that plans and construction met the appropriate design standards and specifications. The District has also worked through ezFedGrants and the RCPP portals to meet reporting requirements for USDA grants.

IV.4.b.iii. Never Received Any Type of Federal or Non-Federal Assistance Agreement: N/A

SHERIDAN COUNTY CONSERVATION DISTRICT ACME REVITALIZATION EPA CLEANUP GRANT APPLICATION THRESHOLD CRITERIA

III.B.1. Applicant Eligibility

As a local unit of government, the Sheridan County Conservation District (District), current owner of the site, is an eligible entity for a Cleanup Grant. The District is a political subdivision of state government under the Wyoming Department of Agriculture authorized by Wyoming Statutes 11-16-101 through 135 (Attachment D). As a special district, the District is also subject to other Wyoming laws and statutes, including, but not limited to, the Special District Elections Act, Public Records Act, and Open Meetings Act. The District was formed in 1972 through the merger of three existing districts and has a long-standing reputation for addressing natural resource needs in Sheridan County, Wyoming (Attachment D).

III.B.2. Previously Awarded Cleanup Grants

The Acme Power Plant has NOT received funding from a previously awarded EPA Brownfields Cleanup Grant.

III.B.3. Expenditure of Existing Multipurpose Grant Funds

The District does NOT have an open EPA Brownfields Multipurpose Grant.

III.B4. Site Ownership

The District assumed ownership of the Acme Power Plant in June 2017, after All Appropriate Inquiries were performed by USEPA's Targeted Brownfields Assessment contractor (Attachment E). The Wyoming Voluntary Remediation Program has confirmed that the District is considered an innocent owner under state and federal guidelines and acquired the property with the express intent of cleaning up this large, complex, site and returning it to reuse by the local community. The District is committed to maintaining ownership of the Acme Power Plant for the duration of time in which Brownfields Cleanup Grant funds are disbursed for the cleanup of the site.

III.B.5 Basic Site Information

- a) Name of the site: Former Acme Power Plant
- b) Address of the site: 165 Acme Road, Sheridan, WY 82801
- c) Current owner of the site: Sheridan County Conservation District

IIIB. 6 Status and History of Contamination at the site

- a) Type of contamination: The site is contaminated by hazardous substances.
- b) Operational History and Current Uses: The Former Acme Plant and associated outbuildings sit on a ±2 acre unit on the bank of the Tongue River and near the old Acme townsite. Historic records indicate the coal-fired power plant operated from 1910 to 1976 and supplied power to the Acme Mine and surrounding area. Later, the area was used for automobile salvage and crushing, battery recycling, transformer storage, and other activities. The site is currently abandoned and only accessed by illegal trespassers and assessment and planning contractors.
- c) Environmental Concerns: Previous assessments confirmed hazardous substances and abandoned buildings of varying sizes, all contaminated to some extent with asbestos and lead-based paint.
- d) Manner, Nature and Extent of Contamination: The use of asbestos and lead-based paint in construction materials was a common and accepted practice prior to the regulation of these materials. For the most part, since its closure in 1976, the buildings have been mostly vacant and abandoned leading to further degradation and creation of exposure risks for these substances.

Phase I and Phase II Targeted Brownfield Assessments documented large quantities of asbestos including:

- 32,345 square feet in boiler and door insulation, brick plaster, equipment jackets, fiberboard, fire brick, furnace brick and cement, plaster, and roofing materials;
- 1520 linear feet in brick caulk, pipe insulation, and wire insulation;
- 1380 cubic feet in insulation debris throughout the building; and other electrical panels, fire doors, pipe gaskets and pipe joints in the main building;
- 160 square feet in linoleum and fiber board;
- 115 linear feet of covering and roofing materials and other panels, pipe joints, and gaskets in the other buildings.

An EPA Assessment Grant administered by the Wyoming Voluntary Remediation Program for soils and groundwater, concluded that one of the primary contaminants of concern is asbestos in soils. The presence of asbestos in surface soils indicates friable asbestos fibers are migrating beyond the walls of the power plant building. Through participation in the Wyoming Voluntary Remediation Program, ~1000 cubic feet of bulk and loose asbestos containing materials, including insulation debris, was removed from the property in October 2018. The District has attempted to minimize transport and exposure risks. The site has been fenced, security cameras were installed (and subsequently destroyed by trespassers), and windows and doors and have been covered. Due to continued issues with trespassing, abatement is the surest way to eliminate exposure and transport pathways. A 2020 incident in which Search and Rescue volunteers endured several hours of exposure to extract a trespassing teen from a coal chute is a reminder of the health and safety hazards at this abandoned site.

IIIB.7 Brownfields Site Definition

As the Brownfields Authority for the State of Wyoming Department of Environmental Quality, the Voluntary Remediation Program determined that the Acme site is eligible for brownfields funding. The proposed site is:

- a) not listed, nor proposed for listing, on the National Priorities list,
- b) not subject to any unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA, and
- c) not subject to the jurisdiction, custody, or control of the US. government.

III.B.8 Environmental Assessments Required for Cleanup Grant Applications

A Phase II Targeted Brownfield Assessments were completed in June 2017. An EPA Assessment Grant through the Wyoming Voluntary Remediation Program was completed in September 2021 to characterize contamination and complete mitigation planning for the soils and groundwater on the entire 5+ acre property, part of which includes the former Acme Power Plant site.

III.B.9. Enforcement or Other Actions

There are no known ongoing or anticipated environmental enforcement or other actions related to the site.

III.B.10 Sites requiring a Property-Specific Determination

The site does not need a Property-Specific Determination.

III.B.11 Threshold Criteria Related to CERCLA/Petroleum Liability

- a). Property Ownership Eligibility Hazardous Substance Sites
- Exemptions to CERCLA liability-NOT APPLICABLE
- Exceptions to meeting the requirements for asserting an affirmative defense to CERCLA Liability-NOT APPLICABLE

iii. Landowner Protections from CERCLA Liability

- 1) Bona Fide Prospective Purchaser Liability Protection- The District affirms that it is considered an innocent owner under state and federal guidelines and acquired the Acme property, after All Appropriate Inquiries were performed with the express intent of cleaning up this large, complex site and returning it to public use by the local community.
 - a. Information on Property Acquisition: After completion of Phase I assessments, the District learned the site ownership was somewhat unclear. After multiple legal processes, the District executed a Purchase Option with Diversified Resources, LLC, a dissolved Wyoming Limited Liability Company in wind-up. Diversified Resources, LLC conveyed a Quitclaim Deed to the District in June 2017, which was subsequently filed with the Sheridan County Clerk. The District does not have any corporate, contractual, familial or financial ties to any previous owners or any previous activities conducted at the site in the past.
 - b. Pre-Purchase Inquiry: The District request Phase I and Phase II Environmental Site Assessments (ESA) through the USEPA Target Brownfield Assessment Program. Both Phase I and Phase II ESAs were conducted by the USEPA contractor, Weston Solutions. The Phase I Report, dated January 4, 2017, and the Phase II draft, dated August 2017, were provided to the District via Weston Solutions and Region 8 of the USEPA. The property transfer occurred within 180 days of the Phase I, as required by the All Appropriate Inquiries (AAI) ASTM E1527-13. Weston Solutions, as contractor to USEPA, has well-defined qualifications and abilities to conduct adequate AAI activities.
 - c. Timing and/or Contribution Toward Hazardous Substances Disposal: The Acme site functioned as a coal-fired power plant from 1910 to 1976 and supplied power to the Acme Mine and surrounding area. After the plant ceased operation, the site was used for other commercial, but unregistered, purposes including car crushing/salvage operations and battery recycling activities. The site is not known to have been used for any commercial purpose for several years and was abandoned when the District assumed ownership. At no time did the District, the current owner and applicant, dispose of contaminants or contribute to any source of contamination at the site. The District acquired the site in June 2017 after All Appropriate Inquiries were completed and a lengthy quiet title process.
 - d. Post-Acquisition Uses: With the exception of additional assessment, stabilization, and inventory, no activities have been conducted at the Acme site since the District took title in June 2017. The site is fenced, signed, and locked and only accessed by the District, partners, and contractors for the purpose of assessment and reuse planning activities. All outreach and tours of the site are restricted to the perimeter fence. Other than illegal trespassing, no public access activities have occurred at the site since June 2017.
 - e. Continuing Obligations: Located on the Tongue River just upstream of the confluence with Goose Creek, the area is a popular destination for outdoor recreationists and the isolated large, fascinating building, is an attractive nuisance for youth trespassers. The District, with funding from the State of Wyoming, improved

permanent fencing to physically restrict trespasser access and boarded some windows and doors to reduce transport of asbestos fibers. The Sheridan County Sheriff's office has increased patrols of the area and the roads leading to the Acme site. There are currently no institutional or engineering controls at the Acme site.

b). Property Ownership Eligibility - Petroleum Sites-NOT APPLICABLE

III.B.12 Cleanup Authority and Oversight Structure

a) Cleanup Oversight: The site has been enrolled in the Wyoming Department of Environmental Quality Voluntary Remediation Program. As such, the state program will provide the oversight required to ensure cleanup is protective of human health and the environment. The District will use a competitive procurement process to hire a qualified environmental professional and an asbestos abatement contractor (with oversight and input from the Voluntary Remediation Program) to conduct and oversee on-site activities in close communication with the state program staff.

b) Neighboring Properties Access: While all activities are expected to occur within the District ownership boundary, adjacent landowners have provided written consent for access to perform assessment, monitoring, and cleanup activities at the site. The site also has a dedicated, permanent, easement to access the property through adjacent private landowners. Adjacent property owners are also members of the Acme Working Group and are kept updated on ongoing activities.

III.B.13. Community Notification

The District provided the community with notice of its intent to apply for an EPA Brownfield Cleanup Grant and allowed the community an opportunity to comment on the draft grant application package, including the draft Analysis of Brownfield Cleanup Alternatives (ABCA) prepared for the Property.

- a) DRAFT Analysis of Brownfield Cleanup Alternatives (ABCA): The public was given the opportunity to review and provide comment on the DRAFT ABCA, which is included as part of this grant application. The ABCA summarized the site and contamination issues, cleanup standards, and applicable laws; the cleanup alternatives considered with information on effectiveness, implementation ability, resilience to address potential adverse impacts, cost, and reasonableness; and the proposed cleanup. If selected for funding, the ABCA will be finalized, including additional opportunities for public review and comment. (Attachment C).
- b) Community Notification Ad: In addition to press releases, website/social media posts, and partner notifications to their constituents, a community notification advertisement was published in The Sheridan Press newspaper, which serves Sheridan County on November 8, 2021 (Attachment F). The notification clearly stated:
 - that a copy of the grant application, including the draft ABCA was available for public review and comment, with a comment deadline of 12:00 pm on November 19;
 - that written comments would be accepted at the District office and/or via email, the project website, and oral comments could be provided at two public meetings;
 - that the draft application was available at the District office and on the project website; and
 - the date and times of two public meetings, including November 9 at 5:30 pm at the Sheridan Fulmer Public Library and November 16 at 12:00 pm at the Sheridan YMCA.
- c) Public Meeting: The District and other project partners provided project and assessment updates, discussed specifics of the grant proposal and considered public comments during public meetings held on November 9 and November 16. (Attachment F).

- d) Community Notification Documents: The following required documents are included as attachments to this application:
 - Copy of the DRAFT Analysis of Brownfields Cleanup Alternatives (ABCA);
 - Copy of the newspaper ad that demonstrates solicitation of comments at least 14 days before application submission;
 - Summary of the comments received;
 - Response to the comments;
 - Meeting summary from the public meetings; and
 - Meeting sign-in sheets/participant lists.

III.B.14. Statutory Cost Share

- a) Required cost-share: The District will provide a \$20% (\$117,000) cost-share to the grant for eligible and allowable expenses, including \$13,250 for 265 hours District personnel, \$58,750 QEP contractual costs, and \$45,000 abatement and disposal costs. Currently, the District receives approximately \$50,000 per year in non-federal, non-grant funding through state, county, and city appropriations, memberships, tree sales, and other sources.
- b) Hardship waiver request: Not applicable

III.B.15. Waiver of the \$500,000 Limit

The District is requesting a waiver of the \$500,000 limit to address one site; we are requesting \$585,000 (Attachment A).

III.B.16. Named Contractors and Subrecipients

Not applicable. If selected for funding, the District will use approved procurement procedures to select a qualified environmental professional and abatement contractor with oversight and input from the Wyoming Department of Environmental Quality Voluntary Remediation Program and US EPA.

Attachments:

Letter from State Brownfields Authority-inserted as Page 3 of Narrative Information Section

- A: Waiver of the \$500,000 Limit Request
- B: Secured Funding Sources Documentation
- C: DRAFT Analysis of Brownfields Cleanup Alternatives
- D: Applicant Eligibility Documentation-State Statutes and Certificates of Organization
- E: Ownership Documentation-Property Deed
- F: Reserved for Community Notification Documentation-

Community Notification Ad Summary of Comments Received Summary of Reponses to Comments Meeting Summary Notes

Meeting Sign-in Sheets

Attachment A

Waiver of the \$500,000 Limit Request



SHERIDAN COUNTY CONSERVATION DISTRICT

1949 SUGARLAND DRIVE, SUITE 102, SHERIDAN, WYOMING 82801 (307) 672-5820 ext. 3 www.sccdwy.org

Protecting Sheridan County's Water and Land Quality through Assistance Programs, Information and Outreach, Monitoring, and Planning

November 3, 2021

Melissa Devincenzi
US Environmental Protection Agency
Region 8 Brownfields Program
1595 Wynkoop Street (EPR-B)
Denver, CO 80202-1129

Re: FY2022 EPA Site-Specific Cleanup Grant Waiver of the \$500,000 Limit Request

Dear Ms. Devincenzi:

The Sheridan County Conservation District (District) respectfully requests a waiver of the \$500,000 funding limit for a site-specific EPA Cleanup Grant application to perform asbestos abatement at the former Acme Power Plant. The District requests \$585,000 and affirms that:

- cleanup will be for a single brownfield site (the former Acme Power Plant);
- there is a need for additional funding;
- partners are ready to begin and complete the asbestos abatement within the 3-year performance period; and
- resources are available to facilitate completion of the project.

As a Conservation District in a small, rural community, funding resources to tackle large, specialized projects can be limited. Couple that with the high cost of remediating hazardous wastes and potential cleanups can be delayed indefinitely, resulting in increased environmental degradation and health, and safety risks. The focus of this cleanup grant is asbestos abatement on a two-acre unit that houses a 13,100 square foot abandoned coal-fired power plant and other associated outbuildings. Significant quantities of friable asbestos pose considerable exposure risks to contractors, illegal trespassers, and others. The Draft Analysis of Brownfields Cleanup Alternatives estimates cleanup costs for asbestos in the buildings to be \$680,000, based on a 2020 estimate from an Asbestos Abatement contractor.

Phase I and Phase II Targeted Brownfield Assessments documented large quantities of asbestos including: 32,345 square feet in boiler and door insulation, brick plaster, equipment jackets, fiberboard, fire brick, furnace brick and cement, plaster, and roofing materials; 1520 linear feet in brick caulk, pipe insulation, and wire insulation; 1380 cubic feet in insulation debris throughout the building; and other electrical panels, fire doors, pipe gaskets and pipe joints in the main building; 160 square feet in linoleum and fiber board; 115 linear feet of covering and roofing materials and other panels, pipe joints, and gaskets in the other buildings. The presence of asbestos in surface soils indicates friable asbestos fibers are migrating beyond the walls of the power plant building. In addition to asbestos, Phase II assessments confirmed lead-based paint and other substances throughout the property. The asbestos needs to be addressed before it is safe to fully evaluate potential reuse and/or repurposing and incorporating building materials into future uses.

Susan Holmes Chair Edith Heyward Vice-Chair Orrin Connell
Secretary/Treasurer

Emerson Scott, III Supervisor Stephanie Masters Supervisor The site is currently enrolled in the State of Wyoming Voluntary Remediation Program. As part of that program, contractors performed some initial site stabilization in 2018, which included removal and disposal of ~1000 cubic feet of bulk and loose asbestos, over 50 55-gallon drums and their contents, and other containers and miscellaneous wastes throughout the site. The Wyoming Voluntary Remediation Program is currently finishing an EPA Assessment Grant for soil and groundwater characterization and planning for the site.

Consistent with sentiments expressed at multiple public meetings, including an initial community visioning session in 2017, the specific reuse strategy is to enhance outdoor recreation opportunities that promote health and well-being for residents and visitors. Proposed green space and outdoor recreation uses directly align with the *Sheridan County Comprehensive Plan*, adopted in 2008 and updated in 2020, that identifies agriculture, wildlife and natural resources, access to public lands for outdoor recreation, open lands and viewsheds, and historic sites, among the key issues of importance to Sheridan County residents. Additionally, the *City of Sheridan's Land Use Master Plan* prioritizes open space through bike and walking paths, corridors along Goose Creek and the Tongue River for recreation and revitalization, and development that preserves community character, natural space, and scenic vistas.

As a local unit of government, the District is eligible for monetary funding from other resources including state and federal grants. Partnerships with municipal governments further expand the ability to leverage opportunities for clean-up and reuse of the Acme site. Since 2015, partners, including the Conservation District, have invested just over \$900,000, including expenses associated with property acquisition, completion of Phase I and Phase II assessments, outreach, initial site stabilization, security and access to address safety concerns, and other site surveys/studies.

Specific eligible leverage sources are available to support this project. Through annual appropriations from state and local sources and program fees, the District has up to \$11,000 per year (\$33,000 total) above and beyond the required cost-share and over \$15,000 in existing grants and reserves dedicated to Acme available for leverage. The Wyoming Brownfields Revolving Loan Fund (awarded in 2018) highlighted the Acme project and intends to sub-grant approximately \$300,00 for soil and groundwater cleanup, including removal of debris that impedes cleanup of soils throughout the site.

The high-level of commitment from the Wyoming Voluntary Remediation Program demonstrates the potential for additional funding through the State's Orphan Site and/or Abandoned Mine Lands programs. Other opportunities for grants and programs for recreation and tourism may exist through the Wyoming Business Council and others. For development of trails, fencing, signs, and other greenspace features, grants from the Wyoming Recreational Trails Programs and other sources could be available. The Acme Working Group partners and District Board of Supervisors have committed to initiating a formal fundraising campaign to augment funds from a cleanup grant and support redevelopment activities. This campaign would include identification and discussions with potential donors, community events and applications to various public and private sources.

Sincerely,

Susan Holmes

Chair

Attachment B

Secured Funding Sources Documentation

WDEQ Letter TAB Letter SCCD Letter



Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations.



Todd Parfitt, Director



November 2, 2021

Carrie Rogaczewski District Manager **Sheridan County Conservation District**

RE: Documentation of Commitment/Leveraging Support for Sheridan County Conservation District FY22 Cleanup Grant Application

Dear Ms. Rogaczewski:

Please accept this letter as formal documentation of The Wyoming Department of Environmental Quality Voluntary Remediation and Brownfields Assistance Program's (WDEQ/VRP/BAP) commitment of secured resources for the Former Acme Power Plant site, owned by the Sheridan County Conservation District (SCCD). The VRP/BAP fully supports the SCCD's pursuit of a FY22 USEPA Cleanup grant to address hazardous building materials, within multiple buildings on-site. To address additional contamination at the site, the VRP/BAP is committed to providing a Wyoming Brownfields Revolving Loan Fund sub-grant to the SCCD for cleanup of contaminated surface soils, as well as, surface debris that is impeding safe access to those surface soils. The approximate sub-grant amount to address soils at the former Acme Power Plant is \$300,000. In addition, the VRP/BAP is in the process of securing a contractor to perform an infrastructure feasibility study, that will identify needed infrastructure for redevelopment/revitalization of the site. This study will be funded in whole by the USEPA Technical Assistance to Small Communities Grant (TAG), and will be in the amount of \$20,000. The study will be final by December 2023. The VRP/BAP will continue to offer project oversight, and participation in public meetings and workgroup meetings as well.

The VRP/BAP look forward to the continued partnership with the SCCD to ensure the Acme site is properly cleaned up, and restored to its highest and best use, in accordance with the VRP's protocols and procedures. Please don't hesitate to call me at (307)777-2948, or email me at cindi.martinez@wyo.gov if you'd like to discuss this letter of support.

Sincerely,

Brownfields and Orphan Sites Remediation Program Supervisor

Solid and Hazardous Waste Division

Euse Martinez

Wyoming Department of Environmental Quality

200 West 17th Street * 2nd Floor · Cheyenne, WY 82002 · http://http://deq.wryoming.gov/

(307) 777-7758 FAX 777-3610 (307) 717-6145 FAX 777-6462

ADMIN'OUTREACH ABANDONED MINES AIR QUALITY (307) 777-7391 FAX 777-5616

INDUSTRIAL SITING (307) 777-7369 FAX 777-6937

LAND QUALITY (307) 777-7758 FAX 777-5864

SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973

WATER QUALITY (307) 777-7781 FAX 777-5973



Department of Environmental Quality

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ATTYLO POLICEPAND

Cc: Susan Holmes, Chair Sheridan County Conservation District Board of Supervisors (electronic only)



College of Engineering Center for Hazardous Substance Research

Carrie Rogaczewski District Manager Sheridan County Conservation District Sheridan, WY 82801 29 October 2021

Subject:

Letter of Support and Commitment FY22 EPA Brownfields Cleanup Grant

Former ACME Power Plant Site, Sheridan, Wyoming

Dear Carrie,

It is my pleasure to provide this letter of commitment/support for the Sheridan County Conservation District's EPA Brownfields Cleanup grant application of \$585,000. The Technical Assistance to Brownfields (TAB) Program, at Kansas State University (KSU), is currently supporting reuse planning of the former ACME power plant site with a Highest and Best Use Market Analysis for a not-to-exceed amount of \$15,000. In addition, KSU TAB will plan to provide support to your project's efforts, with a special emphasis on community engagement and reuse planning.

For the past several years, the TAB program at KSU has assisted the District engage the public and evaluate reuse options for the former ACME power plant site. Such services have included a community visioning session (2017), evaluation and discussion of funding strategies, grant application support, and a highest and best use market analysis (2021). KSU TAB plans to continue to provide these services and technical assistance, as needed, to support the District in its efforts to revitalize the former ACME power plant site and surrounding properties. Based on our experience, we anticipate that our efforts will constitute up to approximately \$5,000 of leveraged effort per year in addition to the \$15,000 already committed for the market analysis.

We wish you luck in continuing your efforts to return this historic property back to life! Please contact me a: maggiejessie@ksu.edu; 785-532-0782 with any questions.

Sincerely,

Maggie Belanger

Maggie J. Belanger Assistant Director of KSU TAB Regional Program Region 8 TAB Services Coordinator maggiejessie@ksu.edu; 785-532-0782



SHERIDAN COUNTY CONSERVATION DISTRICT

1949 SUGARLAND DRIVE, SUITE 102, SHERIDAN, WYOMING 82801 (307) 672-5820 ext. 3 www.sccdwy.org

Protecting Sheridan County's Water and Land Quality through Assistance Programs, Information and Outreach, Monitoring, and Planning

November 3, 2021

Melissa Devincenzi
US Environmental Protection Agency
Region 8 Brownfields Program
1595 Wynkoop Street (EPR-B)
Denver, CO 80202-1129

Re: FY2022 EPA Site-Specific Cleanup Grant Leverage Documentation

Dear Ms. Devincenzi:

The Sheridan County Conservation District (District) respectfully submits this documentation of leverage to support cleanup and reuse planning of the former Acme Power Plant. As a local unit of government, the District is eligible for monetary funding from other resources including state and federal grants. Partnerships with municipal governments further expand the ability to leverage opportunities for clean-up and reuse of the Acme site. To date, the SCCD has provided over \$70,450 in cash and over \$13,000 In-kind for project coordination, fundraising, and community engagement. Other local project partners have contributed over \$62,000 in cash and \$3700 In-Kind for project assistance, property management, and community outreach.

Additional specific eligible leverage sources are available to support this project. Through annual appropriations from state and local sources and program fees, the District has up to \$11,000 per year (\$33,000 total) above and beyond the required cost-share and over \$15,000 in existing grants and reserves dedicated to Acme available for leverage. The District will also actively seek additional support from project partners, community organizations, and other pportunities, as needs are identified.

The high-level of commitment from the Wyoming Voluntary Remediation Program demonstrates the potential for additional funding through the State's Orphan Site and/or Abandoned Mine Lands programs. For development of trails, fencing, signs, and other greenspace features, grants from the Wyoming Recreational Trails Programs and other sources could be available. The Acme Working Group partners and District Board of Supervisors have committed to initiating a formal fundraising campaign to augment funds from a cleanup grant and support redevelopment activities. This campaign would include identification and discussions with potential donors, community events and applications to various public and private sources.

Sincerely,

Susan Holmes

Chair

Susan Holmes Chair Edith Heyward Vice-Chair

usan Halms

Orrin Connell
Secretary/Treasurer

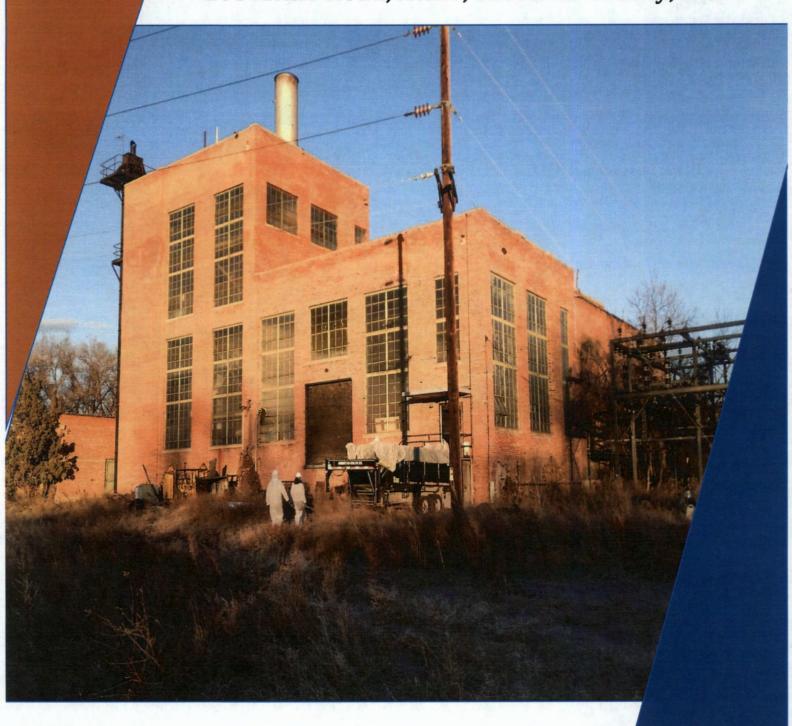
Emerson Scott, III Supervisor

Stephanie Masters
Supervisor

Attachment C

DRAFT
Analysis of Brownfields
Cleanup Alternatives (ABCA)

Analysis of Brownfields Cleanup Alternatives Former Acme Power Plant 165 Acme Road, Acme, Sheridan County, WY



Prepared for Sheridan County Conservation District



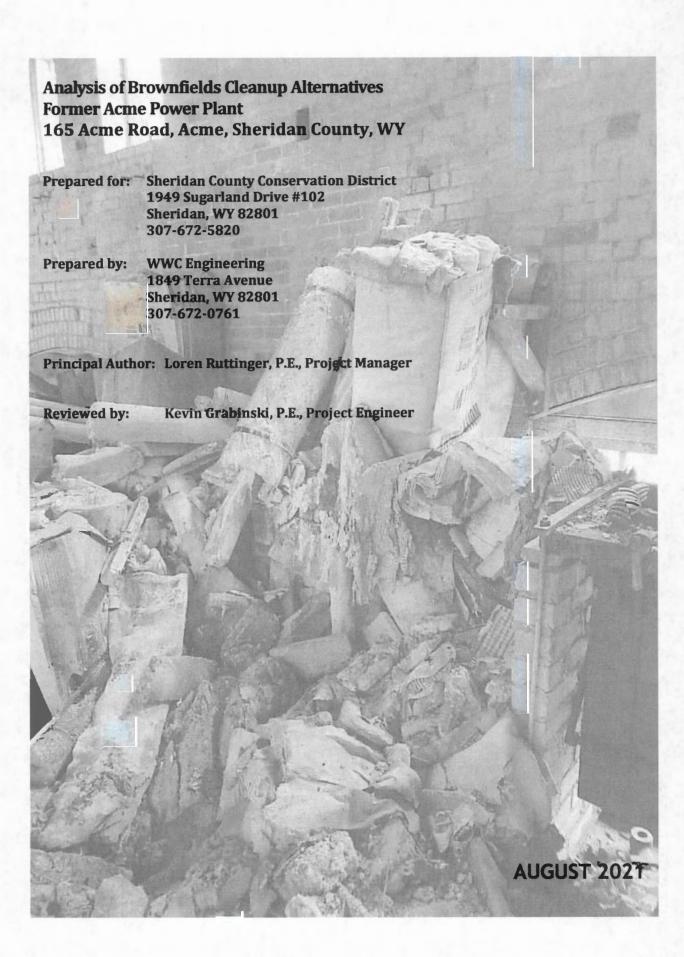


TABLE OF CONTENTS

1.0	INTRODUCTION AND BACKGROUND	1
1.1	Site Location	1
1.	1.1 Forecasted Climate Conditions	1
1.2	Previous Site Use(s) and Any Previous Cleanup/Remediation	4
1.3	Site Assessment Findings	6
1.4	Project Goal	9
2.0	APPLICABLE REGULATIONS AND CLEANUP STANDARDS	9
2.1	Cleanup Oversight Responsibility	9
2.2	Cleanup Standards for Major Contaminants	10
2.3	Laws & Regulations Applicable to the Cleanup	10
3.0	Evaluation of Cleanup Alternatives	10
3.1	Cleanup Alternatives Considered	10
3.2	Evaluation of Cleanup Alternatives	10
3.3	Recommended Cleanup Alternative	12
4.0	Green and Sustainable Remediation Measures for Selected Alternative	12
5.0	References	13
	LIST OF TABLES	
Table	1. Asbestos-Containing Material	7
Table	2. Lead-Based Paint	8
	LIST OF FIGURES	
Figure	1. Project Site in Relation to Sheridan, Wyoming	2
Figure	2. Main Structures and Components of the Site (August 2021)	3

Analysis of Brownfields Cleanup Alternatives Former Acme Power Plant 165 Acme Road, Acme, Sheridan County, WY

Prepared for Sheridan County Conservation District

1.0 INTRODUCTION AND BACKGROUND

1.1 Site Location

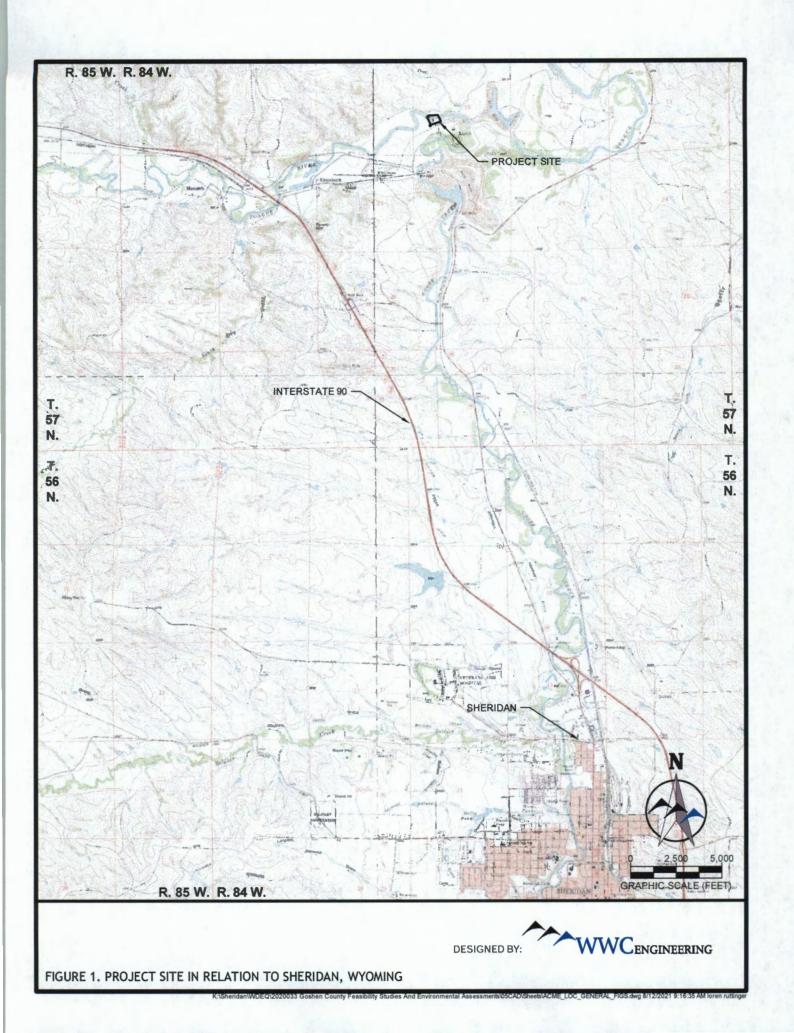
The Former Acme Power Plant site (the Site) is a 5.8-acre parcel of land located at 165 Acme Road in Acme, Sheridan County, Wyoming, approximately 10 miles north of Sheridan, Wyoming. The Site is owned by the Sheridan County Conservation District (the Owner). Figure 1 shows the location of the Site in relation to Sheridan. The Site is located in Township 57 North, Range 84 West, Section 15, North ½ of the Southwest ¼ (Sheridan County Parcel 57841530000333). The Tongue River passes through the northern portion of the Site. The Tongue River is a perennial tributary to the Yellowstone River. Adjacent lands are owned by the Padlock Ranch Company. Nearby lands are owned by Big Horn Coal Company (care of Lighthouse Resources, LLC), Black Gold Land Company, Sheridan-Johnson Rural Electrification Association, and the State of Wyoming. This Site layout and neighboring landowners are shown on Figure 2.

1.1.1 Forecasted Climate Conditions

According to the US Global Change Research Program (USGCRP) through NOAA National Centers for Environmental Information, the average annual temperature of Wyoming has increased approximately 2°F since the early 20th century. This increase is most evident in winter warming, which has been characterized by fewer very cold days since 1990. Under a higher emissions pathway, historically unprecedented warming is projected by the end of the 21st century.

Mountains and river systems in Wyoming provide critical water resources not only for Wyoming but also for other downstream states. Projected increases in spring precipitation may have both beneficial (increased water supplies) and negative (increased flooding) impacts.

Higher temperatures will increase the rate of soil moisture loss during dry spells, leading to an increase in the intensity of naturally occurring future droughts. The frequency of wildfire occurrence and severity is projected to increase in Wyoming.





According to FEMA Flood Zone Map 56033C0400E (effective January 16, 2014), the Site is located within Zone A, which is the 100-year flood zone. An elevation certification and letter of map amendment (LOMA) would be required to determine the base flood elevation. Flooding of the Site is possible.

Since the Site is adjacent to the Tongue River, the Site could be impacted by flooding. The Site could also be impacted by wildland fires since the Site is located in a rural area surrounded by native rangeland. Cleanup, remediation, and redevelopment of the Site would provide greater protection to the environment. Flooding could provide a mechanism for contamination to be transported from the Site. Additionally, wildland fires could cause contaminants to become airborne, thus being transported from the Site.

1.2 Previous Site Use(s) and Any Previous Cleanup/Remediation

The Site was the location of the historical coal-fired Acme Power Plant (the Plant). The Plant was constructed in 1910 and operated from March 1911 to August 23, 1976. The Plant derived its coal from nearby mines and its water source from the Tongue River. As early as 1912, the Plant provided power to the neighboring mines and coal camps, the City of Sheridan, and the Sheridan Railway Company. The Sheridan County Electric Company owned and operated the Plant from 1910 until 1947, when it sold the Plant to Montana-Dakota Utilities (MDU). MDU upgraded the steam turbines in the Plant in 1947 and again in 1952. In 1973, the U.S. Environmental Protection Agency (EPA) informed MDU that the Plant did not meet air quality standards and would either need to be upgraded or shut down. MDU chose to shut down the Plant. EPA agreed to a slow-phase shutdown, and the Plant completed final operations on August 23, 1976.

MDU sold the Plant following final operations in 1976 to Carl Weissman and Sons for metal salvage. The Plant sat mostly idle until 1984 when Perkins Power purchased it with the intention of operating it again and using the Plant's steam to heat a 2-acre greenhouse for growing lettuce hydroponically. This planned use, along with several other proposed Plant use options, did not materialize during the 1980s and early 1990s. Several deed transfers occurred in the early 1990s. In 2000, salvage rights were assigned to a private individual, and ownership of the Plant was transferred to Diversified Resources. In 2008, the Site was approved for auto salvage operations and disposal by the Sheridan Board of County Commissioners. Between 2008 and 2015, a large quantity of vehicles was brought to the Site and parked outside the buildings. Salvage operations as well as battery recycling apparently occurred. In October 2015 through January 2017, the Sheridan Community Land Trust worked through issues involving property ownership of the Site. After applying to the EPA Targeted Brownfield Assessment Program in June 2016, the Sheridan County Conservation District assumed ownership of the Site in June 2017.

Currently, there are five buildings onsite: the Plant, the Maintenance Shop, the Barn, the Little House, and the Trailer (a single-wide trailer that was most recently inhabited). In addition to the five buildings, there are two loafing sheds and two dilapidated trailers in the southeast corner of the Site. The Site is littered with debris and garbage. The main structures and components of the Site are depicted on Figure 2.

The Owner has three goals as part of the project vision:

- Protect land and water quality
- Capture the historical importance
- Ensure public access and use

If possible, the Owner plans to reuse the Plant as a component of capturing the historical importance and plans to likely demolish or scrap the other buildings on the Site. A structural assessment of the Plant completed by American Engineering Testing (AET) in September and October 2020 revealed that the Plant is currently structurally competent if certain maintenance measures are completed. Such maintenance measures would include replacement of the roof membrane and repairs to portions of the walls (AET 2020).

A hazardous building materials inventory was completed by Weston Solutions, Inc. (Weston) in October 2017 as part of the Phase II Environmental Site Assessment (ESA) for Acme Power Plant Hazardous Building Materials (Weston 2017c). An asbestos inspection was performed as a component of the Phase II ESA for Hazardous Building Materials and identified the asbestos-containing materials (ACM) onsite (Weston 2017c). ACM onsite was identified as including both installed materials such as pipe wraps or boiler insulation, or bulk and loose materials in original packaging, boxes, and buckets. A lead-based paint (LBP) inspection was also performed as a component of the Phase II ESA for Hazardous Building Materials and determined that LBP is present onsite (Weston 2017c). LBP is primarily identified on door and window frames as well as some walls. Walls inside the Plant painted with LBP are typically brick masonry.

In 2018, WWC Engineering (WWC) contracted with Wyoming Department of Environmental Quality/Voluntary Remediation Program (WDEQ/VRP) to oversee site cleanup activities termed "Site Stabilization." The purpose of Site Stabilization was to remove immediate hazards to future site assessment and cleanup activities. For example, Site Stabilization including removing drums and containers with unknown contents, removing bulk and loose ACM, and sampling of potential polychlorinated biphenyls (PCBs). As a portion of Site Stabilization, approximately 60 cubic yards of bulk and loose ACMs were removed from the Site and disposed at a landfill permitted

for ACM disposal. These materials that were removed were only bulk and loose materials, but ACM installed on pipes or boilers during operations remain (WWC 2019).

1.3 Site Assessment Findings

Site assessments have included a Phase I ESA (Weston 2017a), a Phase II ESA for media outside of the buildings (Weston 2017b), a Phase II ESA for hazardous building materials (Weston 2017c), supplementary sampling during Site Stabilization (WWC 2019), and additional site assessment by WWC in 2019-2021 under EPA Site Assessment Grant BF96845801 (WWC 2021). The ACM and LBP inspections were conducted as a component of the Phase II ESA for Hazardous Building Materials in May and June of 2017 by Weston (Weston 2017c). Results of the inspection confirmed the presence of contaminants of concern (COCs) at the Site. A component of site assessment by WWC included activity-based sampling (ABS) for asbestos in soils. ABS verified the presence of asbestos in soils at concentrations that are indicative of unacceptable risk (WWC 2021). The following summarizes the results and conclusions regarding the presence of ACM and LBP identified by Weston during the Phase II ESA for Hazardous Building Materials (Weston 2017c):

Asbestos-Containing Material (ACM): All five buildings were assessed for ACM. In addition to the buildings, exterior surface soils were sampled to determine if asbestos fibers have migrated from the buildings. A total of 111 potential ACM samples were submitted for analysis. Of the 111 samples, 75 samples were determined to be positive for asbestos, or greater than 1% asbestos. Table 1 summarizes the positive results and approximate quantities of asbestos at the Site. Based on the results of the ACM survey, asbestos is present in the buildings onsite and neighboring soils. ACM is considered a COC in relation to the Site.

Table 1. Asbestos-Containing Material

ACM	Quantity	Location	Removed During Site Stabilization (WWC 2019)	
		ne Plant		
Boiler Insulation	150 sq ft	1952 Stoker Boiler	•	
Brick Caulk	50 lf	1910 Heine Boiler	•	
Brick Plaster	1,000 sq ft	1910 Heine Boiler		
Door Insulation	5 sq ft	1947 Boiler		
Electrical Panel	1 panel	1952 Turbine Room	•	
Equipment Jackets	4,330 sq ft	Throughout	• 4	
Fiberboard	1,500 sq ft	1952 Addition	-	
Fire Brick	10 sq ft	2 nd Level Catwalk		
Fire Doors	3 doors	1952 Addition	•	
Furnace Bricks/Cement	6,000 sq ft	Boilers	•	
Insulation Debris	1,380 cf	Throughout	Approx. 1,000 cf	
Pipe Flange Gaskets	200 gaskets	Throughout	•	
Pipe Insulation	1,420 lf	Throughout	- 1	
Pipe Joints	356 joints	Throughout		
Plaster	5,850 sq ft	Turbine Rooms	•	
Roofing Material	13,500 sq ft	Roof	-	
Wire Insulation	50 lf	5 th Level Catwalk		
	T	he Barn		
Fiberboard	80 sq ft	Loft	All	
Manhole Gasket	14 rolls	Main Level	All	
Pipe Insulation	2 boxes	Main Level and Loft	All	
	The Mair	ntenance Shop		
Asbestoline and Firite	2 gallons	Loft	All	
Brake Pad	3 pads	Main Level	All	
Covering	5 lf	Main Level	All	
Packing/Gasket	8 rolls/3 gaskets	Main Level	All	
Roofing Material - Tar	110 lf	Roof		
	Litt	tle House		
Linoleum	80 sq ft	Main Level	- 2 2 2 3	

Lead-Based Paint (LBP): All five buildings were assessed for LBP. A total of 96 x-ray fluorescence (XRF) readings were collected. Of the 96 readings, 31 readings were determined to be positive for LBP, or greater than 1 milligram per square centimeter [mg/cm²]) for lead. Table 2 summarizes the locations and estimated extents of LBP at the Site for each building. Based on the results of the LBP survey, LBP is present in the buildings onsite. LBP is considered a COC in relation to the Site.

Table 2. Lead-Based Paint

LBP Location	Current Surface Paint Color	Estimated Extent	
	The Plant		
Exterior			
Door	Green	170 sq ft	
Door Frame	Green	100 lf	
Window Sash	Green	2,350 lf	
Interior			
	Brown	50 sq ft	
Daar	Dark Green	100 sq ft	
Door	Green	25 sq ft	
	White	25 sq ft	
Wall	Cream	1,200 sq ft	
	Dark Brown	650 sq ft	
	White	3,000 sq ft	
Window Frame	White	1,000 lf	
	The Barn		
Exterior			
Door	Green	150 sf	
Door Jamb	Green	30 lf	
Interior			
Door	Green	230 sq ft	
	The Maintenance Shop		
Exterior			
Door	Green	150 sq ft	
Trim	Green	60 lf	
Window Sash	Green	720 lf	
Interior			
Door	Green	230 sq ft	
	Trailer		
Exterior			
Wall	Dark Brown	60 sq ft	
	Little House		
Exterior			
Wall	White	150 sq ft	

1.4 Project Goal

The initial goal of the project will be to remove the health hazard of ACMs onsite. In doing so, all ACM would be targeted for abatement. The bulk of ACM onsite is friable. Site assessment suggests that asbestos fibers are leaving the Plant through open windows and doorways. Soil samples and ABS for asbestos in soils have detected concentrations of asbestos. Concentrations of asbestos detected during ABS on sampling cassettes exceeded the OSHA permissible exposure limit (PEL) for asbestos. Additionally, the Excess Lifetime Cancer Risk (ELCR) calculations completed as a part of the ABS study indicate unacceptable risk to workers or those with lifetime exposure. Asbestos fibers could become airborne, leave the Site, and spread contamination to neighboring landowners. Asbestos abatement would protect human health through future phases of cleanup and remediation. Additionally, if public use and access can be achieved, ACM and LBP abatement would prepare the building for public access of the historical structure. The planned reuse and redevelopment of the Site would be multi-faceted. The Site would provide recreational access to the Tongue River. If the Plant is repurposed, the Plant could be a center for commercial/institutional uses such as a local history center, business space, offices, or similar.

2.0 APPLICABLE REGULATIONS AND CLEANUP STANDARDS

2.1 Cleanup Oversight Responsibility

The Owner applied to the WDEQ/VRP and the Site was accepted into the program on January 19, 2018 as VRP No. 58.220. The Owner has received assessment and Site Stabilization assistance through the WDEQ/VRP. Additionally, the WDEQ/VRP applied for EPA Site Assessment Grant BF96845801 and used the grant for site assessment on behalf of the Owner.

Cleanup of soils and groundwater at the Site will be completed under WDEQ/VRP oversight. Asbestos abatement will have additional oversight form the Wyoming Department of Environmental Quality/Air Quality Division (WDEQ/AQD) Asbestos Program. The WDEQ/AQD Asbestos Program will be the regulating entity providing all appropriate permits and approvals of the asbestos abatement work performed at the Site.

The Owner will advertise for a certified asbestos abatement contractor. The contractor will be required to comply with applicable Federal, state, and county rules, regulations, and codes applicable to the Site.

The certified asbestos abatement contractor will submit all asbestos abatement plans and notifications to the WDEQ/AQD Asbestos Program prior to commencing work. The notification must be submitted to the WDEQ/AQD Asbestos Program at least ten working days prior to the removal of asbestos. Notification will include the facility

description and information, information regarding sampling and procedures that determined asbestos is present, scheduled dates and work hours of asbestos removal, approximate quantities of ACM, descriptions of work practices, and waste disposal locations. WDEQ/AQD Asbestos Program may inspect the Site during abatement and removal operations. Oversight will include all necessary third-party clearance sampling confirming the abatement is complete. Once the abatement contractor has submitted their final abatement report, the Owner may request an audit to be performed by the WDEQ/AQD Asbestos Program. The WDEQ/AQD Asbestos Program will then review the final abatement report and confirm that the work plan was completed appropriately.

If LBP is included in cleanup, the Owner will advertise for a certified LBP abatement contractor. The contractor will be required to comply with applicable Federal, state, and county rules, regulations, and codes. LBP disposal will comply with the disposal facility's requirements.

2.2 Cleanup Standards for Major Contaminants

The Owner will follow all the Federal or state cleanup standards for proper remediation of the ACM and LBP. Any other hazardous material found on the Site may require proper handling, if encountered.

2.3 Laws & Regulations Applicable to the Cleanup

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act, the Federal Davis-Bacon Act, state environmental law, and Sheridan County regulations. Federal, state, and local laws regarding procurement of contractors to conduct the abatement will be followed.

In addition, all appropriate permits (e.g., WDEQ/AQD Asbestos Program notification, notify before you dig, ACM transport/disposal manifests) will be obtained.

3.0 EVALUATION OF CLEANUP ALTERNATIVES

3.1 Cleanup Alternatives Considered

To address ACM and LBP contamination at the Site, there are three different alternatives considered: Alternative #1: No Action, Alternative #2: Removal/Abatement of ACM, and Alternative #3: Removal/Abatement of ACM and LBP.

3.2 Evaluation of Cleanup Alternatives

To satisfy EPA requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative.

Effectiveness - Including Climate Change Considerations

- Alternative #1: No Action is not effective in stopping the health risks from the identified COCs at the contaminated Site. Evidence from the Phase II ESA for Hazardous Building Materials (Weston 2017c) and ABS for asbestos in soils (WWC 2021) suggests that asbestos fibers have migrated from the Plant, can become airborne, and contaminate soils on the Site and adjacent properties.
- Alternative #2: Removal/abatement of all ACM from the buildings will
 eliminate migration of asbestos fibers from the buildings to exterior soils or
 offsite. Removal/abatement of all ACM will be effective at reducing critical
 health risks. If the Site was subjected to a wildland fire, asbestos fibers
 could be released from the Site and airborne fibers could travel further
 from the Site, possibly leading to a greater number of receptors.
- Alternative #3: Removal/abatement of all ACM and LBP will be the most effective by removing all known health risks and environmental hazards. Removal/abatement of ACM would occur as described in Alternative #2. In addition, LBP would be removed/abated. Removal would include transporting certain LBP components offsite for disposal such as doors and trim. In those locations where LBP is present on walls, the LBP would be stripped from the wall. This would be effective at eliminating the possibility of LBP contaminating exterior soils or being a human health hazard during repurposing of the buildings. Should flooding of the Site occur, flood waters could contact lead-contaminated soils. Removal of LBP would be most effective at preventing surface water from contacting lead contamination.

<u>Implementability</u>

- Alternative #1: No Action:
 - o No actions will be conducted and is, therefore, simple to implement.
- Alternative #2: Removal/Abatement of ACM:
 - Based on the results of the asbestos inspection, standard protocols for removal of ACMs should be implemented. Standard abatement procedures for ACM are straightforward for properly trained contractors.
 - Contracting an accredited asbestos remediation company to address the ACM at the Site during the cleanup phase of redevelopment (e.g., abatement). ACM remediation is recommended prior to any repurpose of the Site.
 - ACM clearance sampling should be completed in accordance with an approved Sampling and Analysis Plan (SAP).
 - The Site could be accessed by standard contractors or members of the public following ACM clearance and by request of the Owner.

- Alternative #3: Removal/Abatement of ACM and LBP:
 - All ACM would be abated and removed from structures in the same manner as in Alternative #2.
 - All LBP would be removed or abated from the structures. Components such as doors would be removed from the structures and disposed offsite. Walls would be stripped of LBP. The LBP stripped from walls would be properly disposed offsite.

Cost

- Alternative #1: No Action necessitates no cost.
- Alternative #2: The total cost estimate for this alternative is \$680,000.
- Alternative #3: The total cost estimate for this alternative is \$900,000.

3.3 Recommended Cleanup Alternative

The recommended cleanup alternative is Alternative #2: Removal/Abatement of ACM from the Site. The alternative would target all ACM on the Site, the bulk of which is friable ACM. The Plant is an attraction for trespassers, transients, and possible drug use. Broken windows in the Plant provide pathways for asbestos fibers to be transported outside and offsite. ABS and sampling of soils have verified concentrations of asbestos fibers in soils. Alternative #2 would most effectively use a Brownfields cleanup grant in conjunction with the Owner's capabilities as a conservation district to provide a cost-share. Implementation of Alternative #2 first would allow further evaluation of LBP removal/encapsulation in portions of the structures instead of complete LBP removal and abatement. Doors and trim would likely be removed and LBP on walls could be encapsulated. This work could be evaluated in greater detail following ACM abatement. Abatement of LBP on some structures such as the Little House, the Trailer, or the Barn may be unnecessary for demolition or disposal offsite at certain permitted facilities. A toxicity characteristic leaching procedure (TCLP) test may be required of LBP contaminated debris prior to disposal at landfills. Since LBP removal, encapsulation, and offsite disposal may require more evaluation, Alternative #2 is the recommended alternative at this time.

4.0 GREEN AND SUSTAINABLE REMEDIATION MEASURES FOR SELECTED ALTERNATIVE

To make the selected alternative greener, or more sustainable, several techniques are planned. The most recent Best Management Practices (BMPs) issued under ASTM Standard E-2893: Standard Guide for Greener Cleanups will be used as a reference in this effort. The Owner will require the cleanup contractor to follow an idle-reduction policy and use heavy equipment with advanced emissions controls operated on ultralow sulfur diesel. The number of mobilizations to the Site will be minimized and erosion control measures will be used to minimize runoff into environmentally sensitive areas.

5.0 REFERENCES

- American Engineering Testing (AET), 2020, Acme Power Plant Structural Engineering and Façade Evaluation (AET Project No. 19-20035), Acme, Wyoming, October 2020.
- Sheridan County Conservation District (SCCD), 2021, Acme Power Plant Reclamation Project, available on the web at https://www.acmeprojectwyoming.org/, August 12, 2021.
- Weston Solutions, Inc. (Weston), 2017a, Phase I Environmental Site Assessment for Acme Power Plant, 165 Acme Road, Sheridan, Sheridan County, Wyoming, Prepared for the U.S. Environmental Protection Agency, Denver, January 2017.
- ______, 2017b, Phase II Environmental Site Assessment for Acme Power Plant, 165 Acme Road, Sheridan, Sheridan County, Wyoming, October 2017.
- ______, 2017c, Phase II Environmental Site Assessment for Acme Power Plant Hazardous Building Materials, 165 Acme Road, Sheridan, Sheridan County, Wyoming, October 2017.
- WWC Engineering (WWC), 2019, Site Stabilization Final Report: Former Acme Power Plant VRP #58.220 (PS #0793) Site Stabilization, March 2019.
- ______, 2021, Site Assessment Final Report: Former Acme Power Plant VRP #58.220 (PS #0807) EPA Site Assessment Gran BF96845801, August 2021.

Attachment D

Applicant Eligibility Documentation

Wyoming Statutes 11-16-101 through 135 (Conservation District Law)

and

Sheridan County Conservation District Certificates of Organization the prosecution, or shall be imprisoned not exceeding six (6) months, or both. Any inspector who fails or neglects to perform the duties imposed by this act shall suffer the penalty herein provided.

CHAPTER 16 CONSERVATION DISTRICTS

11-16-101. Short title.

This act may be cited as the "Wyoming Conservation Districts Law."

11-16-102. Definitions.

- (a) As used in this act:
- (i) "Agency of this state" means any subdivision, agency or instrumentality, corporate or otherwise, of the government of this state;
- (ii) "At large member" means any registered voter and taxpayer within the county;
- (iii) "Commission" or "state conservation commission"
 means the state board of agriculture;
- (iv) "Conservation" means development, improvement, maintenance, preservation, protection and use of natural resources, and the control and prevention of floodwater and sediment damages, and the disposal of excess waters;
- (v) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with this act;
- (vi) "Due notice" for those provisions other than election and referendum provisions, means notice published at least twice, with an interval of six (6) days between the two (2) publication dates, in a newspaper of general circulation within the boundaries of the proposed or organized district, or by posting at five (5) conspicuous places within the organized or proposed district, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. Except as otherwise provided in this act, the notice of any hearing required under this act shall fix the time, place and purpose,

which shall be not less than ten (10) or more than fifteen (15) days after the first publication or first posting of the notice. Any hearing held pursuant to such notice may be adjourned from time to time without renewing the notice for the adjourned dates. Notice for any election or referendum required by this act shall be as specifically provided in this act, or if not specifically provided in this act, as required in the Special District Elections Act of 1994;

- (vii) "Government" or "governmental" means the government of this state, the government of the United States, and any subdivision, agency or instrumentality, corporate or otherwise, of either of them;
 - (viii) Repealed by Laws 1987, ch. 21, § 3.
 - (ix) Repealed by Laws 1998, ch. 115, § 5.
- (x) "Renewable natural resources," "natural
 resources" or "resources," means land, soil, water, vegetation,
 trees, wild rivers, wilderness, natural beauty, scenery and open
 space;
- (xi) "Urban" or "urban member" means any registered voter of an incorporated Wyoming municipality;
- (xii) "This act" means W.S. 11-16-101 through 11-16-135.

11-16-103. Legislative declarations and policy.

- (a) It is hereby declared that the farm and grazing lands of Wyoming are among the basic assets of the state; that improper land use practices cause and contribute to serious erosion of these lands by wind and water; that among the consequences which would result from such conditions are the deterioration of soil and its fertility and the silting and sedimentation of stream channels, reservoirs, dams and ditches; that to conserve soil, and soil and water resources, and prevent and control soil erosion, it is necessary that land use practices contributing to soil erosion be discouraged and that appropriate soil conserving land use practices be adopted.
- (b) It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, and soil and water resources of this state, and for the control and prevention of soil erosion and for flood prevention or the

conservation, development, utilization, and disposal of water, and thereby to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state.

11-16-104. Repealed by Laws 1987, ch. 15, § 1.

11-16-105. State board of agriculture; duties generally.

- (a) The commission shall:
- (i) Keep a record of its official actions, adopt a seal, which shall be judicially noticed, and perform acts, hold public hearings and promulgate rules and regulations as necessary for the execution of its functions under this act;
- (ii) Assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under this act, review district programs, coordinate the programs of the several districts and resolve any conflicts, and facilitate, promote, assist, harmonize, coordinate and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties and other public agencies;
- (iii) Keep the supervisors of the districts organized under this act informed of the activities and experiences of other districts and facilitate cooperation and an interchange of advice and experience between the districts;
- (iv) Coordinate the programs of the several conservation districts so far as this may be done by advice and consultation;
- (v) Recommend the appropriation of state funds necessary to finance the activities of the commission and the conservation districts; distribute to conservation districts funds, equipment, supplies and services received by the commission for that purpose from any source, subject to conditions made applicable thereto by any state or federal statute or local ordinance making available the funds; property or services; issue regulations establishing guidelines and suitable controls to govern the use by conservation districts of such funds, property and services; and review all budgets, administrative procedures and operations of the districts and

advise the districts concerning their conformance with applicable laws and regulations;

- (vi) Disseminate information throughout the state concerning the activities and programs of the conservation districts and encourage the formation of such districts in areas where their organization is desirable; enlist the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts; facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources; and except as otherwise assigned by law, carry out the policies of this state in programs at the state level for the conservation of the renewable natural resources of this state and represent the state in matters affecting such resources.
- (b) Whenever the commission determines that there exists a substantial conflict between the resources conservation program of a district and the proposed plans or activities directly affecting resource conservation prepared by any other local governmental unit or agency of this state, and the conflict cannot be resolved through consultation procedures, the commission shall submit a report to the governor.

11-16-106. Department of agriculture; when contracts invalid.

No contract of the state commission for the payment of money is valid unless the commission has available at the time the contract is made funds sufficient for the payment thereof.

11-16-107. Report to director; reports by district supervisors to board.

(a) On or before November 1 each even-numbered year, the commission shall report to the director of the department of agriculture the number and acreages of districts in existence or in process of organization, together with an estimate of the number and probable acreages of the districts which may be organized during the ensuing period; the balance of funds, if any, available to the commission and to the districts; and the estimates of the commission as to the sums needed for its administrative and other expenses and for allocation among the several districts during the ensuing period.

(b) The supervisors of the respective districts shall submit to the commission such statements, estimates, budgets and other information as the commission may require. The director shall include the information furnished by the commission in his report to the governor.

11-16-108. Petition to form district; contents; consolidation and exclusion.

- (a) Any ten (10) owners of land lying within the limits of the proposed district may file a petition with the commission asking that a conservation district be organized to function in the territory described in the petition. The petition shall meet all of the requirements of W.S. 22-29-105(f). The commission shall act upon the petition for formation in the same manner as set forth in W.S. 22-29-109 for county commissioners in determining if a petition for district formation shall be voted upon. When more than one (1) petition is filed covering parts of the same territory, the commission may consolidate all or any such petitions, or may exclude from any petition areas in conflict with another petition or petitions.
 - (i) Repealed by Laws 1998, ch. 115, § 5.
 - (ii) Repealed by Laws 1998, ch. 115, § 5.
 - (iii) Repealed by Laws 1998, ch. 115, § 5.
 - (iv) Repealed by Laws 1998, ch. 115, § 5.
 - (v) Repealed by Laws 1998, ch. 115, § 5.

11-16-109. Notice and hearing on petition; approval or denial; criteria.

After the hearing, if the commission determines, upon the facts presented at the hearing and other relevant facts that are available, that there is need in the interest of the public health, safety and welfare for a conservation district to function in the territory considered at the hearing, it shall record such determination and define by metes and bounds or by legal subdivisions the boundaries of the district. In making the determination and defining the boundaries, the commission shall give weight and consideration to the topography of the area considered and of the state, the composition of soils therein, the distribution of erosion, the carrying capacity and condition

of grazing lands, the numbers of livestock grazed, the prevailing land use and management practices, the desirability and necessity of including within the district the particular lands under consideration and the benefits such land may receive from being included within the district, the relation of the proposed district to existing watersheds and agricultural regions and to other conservation districts already organized or proposed for organization, and such other physical, geographical and economic factors as are relevant, having due regard to the legislative policy set forth in W.S. 11-16-103. The territory included within the district need not be contiguous. If the commission determines there is no need for a conservation district to function in the territory considered at the hearing, it shall record such determination and deny the petition. Any owner of lands within a proposed district which is less than a countywide district may have his owned and leased lands excluded from the proposed district upon presentation of a petition and description of the lands to the commission not less than seven (7) days prior to the holding of the referendum for the organization of the district.

11-16-110. Canvass of ballots.

- (a) Repealed by Laws 1998, ch. 115, § 5.
- (b) Repealed by Laws 1987, ch. 21, § 3.
- (c) Repealed by Laws 1998, ch. 115, § 5.
- (d) Repealed by Laws 1987, ch. 21, § 3.
- (e) Immediately after the polls close, the referendum officers shall canvass the ballots. The results disclosed by the canvass shall be certified by the commission.
- (f) If a majority of the qualified electors voting in the referendum favor the formation of the district, the proposal to organize the proposed district shall carry and the commission shall proceed to make the determination required in W.S. 11-16-112. If the majority of the qualified electors voting in the referendum are against the organization of the district, the proposal to form the district shall fail and the commission shall deny the petition. The commission shall promptly make public the result of the referendum.
- 11-16-111. Board of agriculture to provide for issuance of notices, conduct of hearings and referenda.

The commission shall provide for the issuance of notices and the conduct of hearings and referenda by appropriate regulations. It shall provide for registration prior to the date of the referendum of all eligible voters, or prescribe some other appropriate procedure for the determination of those eligible as voters in the referendum.

11-16-112. Result of referendum; announcement; practicability of district; determination; criteria.

After making public the result of the referendum, the commission shall consider and determine whether the operation of the district within the defined boundaries is administratively practicable. If the commission determines the operation of the district is not administratively practicable, it shall record the determination and deny the petition. If the commission determines that the operation of the district is administratively practicable, it shall record the determination and proceed with the organization of the district. In making the determination the commission shall give regard to the attitudes of the voters lying within the defined boundaries, the number of voters eligible to vote in the referendum who voted, the proportion of votes cast in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the owners of land of the proposed district, the probable expense of carrying on erosion-control operations within the district, and other economic and social factors as are relevant.

11-16-113. Establishment of district.

- (a) If the commission determines the operation of the proposed district is administratively practicable, it shall appoint two (2) supervisors who are owners of land in the district to act with three (3) supervisors elected as provided hereinafter as the governing body of the district. The district shall be a governmental subdivision of this state and a public body corporate and politic. The two (2) appointed supervisors shall present to the secretary of state an application signed by them setting forth by recital only and not in detail:
- (i) That a petition for the creation of the district was filed with the commission pursuant to the provisions of this act, and the proceedings specified in the act were taken pursuant to the petition;

- (ii) That the application is filed to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under this act;
- (iii) That the commission has appointed them as supervisors;
- (iv) The name and official residence of each supervisor and a certified copy of the appointment evidencing his right to office;
 - (v) The term of office of each supervisor;
 - (vi) The name of the district; and
- (vii) The location of the principal office of the supervisors of the district.
- (b) The application shall be subscribed and sworn to by each supervisor before an officer authorized to administer oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers affirmed in the application, and that each has subscribed thereto in the officer's presence. The application shall be accompanied by a certified statement by the commission, setting forth the boundaries of the district but otherwise containing no detail other than the mere recitals that:
- (i) A petition was filed, notice issued and hearing held as required by law;
- (ii) The commission determined that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the proposed territory and did define the boundaries;
- (iii) Notice was given and a referendum held on the question of the creation of such district;
- (iv) The result of the referendum showed a majority of the votes cast in favor of the creation of the district; and
- (v) The commission did determine the operation of the proposed district is administratively practicable.
- (c) The secretary of state shall examine the application and statement and if he finds the name proposed for the district

is not so similar to that of another conservation district as to cause confusion or uncertainty, he shall record them in an appropriate book in his office. If the secretary of state finds the name proposed for the district is so similar to that of any other conservation district of this state as to lead to confusion, he shall certify that fact to the commission, which shall submit a new name for the district which is not subject to such defects. Upon receipt of the new name the secretary of state shall record the application and statement, with the name so modified, in an appropriate book. When the application and statement have been made, filed and recorded, the district is a governmental subdivision of this state and a public body corporate and politic. The secretary of state shall issue to the supervisors a certificate, under the seal of the state, of the organization of the district, and shall record the certificate with the application and statement. The boundaries of the district shall include the territory determined by the commission, but shall not include any area included within the boundaries of another conservation district organized under this act.

11-16-114. Repealed by Laws 1998, ch. 115, § 5.

11-16-115. Districts; transfer of land; division or consolidation; change in name.

- (a) Upon written request of the board of supervisors of the conservation district or districts involved, with a showing that the request is approved by a majority vote of the members of each board involved the commission may, by administrative order:
 - (i) Transfer lands from one district to another;
- (ii) Divide a single district into two (2) or more districts, each of which shall thereafter operate as a separate district; or
- (iii) Consolidate two (2) or more districts to operate thereafter as a single district.
- (b) The secretary of state shall make and issue a corrected certificate of organization upon receipt of such certification from the commission.
- (c) Petitions for a change in the name of a conservation district may be submitted to the commission by the board of

supervisors of a conservation district. If the commission approves the change of name, it shall certify the change to the secretary of state and shall notify the board of supervisors of the conservation district of the change, setting out in the notice the new name of the district. The secretary of state shall make and issue a corrected certificate of organization upon receipt of such certification from the commission.

11-16-116. Districts; proof of organization.

In any suit, action or proceeding relating to any action of the district, the district is deemed to have been established in accordance with this act upon proof of the issuance of the certificate by the secretary of state. A copy of the certificate certified by the secretary of state is admissible in evidence in any suit, action or proceeding and is proof of the filing and contents thereof.

11-16-117. Districts; termination; dissolution procedures; determination by board of agriculture; legal effects of dissolution.

(a) After five (5) years after the organization of a district under this act, any ten (10) owners of land lying within the district may petition the commission that the operations of the district be discontinued and the existence of the district terminated. The commission may conduct public meetings and hearings upon the petition as necessary in the consideration thereof. Within sixty (60) days after a petition has been filed with the commission, it shall give notice of a referendum as provided in the Special District Elections Act of 1994. The commission shall supervise the referendum and issue appropriate regulations governing the conduct thereof. The question shall be submitted by ballots upon which the words "For terminating the existence of the (name of the conservation district to be here inserted) " and "Against terminating the existence of the (name of the conservation district to be here inserted) " shall appear, with a square before each proposition and a direction to insert an X mark in the square before one (1) or the other as the voter may favor or oppose dissolution of the district. Qualified electors of the district are eligible to vote in the referendum. No informalities in the conduct of the referendum or related matters shall invalidate the referendum or result if notice is given substantially as herein provided and the referendum is fairly conducted.

- (b) The commission shall publish the result of the referendum. If a majority of the votes cast in the referendum oppose dissolution of the district, the commission shall determine whether the continued operation of the district within the defined boundaries is administratively practicable. If the commission determines the continued operation of the district is administratively practicable, it shall record its determination and deny the petition. If a majority of the votes cast favor dissolution of the district it shall certify that fact to the supervisors of the district. In making the determination of administrative practicality to continue the district the commission shall consider those factors set forth in W.S. 11-16-112 for creation of the district.
- Upon receipt from the commission of a certification that the majority of votes cast in the referendum favor dissolution of the district, the supervisors shall forthwith terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and pay the net proceeds of the sales to the state treasurer. The supervisors shall thereupon file a verified application with the secretary of state for dissolution of the district, and shall transmit with the application the certificate of the commission that the majority of votes cast at the referendum favored dissolution of the district. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided by law, setting forth a full accounting of the properties and proceeds of sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record the certificate in an appropriate book in his office. The secretary of state shall make no charge for any service required of him by this act.
- (d) Upon issuance of a certificate of dissolution all ordinances and regulations adopted and in force within the district are void. All contracts to which the district or supervisors are parties remain in force and effect for the period provided in such contracts. The commission shall be substituted for the district or supervisors as party to the contracts. The commission is entitled to all benefits and subject to all liabilities under such contracts and has the same right and liability to perform, require performance, sue and be sued thereon, and to modify or terminate the contracts as the supervisors of the district would have had. Dissolution does not affect the lien of any judgment entered or the pendency of any action instituted under W.S. 11-16-126 [repealed], and the

commission succeeds to all rights and obligations of the district or supervisors as to such liens and actions.

11-16-118. District supervisors; term; vacancies; expenses; removal; quorum; bond required of employees; areas included in district; cooperative agreement with city.

- (a) The term of the two (2) supervisors appointed extends from their appointment until the second annual election held in the district. A supervisor shall hold office from his election or appointment and taking of the oath of office until his successor has been elected or appointed, and qualified.

 Vacancies shall be filled for the unexpired term. Vacancies in the office of any supervisor shall be filled by appointment by the commission upon the recommendations of the district supervisors, the appointee to serve until the next election at which time the vacancy shall be filled by the electors for the unexpired term. A supervisor shall receive no compensation for his services, but is entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties. Any supervisor may be removed by the commission upon notice and hearing, for neglect of duty or malfeasance in office.
- (b) A majority of the supervisors constitutes a quorum and the concurrence of three (3) supervisors is required for determination of any matter.
- (c) The supervisors shall require a bond to be issued for all employees and officers entrusted with funds or property. The supervisors shall provide for keeping a full and accurate record of all proceedings, resolutions, regulations and orders issued or adopted. The accounts, receipts and disbursements of the district shall be subject to the audit and reporting requirements set forth in W.S. 9-1-507(a)(iii).
- (d) All cities, towns, villages or other urban and suburban areas lying wholly or partly within the exterior boundaries of a conservation district shall, from the effective date of this act, be included in the district. In doubtful cases, the commission shall determine the district which includes any urban or suburban area.
- (e) By cooperative agreement with the city concerned, a district may perform within the boundaries of the city any work required or authorized under this act, through such administrative and financial arrangements as the city and the district agree upon.

11-16-119. District supervisors; nomination; qualifications; election; term.

Within thirty (30) days after issuance by the secretary of state of a certificate of organization of a conservation district, applications for election under the Special District Elections Act of 1994 may be filed with the commission by candidates for supervisors, who shall be owners of land within the district. The commission may extend for not to exceed thirty (30) days the time within which applications may be filed. The commission shall give notice of an election to be held for the election of three (3) supervisors for the district. All qualified electors within the district are eligible to vote. The three (3) supervisors first elected shall draw lots, one (1) for a term of two (2) years, and two (2) for a term of three (3) years. Thereafter supervisors shall be elected each year to serve for a full term of three (3) years. The number of supervisors elected each year shall be determined by the number of supervisors whose terms expire at that time. The commission shall provide for all elections, supervise the conduct thereof, and prescribe regulations governing the conduct of all elections, and shall make public the result thereof.

11-16-120. District supervisors; elections under Election Code and for new districts.

- (a) District supervisors shall be elected in subsequent elections under the Special District Elections Act of 1994 and as hereinafter provided for new districts:
- (i) At the first subsequent director election following establishment of a new district, five (5) supervisors, who reside within the district shall be elected at large by a nonpartisan ballot. Three (3) supervisors shall be rural residents, one (1) shall be a resident of an urban area and one (1) shall be elected at large. At the first subsequent director election, the at large candidate receiving the largest number of votes shall be elected for a four (4) year term, the urban candidate receiving the largest number of votes shall be elected for a four (4) year term, the rural candidate receiving the largest number of votes shall serve a four (4) year term and the two (2) candidates receiving the next highest number of votes shall be elected for two (2) year terms. In succeeding elections all supervisors shall be elected for four (4) year terms.
 - (ii) Repealed by Laws 1998, ch. 115, § 5.

11-16-121. District supervisor; cooperation and agreements between districts; agreements with districts in adjoining states.

- (a) The supervisors of two (2) or more districts organized under this act may cooperate in the exercise of any or all powers conferred in this act.
- (b) Any two (2) or more districts may engage in joint activities by agreement for planning, financing, constructing, operating, maintaining and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment or services available to them under this act.
- (c) Any district may enter into such agreements with districts in an adjoining state if the law in the other state permits such agreements.
- (d) The commission may propose, guide and facilitate the establishment and carrying out of such agreements.

11-16-122. Powers and duties of districts and supervisors thereof generally.

- (a) Each conservation district organized under this act shall make an annual estimate of the funds required by the district for conservation programs and present a certified copy of the estimate, along with a budget showing all anticipated income and expenses, to the county commissioners. District supervisors shall administer the finances of the district according to the provisions of the Uniform Municipal Fiscal Procedures Act, except that an annual audit in accordance with W.S. 16-4-121 is not required. Each district shall comply with the provisions of W.S. 9-1-507(a)(iii).
- (b) A conservation district organized under this act and the supervisors thereof, in addition to other powers granted by this act, may:
- (i) Employ personnel and determine their duties and conditions of employment;
- (ii) Call upon the attorney general of the state for legal services or employ their own counsel and legal staff;

- (iii) Delegate to their chairman, to one (1) or more supervisors or to one (1) or more agents or employees such delegable powers and duties as they deem proper;
- (iv) Furnish to the state conservation commission upon request, copies of ordinances, rules, regulations, orders, contracts, forms and other documents they adopt or employ, and such other information concerning their activities as it may require and to the county clerk copies of ordinances, rules, regulations and orders it adopts in accordance with law;
- (v) Conduct surveys, investigations and research and disseminate information relating to range management, the character of soil erosion, flood prevention or the conservation, development, utilization and disposal of water, and the preventive and control measures and works of improvement needed, but in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or its agencies, or with the United States or its agencies;
- (vi) Conduct demonstration projects within the district on lands owned or controlled by this state or its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on other lands within the district with the consent of the owner or occupier of the lands, to demonstrate range management practices, the means, methods and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and washing may be prevented and controlled and works of improvement for flood prevention or the conservation, development, utilization and disposal of water may be carried out;
- (vii) Carry out preventive and control measures and works of improvement within the district, including engineering operations, range management, methods of cultivation, the growing of grass or other vegetation, changes in use of land or any measure which may be developed for the control of erosion and better use of soil, and works of improvement for flood prevention or the conservation, development, utilization and disposal of water on lands owned or controlled by this state or its agencies, with the cooperation of the agency administering and having jurisdiction thereof, or on other lands within the district with the consent of the owner or occupier of the lands;

- (viii) Cooperate, including but not limited to representing the conservation district as a cooperating agency with special expertise as provided by the National Environmental Policy Act and in federal land planning implementation as provided in W.S. 11-16-135(a), enter into agreements with and furnish financial or other aid to, any agency, governmental or otherwise, or any owner or occupier of lands within the district, in carrying on range management or erosion control and prevention operations and works of improvement for flood prevention or the conservation, development, utilization and disposal of water within the district, subject to such conditions as the supervisors deem necessary;
 - (ix) Repealed by Laws 1987, ch. 21, § 3.
 - (x) Repealed by Laws 1987, ch. 21, § 3.
 - (xi) Repealed by Laws 1987, ch. 21, § 3.
 - (xii) Repealed by Laws 1987, ch. 21, § 3.
 - (xiii) Repealed by Laws 1987, ch. 21, § 3.
- (xiv) Make available on terms it prescribes, to owners and occupiers of land within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, male breeding animals, livestock supplies and such other material or equipment as will assist the owners and occupiers of land to carry on operations upon their lands and upon those owned or leased by the district, for range improvement and stabilization, the conservation of soil and water resources, the prevention and control of soil erosion and for flood prevention or the conservation, development, utilization and disposal of water. The assistance authorized by this paragraph shall be on a limited scale for demonstration purposes and the district shall not be deemed authorized to compete with private industry;
 - (xv) Repealed by Laws 1987, ch. 21, § 3.
- (xvi) Develop and implement comprehensive resource use and management plans for range improvement and stabilization, conservation of soil, water and vegetative resources, control and prevention of soil erosion and for flood prevention or the conservation, development, utilization and disposal of water within the district, which plans shall include range management provisions and shall specify in detail the

acts, procedures, performances and avoidances necessary or desirable to carry out the plans, including the specification of engineering operation, fence and stockwater developments, methods of cultivation, the growing of grass and other vegetation, cropping and range programs, tillage and grazing practices, and changes in use of lands. In developing plans under this paragraph, the supervisors of the district shall consider the customs and culture of residents of the district as those customs and culture relate to the land and resource, current and historical information and data related to the uses of the land and resource;

- (xvii) Make public the plans and information and bring them to the attention of owners and occupiers of land within the district;
 - (xviii) Repealed by Laws 1987, ch. 21, § 3.
- (xix) Manage, as agent of the United States or any of its agencies, and enter into agreements with the United States or any of its agencies, or this state or any of its agencies, to effect cooperation with the United States or any of its agencies under United States Public Law 566 approved August 4, 1954, or amendments thereto, in connection with the acquisition, construction, operation or administration of any land utilization, soil conservation, erosion control, erosion prevention, flood prevention projects, conservation of water, water utilization, disposal of water in watershed areas and other water projects within its boundaries;
- (xx) Act as representative for local groups in dealing with the United States or its representatives, in soil or water conservation matters under United States Public Law 566 approved August 4, 1954, or amendments thereto;
- (xxi) Accept donations, gifts and contributions in money, services, materials or otherwise from any source which will impose no financial obligation upon the state, and use or expend the monies, services, materials or contributions in carrying on its operations;
 - (xxii) Sue and be sued in the name of the district;
- (xxiii) Have a seal, which shall be judicially
 noticed;

- (xxiv) Have perpetual succession unless terminated as hereinafter provided;
- (xxv) Make and execute contracts and other instruments necessary to the exercise of its powers;
- (xxvi) Make, amend and repeal rules and regulations
 not inconsistent with this act, to implement its purposes and
 powers;
- (xxvii) As a condition to extending any benefits to or performance of work upon any land not owned or controlled by the state or its agencies, require contributions in money, services, materials or otherwise to any operations conferring benefits and require owners and occupiers of land to enter into and perform such agreements or covenants as to the permanent use of such lands as will prevent or control erosion and prevent flood water and sediment damages thereon and promote the best use of such lands;
- (xxviii) The supervisors of a conservation district which has officially adopted a comprehensive plan pursuant to W.S. 11-16-122(b) (xvi) may coordinate with federal agencies as provided in the Federal Land Policy and Management Act of 1976, the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the national Forest Management Act of 1976 and any other federal statute which provides for coordination with local governments and federal regulations adopted pursuant to those acts.
- (c) A conservation district shall not purchase or hold title to farm lands as defined by W.S. 11-34-101(a)(ii).

11-16-123. Applicability of provisions concerning other agencies; validity of contracts of supervisors.

- (a) No provisions with respect to the acquisition, operation or disposition of property by other public bodies are applicable to a district organized hereunder unless the legislature shall specifically so state.
- (b) No contract of the district supervisors for the payment of money is valid unless the supervisors have at the time the contract is made funds in cash, securities or deposits sufficient for the payment thereof.

11-16-124. Administration of oaths by secretary or treasurer of district.

The secretary or treasurer of the district are severally authorized to administer oaths within their district in any matter pertaining to the business of their district where an oath is required by law.

- 11-16-125. Repealed by Laws 1987, ch. 21, § 3.
- 11-16-126. Repealed by Laws 1987, ch. 21, § 3.
- 11-16-127. Repealed by Laws 1987, ch. 21, § 3.
- 11-16-128. Repealed by Laws 1987, ch. 21, § 3.
- 11-16-129. Repealed by Laws 1987, ch. 21, § 3.
- 11-16-130. Repealed by Laws 1987, ch. 21, § 3.
- 11-16-131. Repealed by Laws 1987, ch. 21, § 3.

11-16-132. Publicly owned lands to be administered in cooperation with districts.

Agencies of the state, county or any political subdivision of the state which have jurisdiction over or are charged with the administration of any state, county or other publicly owned lands lying within the boundaries of any district organized hereunder, shall cooperate to the fullest extent with the supervisors of the district to effect the programs and operations undertaken by the supervisors under this act and may lease such lands to a district. The supervisors of the districts shall be given free access to enter and perform work upon the publicly owned lands. The provisions of conservation ordinances have the force and effect of law over all publicly owned lands, and shall be in all respects observed by the agencies administering the lands.

11-16-133. Tax levied on property in district; maximum amount; soil and water conservation fund; other appropriation authorized.

(a) Subject to W.S. 11-16-134, the county commissioners may annually levy a tax to carry out this act. The tax shall be levied upon all property in the district and shall not exceed one (1) mill on each one dollar (\$1.00) of assessed valuation.

The tax is not part of the general county or city mill levies. The tax shall be levied and collected as other county taxes and the county treasurer shall remit the taxes collected to the district to a separate fund to be known as the conservation district fund, which shall be used only to carry out the purposes of this act.

(b) Whether or not a tax levy is authorized under W.S. 11-16-134, each board of county commissioners may make appropriations from the county general fund to districts established under this act for the purpose of providing soil and water conservation programs.

11-16-134. Imposition of tax; vote of electors required.

- (a) No tax shall be imposed under W.S. 11-16-133 until the proposition to impose the tax is submitted to a vote of the voters of the district and a majority of those casting their ballots vote in favor of imposing the tax. Any tax imposed under this act shall be levied in the year following the election at which the imposition of the tax is approved.
- (b) The proposition to impose a tax under this act shall be at the expense of the county and may be submitted to the voters of the county upon the receipt by the board of county commissioners of a petition requesting the election signed by a majority of the supervisors of the district. The election shall be at the direction and under the supervision of the board of county commissioners.
- (c) Subject to the limitation of subsection (b) of this section, the proposition to impose a tax under this act shall be submitted on an election date authorized under W.S. 22-21-103, or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116. A notice of election shall be given by the county clerk in at least one (1) newspaper of general circulation published in the county wherein the election is to be held and shall specify the object of the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots shall contain the words "for the conservation district tax" and "against the conservation district tax". Upon the initial submission of the conservation district tax, or any renewal thereof, after July 1, 1995, the conservation district board of supervisors shall choose one (1) of the following options and the words of the chosen option shall be clearly printed in the appropriate area on the election ballot:

- (i) If this proposition is approved, the same proposition shall be submitted at the second following general election or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116, and thereafter at succeeding general elections or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116, every four (4) years until the proposition is defeated; or
- (ii) If this proposition is approved, the tax shall remain in effect until a petition to discontinue the tax, signed by not less than ten percent (10%) of the voters of the district, is received by the board of county commissioners, and the proposal to discontinue the tax is approved by the voters. The proposal to discontinue the tax shall be submitted to the voters of the district at the expense of the county at the next general election or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116 for approval or disapproval.

11-16-135. Special expertise of supervisors of conservation districts.

When representing a conservation district as a cooperating agency in matters related to the National Environmental Policy Act and in federal land planning, implementation and management actions, supervisors of a conservation district shall be deemed to have special expertise on all subject matters for which they have statutory responsibility as provided in W.S. 11-16-122, including but not limited to all subject matters directly or indirectly related to stabilization of the agriculture industry, protection of natural resources including but not limited to data and information, conservation of soil and water resources, control and prevention of soil erosion, flood prevention or the conservation, development, utilization and disposal of water within the district.

CHAPTER 17 LIVESTOCK REMEDIES

ARTICLE 1 LIVESTOCK REMEDIES GENERALLY

- 11-17-101. Repealed By Laws 2011, Ch. 98, § 2.
- 11-17-102. Repealed By Laws 2011, Ch. 98, § 2.
- 11-17-103. Repealed By Laws 2011, Ch. 98, § 2.

STATE OF WYOMING

OFFICE OF THE SECRETARY OF STATE

United State of American State of Myoming

55.

In THYRA THOMSON, Secretary of the State of Wyoming do hereby certify----

that a Statement relating to the matter of a Petition for Combination of Clouds Peak and Tongue River and Dutch Creek-Clear Creek Conservation District under the name of

CLEAR WATER CONSERVATION DISTRICT

and the proceeding taken incident to the combination of said districts, and the boundary change between the combined district and the Lake DeSmet Conservation District, as certified by the State Soil and Water Conservation District, has been submitted to this office.

I FURTHER CERTIFY that the Certificate of Combination with the Statement and description of the boundaries, copy of which is attached to this certificate has been filed in the office of the Secretary of State this third day of February 1972 at 4:00 p.m., in accordance with Section 11-234 through 11-250, Wyoming Statutes, 1957, as amended . . .

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Wyoming. Done at Cheyenne, the Capital, this third day of February A.D. 1972

State of Wyoming



OFFICE OF THE

SECRETARY OF STATE

United States of America, State of Wyoming

SS.

I, KATHY KARPAN, Secretary of State of the State of Wyoming, do hereby certify

. . . that a statement relating to the matter of a corrected Certificate of Organization of CLEAR WATER CONSERVATION DISTRICT changing its name to

SHERIDAN COUNTY CONSERVATION DISTRICT

has been submitted to this office.

I FURTHER CERTIFY that this statement has been filed and recorded in the office of the Secretary of State of Wyoming on this sixteenth day of April, 1993 in accordance with W.S. 11-16-115.



IN TESTIMONY WHEREOF,	have hereu	into set my ha	ind and
affixed the Great Seal of t	he State of	Wyoming. D	one at
Cheyenne, the Capital, this	sixte	eenth	day of
A	April		93
//	Farry of State	an	

Attachment E Ownership Documentation

Property Deed



QUITCLAIM DEED

Diversified Resources, LLC, a dissolved Wyoming limited liability company in wind-up, Dianne Culhane, Manager, whose address is 428 North Jefferson Street, Apt. 121, Sheridan, WY 82801 ("Grantor") for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, hereby conveys and quitclaims unto the Sheridan County Conservation District, a political subdivision of the State of Wyoming under the State of Wyoming, Department of Agriculture, whose address is 1949 Sugarland Drive, Ste. 102, Sheridan, WY, 82801 ("Grantee"), any and all of its right, title and interest in real property and improvements located in Sheridan County, State of Wyoming, and sometimes commonly referred to as the "Acme Power Plant", with an address of 165 Acme Rd., Sheridan, Wyoming 82801, and more particularly described as:

A tract of land situated in the N½SW¼ of Section 15, Township 57 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, described as follows:

Commencing at a point which is N.31°23'E, 1984.5 feet, and thence N.63°05'30"E. 475 feet from the Southwest corner of the said Section 15, said point being marked by a cement monument; thence N.26°54'30"W. a distance of 357 feet to a point marked by a cement monument; thence running S.86°13'55"W. a distance of 509.5 feet to a point marked by a cement monument; thence S.24°54'W. a distance of 127.24 feet to a point; thence running S.26°54'30"E. a distance of 420.82 feet; thence running N.69°06'E. a distance of 578.15 feet to the point of beginning, said tract containing 5.8 acres more or less, together with all and singular the tenements, hereditaments, and appurtenances; and the reversion and reversions, remainder and remainders, rents, issues, and profits;

Together with all improvements thereon and all appurtenances thereto, and including all personal property owned by Seller and located on the property, all appurtenant water and water rights, ditches and ditch rights, reservoirs and reservoir rights, as well as any adjacent property owned by Seller not fully described herein and,

Subject to all easements, reservations, covenants and restrictions, if any, of record.

DATED this 27th day of June, 2017.

Grantor:

Diversified Resources, LLC, a dissolved Wyoming limited liability company in wind-up

Dianne Culhane, Manager in wind-up

STATE OF WYOMING

) ss.

County of Sheridan

The foregoing instrument was executed and acknowledged before me by Dianne Culhane, in her capacity as Manager of Diversified Resources, LLC, a dissolved Wyoming limited liability company in wind-up, on this 37 day of June, 2017.

WITNESS my hand and official seal.

SARAH AKSAMIT - NOTARY PUBLIC
COUNTY OF STATE OF WYOMING
MY COMMISSION EXPIRES SEPTEMBER 23, 2017

Notary Public

My Commission Expires: <u>09-23-2017</u>

NO. 2017-735980 QUITCLAIM DEED EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK YONKEE & TONER P O BOX 6288 SHERIDAN WY 82801

Attachment F

RESERVED FOR:

Community Notification Ad Summary of Comments Received Summary of Responses to Comments Meeting Summary Notes Meeting Sign-in Sheets