



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

2015 FEB 11 PM 1:49

FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-L

FEB 11 2015

**CERTIFIED MAIL # 7008-3230-0003-0726-1013**  
**RETURN RECEIPT REQUESTED**

David Jones  
D&A Construction  
216 S 4<sup>th</sup> Street  
P.O. Box 1328  
Thermopolis, Wyoming 82443

Re: Empire State Oil Company – Subpoena to Appear and Produce Documents

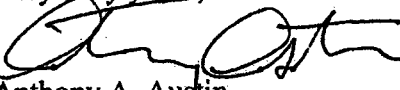
Dear Mr. Jones:

Enclosed is an Administrative Subpoena to Appear to testify and to furnish any documents responsive to the requests contained within the subpoena. **This subpoena supersedes and invalidates the previous subpoena issued to you, which ordered you to appear in Thermopolis, Wyoming; please disregard the previous subpoena dated February 4, 2015, and delivered to you on February 6, 2015.** This subpoena is part of an investigation by the U.S. Environmental Protection Agency (the EPA), stemming from the EPA's cleanup at the Empire State Oil Company refinery site, located at 242 Amoretti Street, Thermopolis, Wyoming. Based on previous interviews that you had with the EPA, you may have information that relates to Salt Creek Welding's demolition and/or removal of equipment and structures at this location.

Accordingly, by this subpoena, you are required to appear at the Best Western Plus Plaza Hotel, located at 116 East Park Street, Thermopolis, Wyoming, at **9:00 a.m. on Wednesday, April 15, 2015.** Please note that failure to comply with this subpoena may subject you to a civil enforcement action. At the deposition, you will be asked to testify, under oath, about your involvement, through Salt Creek Welding, in the demolition and/or removal of equipment and structures at the Empire State Oil Company refinery site in Thermopolis.

If you have any questions about this subpoena, or if anything arises that prevents you from attending the deposition, you may contact me at (303) 312-6068, or by email at [austin.anthony@epa.gov](mailto:austin.anthony@epa.gov). I look forward to meeting with you in April.

Very truly yours,

  
Anthony A. Austin  
Enforcement Attorney  
Legal Enforcement Program

Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2015 FEB 11 PM 1:46

IN THE MATTER OF:

Empire State Oil Co.

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)  
)  
)

No. ~~GERCLA-08-2015-0902~~ FILED  
EPA REGION VIII  
HEARING CLERK  
SUBPOENA DUCES TECUM AND  
SUBPOENA AD TESTIFICANDUM

TO: David Jones:

YOU ARE HEREBY COMMANDED, pursuant to Title 42, United States Code, section 9622(e)(3)(B) [Comprehensive Environmental Response, Compensation, and Liability Act section 122(e)(3)(B)] TO APPEAR IN PERSON at the following place and time.

TIME AND DATE: 9:00 a.m. Wednesday, April 15, 2015  
PLACE: Best Western  
2221 West Spruce Street  
Rawlins, Wyoming 82301  
(307) 324-2737

**Please note that this subpoena, and the instructions contained herein, supersedes and invalidates the previous subpoena dated February 4, 2015, and delivered to you on February 6, 2015.**

YOU ARE COMMANDED FURTHER TO TESTIFY THEN AND THERE under oath and GIVE TRUTHFUL ANSWERS to all lawful inquiries and questions then and there put to you on behalf of the United States Environmental Protection Agency, and TO REMAIN IN ATTENDANCE until expressly excused by the attorney(s) conducting the proceeding for the EPA.

YOU ARE COMMANDED FURTHER TO BRING WITH YOU at the time and place stated above, and then and there produce for inspection and/or copying, those items identified and described below:

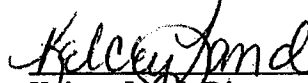
1. Any written or recorded document, paper, or record in your possession, custody, or control regarding the demolition and/or removal of equipment, fixtures, piping, machinery, structures, and/or buildings from the Empire State Oil Refinery site, located at 242 Amoretti Street, Thermopolis, Wyoming.

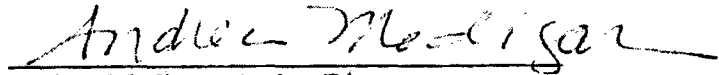
2. Any written or recorded document, paper, or record in your possession, custody, or control regarding the sale of equipment, fixtures, piping, machinery, and/or structures among Empire State Oil Company; Ashland Oil, Company; Ashland Oil Foundation, Inc.; Little America Refinery Company; and/or the William H. and Carrie Gottsche Foundation.

**NONCOMPLIANCE WITH THIS SUBPOENA MAY SUBJECT YOU TO A CIVIL ENFORCEMENT ACTION.**

Issued at Denver, Colorado this \_\_\_ day of February, 2015.

Attorney Contact:  
Anthony A. Austin  
Enforcement Attorney  
1595 Wynkoop Street  
Mail Code 8ENF-L  
Denver, CO 80202  
(303) 312-6068

  
\_\_\_\_\_  
Kelcey Land, Director  
RCRA/CERCLA Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. EPA Region 8

  
\_\_\_\_\_  
Andrea Madigan, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. EPA Region 8

**AFFIDAVIT OF SERVICE**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

I hereby certify that being a person over 18 years of age, I served a copy of the attached subpoena:

(check one)

in person

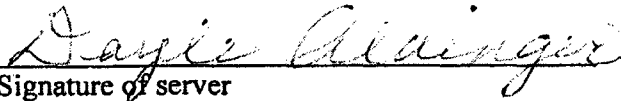
by registered mail (# 7008-3230-0003-0726-0986) to

David Jones  
D&A Construction  
216 S 4th Street  
P.O. Box 1328  
Thermopolis WY 82443

by leaving the copy at the principal place of business, which is,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on the person named on the subpoena, David Jones, on February 11, 2015

  
Signature of server

Dayle Aldinger  
Name of server

Secretary, Region 8, Legal Enforcement Program  
Title of server

U.S. Postal Service <sup>TM</sup>  
**CERTIFIED MAIL <sup>TM</sup> RECEIPT**  
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**OFFICIAL USE**

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Postage \$	FEB 11 2015
Certified Fee	
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**David Jones  
 D&A Construction  
 216 S 4th Street  
 P.O. Box 1328  
 Thermopolis WY 82443**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Alice R Jones</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Alice R Jones</i></p> <p>C. Date of Delivery  <i>2-13-15</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>FEB 11 2015</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 10px; text-align: center;"> <p><b>David Jones                      D&amp;A Construction                      216 S 4th Street                      P.O. Box 1328                      Thermopolis WY 82443</b></p> </div>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number                  (Transfer from service)</p> <p style="text-align: center; font-size: 1.2em;">7008 3230 0003 0726 1013</p>	