



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

1559251 - R8 SDMS

Ref: 8ENF-L

FEB 04 2015

CERTIFIED MAIL # 7008-3230-0003-0726-0986
RETURN RECEIPT REQUESTED

David Jones
D&A Construction
216 S 4th 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 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. 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



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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 FEB -4 AM 8:37

IN THE MATTER OF:
Empire State Oil Co.

) No. CERCLA-08-2015-0002 FILED
) EPA REGION VIII
) SUBPOENA DUCES TECUM AND CLERK
) 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 Plus Plaza Hotel
116 East Park Street
Thermopolis, Wyoming 82443

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:

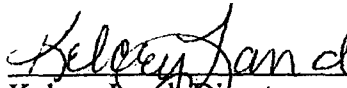
1. Any written or recorded document, paper, or record in your possession, custody, or control regarding the demolition and/or removal of equipment, fixtures, piping, machinery, structures, and/or buildings from the Empire State Oil Refinery site, located at 242 Amoretti Street, Thermopolis, Wyoming.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

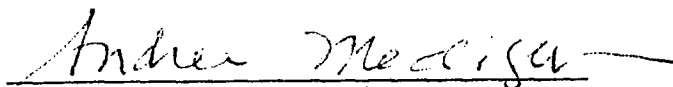
NONCOMPLIANCE WITH THIS SUBPOENA MAY SUBJECT YOU TO A CIVIL ENFORCEMENT ACTION.

Issued at Denver, Colorado this 4th 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 4, 2015

Dayle Aldinger
Signature of server

Dayle Aldinger
Name of server

Secretary, Region 8, Legal Enforcement Program
Title of server

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

PS Form 3811, August 2006 See Reverse for Instructions

9960 9220 E000 0E2E 9007
 7008 3230 0003 0726 0986

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <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> C. Date of Delivery <i>2-6-15</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 04 2015</p> |
| <p>1. Article Addressed to:</p> <p style="text-align: right;"><i>B</i></p> <p>David Jones D&A Construction 216 S 4th Street P.O. Box 1328 Thermopolis WY 82443</p> | <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 serv) 7008 3230 0003 0726 0986</p> | |
| <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p> | |