

September 26, 2019

Albany County & Prosecuting Attorney's Office
525 East Grand, Suite 100
Laramie, WY 82070

Delivered by email: ptrent@co.albany.wy.us
Followed by U.S. Postal Service Certified Mail, return receipt requested

Dear Albany County & Prosecuting Attorney Trent:

Albany County Clean Water Advocates have obtained new information regarding the former Tumbleweed Express facility (currently known as AKAL Travel Center) that we believe warrants your immediate consideration.

According to the Wyoming Department of Transportation's Fuel Tax Administration (FTA), it appears as though the owners of Tumbleweed Express did not have a Wyoming Motor Fuel License for more than 36 months between June 30, 2007 and July 23, 2010. If so, this means they did not have the legal authority to receive or dispense fuel during that period. A Motor Fuel License is as essential to the lawful operation of a gas station in Wyoming as a Commercial Drivers License (CDL) is to the lawful operation of a commercial truck in Wyoming.

In addition, the FTA records appear to show that the owners had no Wyoming Motor Fuel License for more than 24 months between June 30, 2014 and at least July 21, 2016. The relevant documents are attached to this letter.

Because only lawful continuing businesses are allowed to maintain their grandfathered status, not unlawful ones, the fact that Tumbleweed's owners did not have the necessary license to operate a gas station for over 24 months suggests their grandfathered status (to the extent they were possibly grandfathered in 2003) expired at the end of June 2009 and, if not then, in June of 2016.

Albany County's initial Verified Complaint for Injunction rested in part on the owners' failure to obtain the required weights and measures license to dispense fuel from March 2009 to January 2018. Their failure to obtain a Motor Fuel License for multiple years prior to and during this same period adds compelling support for the proposition that any grandfathered status Tumbleweed may once have enjoyed expired years ago.

To: Albany County & Prosecuting Attorney's Office
From: Albany County Clean Water Advocates

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In view of this new information, Albany County Clean Water Advocates respectfully requests that you consult with the Albany County Board of County Commissioners and file a revised Verified Complaint for Injunction on their behalf to stop the operation of Tumbleweed/AKAL fuel sales, or explain why a decision has been made not to do so.

While we are focusing on the grandfathering issue in this letter, we wish to note that even if Tumbleweed somehow retained its grandfathered status, the \$86,000+ in upgrades performed at the site this year present additional questions of compliance with the Albany County Zoning Resolution that we may need to address in the near future.

We look forward to your response within ten working days of receiving this letter.

Respectfully,

Albany County Clean Water Advocates Board of Directors

<original signed>
Sarah Gorin, President

<original signed>
Nancy Sindelar, Vice-President

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Martin M. Greller, Secretary

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