

SETTLEMENT AND RELEASE AGREEMENT

This settlement and release agreement (“Agreement”) is made by, between and among the Delaware Department of Natural Resources and Environmental Control (“DNREC”), STTCLP, LLC (“STTCLP”), a Delaware Limited Liability Company and Service Energy LLC (“Service Energy”), a Delaware Limited Liability Company, all hereafter sometimes collectively referred to as the Parties.

WHEREAS, Robert M. Duncan (“Duncan”) was the owner of a certain service station property, namely the Super Soda Center Stanton, 512 Main Street, Stanton, DE 19804 (the “Stanton Soda Center”); and

WHEREAS, in 2000, STTCLP leased from Duncan the Stanton Soda Center which at the time had been operated in past years by others; and

WHEREAS, the Stanton Soda Center was subsequently purchased, and the lease and all obligations of Duncan were assumed, by Ralph V. Estep (“Estep”) on or about November 15, 2005; and

WHEREAS, the aforementioned lease terminated by its own terms and STTCLP, LLC ceased operations in 2016; and

WHEREAS, DNREC has documented the release of petroleum hydrocarbon substances on the Stanton Soda Center and resultant contamination of soils and groundwater; and

WHEREAS, DNREC on January 17, 2023 issued NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT AND SECRETARY’S ORDER, ORDER NO. 2023-WH-0003 to Duncan, STTCLP, Service Energy and Estep regarding the Stanton Soda Center, Facility ID: 3-000212 (the “Secretary’s Order and Penalty Assessment”); and

WHEREAS, STTCLP and Service Energy deny any responsibility or liability for the conditions on or adjacent to the Stanton Soda Center owned by Duncan and now Estep, and STTCLP and Service Energy on February 2, 2023 filed an appeal to the Delaware Environmental Appeals Board from the Secretary’s Order and Penalty Assessment such appeal being designated as EAB Appeal 2023-01; and

WHEREAS, the Parties have engaged in good faith discussions and exchanges of information and agree to settle the claims and potential liability asserted by DNREC under the terms and conditions stated herein, and without admitting any liability; and

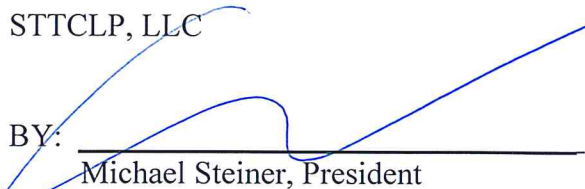
WHEREAS, STTCLP and Service Energy are willing to enter this Agreement to lend finality to the matters set forth herein and avoid the incurrence of further time, expense and costs associated with a prolonged dispute.

NOW THEREFORE, for the considerations stated herein, and other good and valuable consideration, the Parties agree as follows:

1. DNREC hereby releases, discharges and dismisses all manner of actions, causes of action, claims and demands whatsoever in law or in equity, including but not limited to those under the provisions of 7 Del. C. Chapter 60 and 7 Del. C. Chapter 74, against STTCLP and Service Energy, related in any manner to the contamination of soils and groundwater and any other damage on or adjacent to the Stanton Soda Center, Facility ID: 3-000212 and all adjoining properties.
2. DNREC hereby withdraws with prejudice referenced Secretary's Order and Penalty Assessment solely with respect to STTCLP and Service Energy, and foregoes any follow up action against STTCLP and Service Energy in any way related to the matters addressed in the Secretary's Order and Penalty Assessment.
3. STTCLP and Service Energy shall upon execution of this Agreement withdraw with prejudice EAB Appeal 2023-01.
4. STTCLP and Service Energy upon complete execution of this Agreement shall make payment to DNREC in the amount of Seventy Thousand Dollars (\$70,000.00).
5. This Agreement constitutes the entire understanding and agreement among the Parties with respect to the subject matter hereof. This Agreement supersedes all prior negotiations, agreements, arrangements, and understandings, both oral and written, among the Parties.
6. This Agreement may be executed in one or more counterparts, all of which taken together shall constitute a single Agreement. This Agreement is effective on the date it is signed by all parties.

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

BY:  DATE: 5/7/23
Shawn M. Garvin, Secretary

STTCLP, LLC
BY:  DATE: 5/14/23
Michael Steiner, President

SERVICE ENERGY, LLC
BY:  DATE: 5/14/23
Michael Steiner, President