



# Department of Environmental Quality

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



Mathew H. Mead, Governor

John Corra, Director

October 17, 2011

**CERTIFIED #7011 0110 0001 7176 6133**

Philip Jordan  
Keyhole Marina LLC  
P.O. Box 608  
Gillette, WY 82721

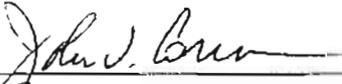
Dear Mr. Jordan:

Enclosed you will find a Notice of Violation and Order, Docket Number 4872-11, issued under the provisions of W.S. 35-11-701(c). Keyhole Marina, LLC, is registered as the owner of Keyhole Marina storage tank facility 0-002210, which is located at Keyhole State Park, Moorcroft, WY 82721.

Keyhole Marina, LLC, has not submitted a Spill Prevention Control and Countermeasure (SPCC) plan to the Department of Environmental Quality, and it does not have a licensed storage tank operator. These are violations of Wyoming Water Quality Rules and Regulations Chapter 17; therefore, the attached Notice of Violation has been issued.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all provisions of the attached Rules of Practice and Procedure as they relate to this action.

If you appeal this order and request a hearing, please file two (2) copies of your written petition. One copy of the petition should go to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Division

JVC/CA/KH/OG/

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure

Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-5467	AIR QUALITY (307) 777-7291 FAX 777-5565	INDUSTRIAL SITING (307) 777-7559 FAX 777-6537	LAND QUALITY (307) 777-7766 FAX 777-5854	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
 )  
Keyhole Marina, LLC )  
P.O. Box 608 )  
Gillette, WY 82717 )  
 )

DOCKET NUMBER: 4872-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Keyhole Marina, LLC, owns and operates Keyhole Marina, storage tank facility 0-002210, which is located at Keyhole State Park, near Moorcroft, Wyoming. The facility has one aboveground storage tank (AST) that is used to sell fuel retail.
2. A Spill Prevention Control and Countermeasure (SPCC) plan has not been submitted to the Department of Environmental Quality, and the facility does not have a licensed operator.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at Keyhole Marina:

**Count 1: Failure to Submit an SPCC [WWQRR, Chapter 17, Section 36(c)].** As owner of an AST, Keyhole Marina, LLC, is in violation of WWQRR, Chapter 17, Section 36(c), for failure to submit an SPCC to the Department of Environmental Quality.

**Count 2: Failure to Have a Licensed Operator [WWQRR, Chapter 17, Section 46(a)].** As owner of an AST, Keyhole Marina, LLC, is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed operator.

4. This Notice is being sent to Keyhole Marina, LLC, pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

(THIS SPACE INTENTIONALLY BLANK)

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Keyhole Marina, LLC, return the facility into compliance with WWQRR, Chapter 17 as described within 60 days of receipt of this NOV.

Keyhole, LLC, shall:

- A. Create an SPCC for Keyhole Marina and submit it to the Department of Environmental Quality for review.
- B. Assign a licensed operator to the Keyhole Marina facility and provide evidence to the Department of Environmental Quality for review.

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 24th day of October, 2011.



John V. Corra  
Director  
Department of Environmental Quality



Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Division

PLEASE DIRECT ALL INQUIRES TO: Oma Gilbreth, Storage Tank Program Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7097 or (307) 777-5973 FAX for technical matters.

JVC/CA/KH/OG