BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Wyoming High Country, LLC Attn: Gary Gibbons 1375 Cedar Ridge Lehigh, UT 84083	)	DOCKET NUMBER: 4985-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Wyoming High Country, LLC, owns and operates Wyoming High Country Lodge, storage tank facility number 0-005235. Wyoming High Country Lodge is located at Forest Road 13, near Lovell, Wyoming. The facility has four aboveground storage tanks (ASTs) that are used to sell fuel retail.

2. On October 27, 2011, the Department of Environmental Quality (DEQ) issued Notice of Violation (NOV) and Order, Docket Number 4882-11, to Wyoming High Country, LLC. The NOV ordered Wyoming High Country, LLC, to complete a Spill Prevention Control and Countermeasure (SPCC) Plan and submit it to the DEQ and assign a licensed storage tank operator to the facility.

   On September 26, 2012, DEQ personnel conducted a storage tank compliance inspection at Wyoming High Country Lodge. The inspector discovered that the facility did not have an SPCC Plan, and it did not have a licensed storage tank operator.

3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, has occurred:

   Count 1: Failure to Comply with NOV and Order [WWQRR, Chapter 17, Section 44(a)(x)]. As owner of ASTs, Wyoming High Country, LLC, is in violation of WWQRR, Chapter 17, Section 44(a)(x), for failure to comply with NOV and Order, Docket Number 4882-11.

4. This notice is being sent to Wyoming High Country, 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. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Wyoming High Country, LLC, is hereby prohibited from purchasing any fuel for delivery to the registered retail ASTs located at Wyoming High Country Lodge, storage tank facility 0-005235, at Forest Road 13, Lovell, Wyoming. All fuel suppliers are ordered not to deliver any fuel to these tanks until notified by the department that this order has been lifted. The order will be lifted when Wyoming High Country, LLC, has complied with NOV and Order, Docket Number 4882-11.

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 28th day of October, 2012.

Todd Parfitt
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.

TP/CA/KH/OG