

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION**

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality (WDEQ), Water Quality Division (WQD) and Sweetwater County Events Complex (SWEETWATER) enter into this Settlement Agreement to fully and finally resolve without litigation the violation alleged in the WDEQ Notice of Violation (NOV), Docket Number 3921-06, dated August 22, 2006. The NOV alleges the construction of an expansion of the existing recreational vehicle (RV) park was conducted without a permit. This is a violation of the Wyoming Environmental Quality Act. The location of the violation is in the south half of Section 10 of Township 19 North (T19N) Range 105 West (R105W) in Sweetwater County.

Wyoming Statute (W.S.) 35-11-901(a)(ii) authorizes the WDEQ to negotiate a stipulated settlement in lieu of litigation. To that end, SWEETWATER and the WDEQ hereby stipulate and agree as follows:

- 1 of 13 The WDEQ, pursuant to W.S. 35-11-104, is a department in the executive branch of the state government of Wyoming and is principally situated in Cheyenne, Wyoming. WDEQ is the agency with the responsibility for administering the Wyoming Environmental Quality Act including all provisions of the WDEQ/WQD R&R.
- 2 of 13 SWEETWATER owns and operates a RV park in Section 10 of T19N R105W of Sweetwater County.
- 3 of 13 The construction of distribution and collection lines without a permit to construct is a violation of W.S. 35-11-301(a) (iii) and (v).
- 4 of 13 SWEETWATER agrees to pay a total of five thousand dollars (\$5000.00) as a stipulated settlement as resolution to this matter in lieu of litigation under W.S. 35-11-901(a)(ii). Five thousand dollars (\$5000.00) shall be suspended if Item 5 of 13 of the Stipulation Agreement is completed as described. If Item 5 of 13 of the Settlement Agreement is not met as specified the five thousand dollars (\$5000.00) shall be due within thirty days notice by WDEQ.
- 5 of 13 SWEETWATER shall complete the as-built permitting process with the WQD within 120 days of signing the Settlement Agreement.
- 6 of 13 This signed Settlement Agreement, as specified above, shall constitute full satisfaction for and resolution of all claims by the WDEQ/WQD against SWEETWATER based on the violations alleged in NOV Docket Number 3921-06. Contingent upon SWEETWATER's compliance with the terms of this Settlement Agreement, the WDEQ will refrain from taking further enforcement action against SWEETWATER for the violation cited in this Settlement Agreement. By this Settlement Agreement, the parties intend to resolve with prejudice all allegations that were asserted in NOV Docket Number 3921-06.
- 7 of 13 SWEETWATER waives any statute of limitations which may apply to an enforcement action by the WDEQ involving the specific matters described in NOV Docket Number 3921-06 in the event that SWEETWATER fails to fulfill its obligations under this Settlement Agreement.
- 8 of 13 Nothing in this agreement precludes WDEQ from taking additional enforcement action, including the issuance of a Notice of Violation, Order and/or pursuing additional penalties, should SWEETWATER violate the Wyoming Environmental Quality Act or applicable rules and regulations in the future.
- 9 of 13 This Settlement Agreement shall be admissible by either party without objection by

the other party in any subsequent action between these parties.

- 10 of 13 Notwithstanding any other language in this Settlement Agreement, the State of Wyoming and WDEQ do not waive sovereign immunity by entering into this Settlement Agreement with SWEETWATER, and specifically retain all immunity and all defenses available as sovereigns under state and federal law.
- 11 of 13 Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.
- 12 of 13 This Settlement Agreement is binding upon SWEETWATER, its successors and assigns, and upon the WDEQ.
- 13 of 13 The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

FOR SWEETWATER

Signed: 

Date: September 27, 2006

Typed: Larry Lloyd

Title: Executive Director

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:


John V. Corra, Director
WDEQ

Date: 10/5/06


John F. Wagner, Administrator
WDEQ/WQD

Date: 10/3/06

DRM

xc: Don McKenzie, WDEQ/WQD, Cheyenne
Docket Number 3921-06