

10-5221

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
 )  
Crooked Creek Resort, Inc. )  
76 Fir Road )  
Dubois, WY 82513 )  
 )  
 )

DOCKET NUMBER: 4768-10

**FILED**

DEC 08 2010

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Crooked Creek Resort, Inc., owns and operates one aboveground storage tank (AST) that is used to sell fuel retail at the Crooked Creek Guest Ranch, storage tank facility 0-005109, which is located at 76 Fir Road, near Dubois, Wyoming.
2. Crooked Creek Resort, Inc., has not upgraded the AST at the Crooked Creek Guest Ranch.

Crooked Creek Resort, Inc., has not performed a minimum site assessment (MSA) at Crooked Creek Guest Ranch.

3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, and the Storage Tank Act of 2007 have occurred at Crooked Creek Guest Ranch:

**Count 1: Failure to Upgrade an AST [WWQRR Chapter 17, Section 35(o)].** As owner of the AST, Crooked Creek Resort, Inc., is in violation of WWQRR Chapter 17, Section 35(o), for failure to upgrade the AST by October 1, 2008.

**Count 2: Failure to Perform an MSA [WWQRR Chapter 17, Section 29(a)(i)].** As owner of the AST, Crooked Creek Resort, Inc., is in violation of WWQRR Chapter 17, Section 29(a)(i), for failure to perform an MSA by October 1, 2008.

4. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted thereunder, is liable for a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the people of Wyoming.
5. This Notice is being sent to you 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Crooked Creek Resort, Inc., return this facility into compliance with WWQRR, Chapter 17, as described within six (6) months of receipt of this NOV.
2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Crooked Creek Resort, Inc., is hereby prohibited from purchasing any fuel for delivery to the registered retail AST at storage tank facility 0-005109, Crooked Creek Guest Ranch, 76 Fir Road, near Dubois, Wyoming. All fuel suppliers are ordered not to deliver any fuel to this tank until notified by the department that this order has been lifted. The order will be lifted when:
  - a. Crooked Creek Resort, Inc., has upgraded the AST in accordance with WWQRR, Chapter 17, Part I and has performed an MSA in accordance with WWQRR, Chapter 17, Section 29.

OR

- b. Crooked Creek Resort, Inc., has permanently closed the existing AST in accordance with WWQRR, Chapter 17 Section 31(b).


OR


- c. Crooked Creek Resort, Inc., has changed the service of the existing AST in accordance with WWQRR, Chapter 17 Section 33(c).

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 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 7th day of December, 2010.

  
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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

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.

cc. Lloyd D. Haslam, 8526 U.S. Highway 26, Crowheart, WY 82512 (Supplier)

JVC/CA/KH/OG/SLW