

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 84043 )

DOCKET NUMBER: 4882-11

**FILED**

**OCT 31 2011**

Jim Ruby, Executive Secretary  
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Wyoming High Country, LLC, owns and operates four aboveground storage tanks (ASTs) that are used to sell fuel retail at Wyoming High Country Lodge, storage tank facility 0-005235, which is located at Forest Road 13, Lovell, Wyoming.
2. A Spill Prevention Control and Countermeasure (SPCC ) plan has not been submitted to the department, the facility does not have a licensed operator, the facility does not have adequate security for the tanks, and an Operator's Annual Inspection (OAI) has not been completed.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at Wyoming High Country Lodge:

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

**Count2: Failure to Have a Licensed Operator [WWQRR, Chapter 17, Section 46(a)].** As the owner of ASTs, Wyoming High Country, LLC, is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed operator.

**Count 3: Failure to Provide Adequate Security for an AST [WWQRR, Chapter 17, Section 35(x)].** As the owner of ASTs, Wyoming High Country, LLC, is in violation of WWQRR, Chapter 17, Section 35(x) for failure to provide proper security for the ASTs.

**Count 4: Failure to Submit an Operator's Annual Inspection [WWQRR, Chapter 17, Section 13(e)].** As the owner of ASTs, Wyoming High Country, LLC, is in violation of WWQRR, Chapter 17, Section 13(e), for failure to perform an OAI.

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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING


WHEREFORE IT IS HEREBY ORDERED THAT:

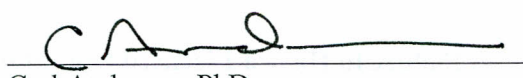
1. Wyoming High Country, LLC, bring the Wyoming High Country Lodge into compliance with WWQRR, Chapter 17 as described within 60 days of receipt of this NOV.
2. Wyoming High Country, LLC, shall upgrade the ASTs including:
  - A. Create an SPCC for Wyoming High Country Lodge and submit a copy to the Department of Environmental Quality.
  - B. Assign a licensed operator to this facility.
  - C. Install proper security fencing for the tanks.
  - D. Perform an operator's annual inspection and submit a copy of the results to the Department of Environmental Quality.

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 27th 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/SH