

FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL DEC 20 2010
STATE OF WYOMING

*Jim Ruby, Executive Secretary
Environmental Quality Council*

IN THE MATTER OF THE NOTICE OF)
VIOLATION & ORDER ISSUED TO:)
Snowy Mountain Lodge, LLC) Docket No. 10-5905A
One Freedom Square)
Laurel, MS 39440-3325)

DEPARTMENT OF ENVIRONMENTAL QUALITY'S
RESPONSE TO PETITION

Respondent Wyoming Department of Environmental Quality, Solid & Hazardous Waste Division (DEQ), pursuant to the Wyoming Environmental Quality Council's (EQC) November 19, 2010 Response Order, responds as follows to Petitioner Snowy Mountain Lodge, LLC's (Petitioner) request for hearing (Petition) in the above-captioned matter.

Page 1

¶1. Not an averment.

¶2. DEQ **admits** that Petitioner represents that its corporate name is Snowy Mountain Lodge, LLC, and that the Wyoming Secretary of State's website lists an active entity named Snowy Mountain Lodge, LLC whose principal office contact is "Buddy Mcgradle, Cfo," and that Petitioner has taken over the subject property through foreclosure. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other specific averments in this paragraph.

¶3. DEQ **admits** that the Wyoming Secretary of State's website lists an inactive entity named Snowy Mountain Lodge and Retreat Center, Inc. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other specific averments in this paragraph.

¶¶4-6. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other specific averments in these paragraphs.

Page 2

¶¶1-6. DEQ **admits** that the Wyoming Secretary of State's website lists an inactive entity named Snowy Mountain Lodge and Retreat Center, Inc. whose corporate officers were "Dave McIlrath" and "Lavonne Mcilrath." DEQ is



without knowledge or information sufficient to form a belief as to the truth of any other specific averments in these paragraphs.

¶7. Not an averment.

¶8. (“Count 1”): DEQ is without knowledge or information sufficient to form a belief as to the truth of the specific averment that Petitioner never received any of the referenced notices. DEQ **admits** that any related correspondence from DEQ would have been sent to the owner or record at that time. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other specific averments in this paragraph.

¶9. (“Count 2”): DEQ is without knowledge or information sufficient to form a belief as to the truth of the specific averment that Petitioner never received any of the referenced notices. DEQ **admits** that any related correspondence from DEQ would have been sent to the owner or record at that time. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other specific averments in this paragraph.

Page 3

¶1. (“Count 3”): DEQ is without knowledge or information sufficient to form a belief as to the truth of the specific averment that Petitioner never received any of the referenced notices. DEQ **admits** that any related correspondence from DEQ would have been sent to the owner or record at that time. DEQ **admits** that Petitioner has submitted a fifty dollar (\$50) check for the 2010 storage tank fee. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other specific averments in this paragraph.

DEQ is without knowledge or information sufficient to form a belief as to the truth of any other specific averments in the Petition.

DATED this 20th day of December, 2010.



Mike Barrash (WY Bar #5-2310)
Sr. Assistant Attorney General
123 State Capitol Building
Cheyenne, WY 82002
307-777-6946

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE TO PETITION in Docket No. 10-5905A was served this 20th day of December, 2010, by United States mail, first class postage prepaid, addressed as follows:

Mr. B.E. McCardle, Jr.
Snowy Mountain Lodge
One Freedom Square
Laurel, MS 39440


