

**FILED**

**FEB 17 2011**

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
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	)	

JOINT STIPULATION FOR DISPOSITION AND DISMISSAL OF APPEAL

By letter dated November 15, 2010 (filed November 18, 2010), Petitioner Snowy Mountain Lodge, LLC (Snowy Mountain Lodge) requested a hearing before the Wyoming Environmental Quality Council (EQC) in the above-captioned matter to appeal Notice of Violation & Order No. 4759-10 issued by Respondent Wyoming Department of Environmental Quality (DEQ), dated November 4, 2010. The Notice of Violation & Order pertain to alleged violations involving an above-ground storage tank (AST) at the Snowy Mountain Lodge property on state highway 130 west of Centennial in Albany County.

The contested Order calls for Snowy Mountain Lodge to:

- perform a Minimum Site Assessment (MSA) and upgrade the existing AST as required by Wyoming Water Quality Rules Chapter 17 within 270 days;
- pay past due annual tank fees pursuant to W.S. 35-11-1425 within 30 days;
- meet the specified conditions for lifting the "Red Tagging" Order.

Snowy Mountain Lodge's November 15, 2010 appeal letter "recognize[s] the need to correct" the identified MSA and tank upgrade violations, requests a period of 365 days from the date of that letter to do so, and also requests postponement or cancellation of the "Red Tagging Order." Since then, Snowy Mountain Lodge has paid the past due tank fees (through 2010) and, by letter dated February 4, 2011, withdrawn its request to delay the "Red Tagging Order."



Snowy Mountain Lodge and the DEQ are the only parties in this contested case. Chapter I, Section 11 of the DEQ Rules of Practice & Procedure provides for disposition of contested cases by stipulation of the parties upon approval of the EQC. In order to resolve this matter prior to hearing, Snowy Mountain Lodge and the DEQ now jointly stipulate to disposition and dismissal of this appeal as follows:

1. Having already paid the past due annual tank fees and having withdrawn its requested delay in the "Red Tagging Order," Snowy Mountain Lodge's compliance with the terms specified below will satisfy the remaining requirements in contested DEQ Order No. 4759-10:

a) Snowy Mountain Lodge shall complete a Minimum Site Assessment (MSA) in accordance with an approved work plan and provide a report of the results to DEQ as required by Wyoming Water Quality Rules Chapter 17 not later than August 12, 2011 (270 days from the date of its November 15, 2010 letter); and

b) Snowy Mountain Lodge shall complete upgrades to the existing AST as required by Wyoming Water Quality Rules Chapter 17 not later than November 15, 2011 (365 days from the date of its November 15, 2010 letter);

2. The Red Tagging Order shall remain in effect and will not be lifted until Snowy Mountain Lodge has completed the MSA and upgrades to the existing AST as required in items 1.a) and 1.b) above.

3. Each party shall bear its own costs and attorney fees, if any, through the filing of this Joint Stipulation.

4. This Joint Stipulation shall be binding upon the parties, their successors and assigns.

5. The signatories for Snowy Mountain Lodge, LLC and for the DEQ represent that they are authorized to bind their respective parties to this Joint Stipulation.

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WHEREFORE, Snowy Mountain Lodge, LLC and the DEQ jointly request that the EQC enter an Order approving, incorporating and binding them to this Joint Stipulation and dismissing this appeal in Docket No. 10-5905A.

DATED this 17 day of February, 2011.

FOR PETITIONER SNOWY  
MOUNTAIN LODGE, LLC:

FOR WYOMING DEPARTMENT  
OF ENVIRONMENTAL QUALITY:



Mr. B.E. McCardle, Jr.  
CFO / Secretary  
Snowy Mountain Lodge, LLC.



Carl Anderson, Administrator  
DEQ Solid & Hazardous Waste  
Division

