

Mathew H. Mead, Governor

## **Department of Environmental Quality**

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Todd Parfitt, Director

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November 27, 2012

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Wyoming High Country, LLC Gary Gibbons 1375 Cedar Ridge Lehigh, UT 84083

SUBJ: Notice of Violation Docket Number 4985-12

Dear Mr. Gibbons:

Enclosed you will find a Notice of Violation (NOV) and Order, Docket Number 4985-12, issued under the provisions of W.S. 35-11-701(c). You are registered as the contact for Wyoming High Country, LLC, which owns Wyoming High Country Lodge, storage tank facility 0-005235.

NOV and Order, Docket Number 4882-11, was issued on October 27, 2011. The NOV ordered Wyoming High Country, LLC, to submit a Spill Prevention Control and Countermeasure (SPCC) Plan to the DEQ and obtain a licensed storage tank operator for the facility. On September 26, 2012, DEQ personnel performed a storage tank compliance inspection at Wyoming High Country Lodge. The inspector discovered that an SPCC Plan had not been completed, and the facility did not have a licensed storage tank operator.

The attached NOV includes an Order prohibiting the delivery of fuels to these tanks for failure to comply with the October 27, 2011, NOV and Order. The Fuel Delivery Prohibition Order will be lifted after Wyoming High Country, LLC, has complied with NOV and Order, Docket Number 4882-11.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all provisions of the attached Rules of Practice and Procedure as they relate to this action.

If you appeal this order and request a hearing, please file two copies of your written petition. One copy of the petition should go to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to Director, Wyoming Department of Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

07 Todd Parfitt

Director Department of Environmental Quality

TP/CA/KH/OG

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure

Carl Anderson.

Carl Anderson, PhD Administrator Solid and Hazardous Waste Division

Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · http://deq.state.wy.us							
ADMIN/OUTREACH (307) 777-7758	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781	A
FAX 777-3610	FAX 777-6462	FAX 777-5616	FAX 777-6937	FAX 777-5864	FAX 777-5973	FAX 777-5973	- the
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#### BEFORE THE

#### ENVIRONMENTAL QUALITY COUNCIL

## STATE OF WYOMING

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# IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:

Wyoming High Country, LLC Attn: Gary Gibbons 1375 Cedar Ridge Lehigh, UT 84083

DOCKET NUMBER: 4985-12

#### NOTICE OF VIOLATION

#### AND

#### <u>ORDER</u>

### NOTICE IS HEREBY GIVEN THAT:

- 1. Wyoming High Country, LLC, owns and operates Wyoming High Country Lodge, storage tank facility number 0-005235. Wyoming High Country Lodge is located at Forest Road 13, near Lovell, Wyoming. The facility has four aboveground storage tanks (ASTs) that are used to sell fuel retail.
- 2. On October 27, 2011, the Department of Environmental Quality (DEQ) issued Notice of Violation (NOV) and Order, Docket Number 4882-11, to Wyoming High Country, LLC. The NOV ordered Wyoming High Country, LLC, to complete a Spill Prevention Control and Countermeasure (SPCC) Plan and submit it to the DEQ and assign a licensed storage tank operator to the facility.

On September 26, 2012, DEQ personnel conducted a storage tank compliance inspection at Wyoming High Country Lodge. The inspector discovered that the facility did not have an SPCC Plan, and it did not have a licensed storage tank operator.

3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, has occurred:

Count 1: Failure to Comply with NOV and Order [WWQRR, Chapter 17, Section 44(a)(x)]. As owner of ASTs, Wyoming High Country, LLC, is in violation of WWQRR, Chapter 17, Section 44(a)(x), for failure to comply with NOV and Order, Docket Number 4882-11.

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.

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## <u>ORDER</u>

## BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

## WHEREFORE IT IS HEREBY ORDERED THAT:

1. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Wyoming High Country, LLC, is hereby prohibited from purchasing any fuel for delivery to the registered retail ASTs located at Wyoming High Country Lodge, storage tank facility 0-005235, at Forest Road 13, Lovell, Wyoming. All fuel suppliers are ordered not to deliver any fuel to these tanks until notified by the department that this order has been lifted. The order will be lifted when Wyoming High Country, LLC, has complied with NOV and Order, Docket Number 4882-11.

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 28th day of October , 2012.

Todd Parfitt 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.

TP/CA/KH/OG