

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

MAR 23 2005

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

Terri A. Lorenzon, Director
Environmental Quality Council

Snowy Range Properties LLC)
dba Albany Lodge)
1148 State Highway 11)
Laramie, Wyoming 82070)

EQC DOCKET NO. 05-3201
DEQ DOCKET NO. 3629-04

**JOINT STIPULATION FOR WITHDRAWAL OF
APPEAL AND DISMISSAL WITH PREJUDICE**

The Wyoming Department of Environmental Quality (DEQ) issued Notice of Violation (NOV) and Order No. 3629-04 dated December 27, 2004 to Snowy Range Properties, LLC (dba Albany Lodge) regarding the wastewater system for the Albany Lodge, located at SW¼ NW¼ Section 14 T14N R78W in Albany County, Wyoming. The NOV alleged certain violations of the water quality provisions of the Wyoming Environmental Quality Act (Act), and the Order required Albany Lodge to take specified corrective measures to address the situation, including, among other things, submitting an application for as-built authorization for its potable water system. Since then, the DEQ Water Quality Division has approved Albany Lodge's application for as-built authorization for its potable water system.

Albany Lodge filed with the Wyoming Environmental Quality Council (Council) a petition dated January 10, 2005, to contest the DEQ Order. W.S. 16-3-107(n) and Chapter I, §11 of the DEQ Rules of Practice & Procedure provide for disposition of contested cases by stipulation of the parties upon approval of the Council. To that end, the DEQ and Snowy Range Properties, LLC (Albany Lodge) jointly stipulate as follows:

1. Albany Lodge withdraws its appeal of the original DEQ Order and stipulates that such appeal be dismissed with prejudice.
2. The DEQ vacates the original Order (but not the NOV).
3. Albany Lodge and the DEQ have entered into the **attached** Administrative Order on Consent (AOC), which replaces the vacated original Order.
4. Albany Lodge will not petition the Council to contest this Administrative Order

on Consent.

5. The parties request that the Council enter an Order approving, incorporating, and binding the parties to this Joint Stipulation.

6. The parties request that the Council enter an Order approving the **attached** AOC.

7. This Joint Stipulation shall be binding upon the parties and their successors or assigns.

8. Each party shall bear its own costs and attorney fees incurred through the entry of an Order by the Council approving and incorporating this Joint Stipulation.

WHEREFORE the DEQ and Snowy Range Properties, LLC (dba Albany Lodge) respectfully request that the Council enter an Order approving, incorporating, and binding them to this Joint Stipulation and dismissing with prejudice Snowy Range Properties, LLC's (Albany Lodge's) appeal in this matter under W.S. 16-3-107(n) and Chapter I, §11 of the DEQ Rules of Practice & Procedure, and also enter an Order approving the **attached** AOC under W.S. 35-11-701(c)(ii) and W.S. 35-11-112(a)(ii).

The signatories certify that they are authorized to bind their respective parties to this Joint Stipulation in EQC Docket No. 05-3201.

FOR SNOWY RANGE PROPERTIES, LLC (dba Albany Lodge):

By: *Raymond J. Overall* ^{member} _{manager} Date: 3-9-05
[NAME, TITLE]

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

By: *John Corra* Date: 3/22/05
John Corra, Director

By: *John Wagner* Date: 3/15/05
John Wagner, Administrator, Water Quality Division