



REGION 8
DENVER, CO 80202

December 8, 2023

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**U.S. EPA REGION 8
HEARING CLERK**

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL DELIVERY RECEIPT REQUESTED

Line Shack Lodge Public Water System
c/o Lenny Kalway, Owner
Line Shack, LLC
lennykalway@gmail.com

Re: Violation of Line Shack, LLC Administrative Order, Docket No. SDWA-08-2022-0020, Line Shack Lodge Public Water System, PWS ID #WY5601479

Dear Mr. Kalway:

The purpose of this letter is to notify Line Shack, LLC (Respondent) that civil penalties and/or a federal court injunction may be ordered against Respondent for violations of the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* (Act) at the Line Shack Lodge Public Water System (System). Specifically, on July 27, 2022, EPA issued the above-referenced Administrative Order (Order), directing Respondent to comply with the National Primary Drinking Water Regulations (Part 141) issued by the EPA under the Act. Our records indicate that the System is in violation of the Order.

Among other things, the Order included the following requirements, which have not been properly completed:

2022 Seasonal Start-up Checklist

Summarized from paragraph 7 and 15 of the Order: Respondent is required to complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854 - 861. Prior to opening to the public each year, Respondent must send to the EPA a signed certification of its completed start-up procedures using the EPA's approved checklist. Respondent shall complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854-861 before serving water to the public in 2022.

- Violation: Respondent failed to send a signed copy of the completed checklist to EPA prior to opening to the public in 2022. The seasonal start-up checklist and certification were subsequently provided to EPA on February 1, 2023, after the System was opened to the public on December 26, 2022.

Tier 2 Public Notice and Certification (2020 and 2021 Seasonal Start-up Checklist)

Summarized from paragraph 7 and 18 of the Order: Respondent is required to complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854-861. Respondent failed to complete seasonal start-up procedures and failed to submit a signed copy of the completed checklist to the EPA prior to opening to the public in 2020, and Respondent failed to submit a signed copy of the completed checklist to EPA prior to opening to the public in 2021, and therefore, violated these requirements. Within 30 days of opening for the 2022 season, and quarterly thereafter as long as the violation persists, Respondent shall notify the public of this violation. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

- Violation: Respondent failed to notify the public of the above referenced 2020 and 2021 violations within 30 days of opening for the 2022 season as required at paragraph 18 of the Order. This violation must be corrected by **December 31, 2023**.
- Violation: Respondent failed to submit a copy of the notice and certification to EPA within 10 days after providing public notice of the above referenced 2020 and 2021 violations as required at paragraph 18 of the Order. This violation must be corrected by **January 10, 2024**.
- Violation: Respondent failed to comply with Tier 2 public notice provisions of 40 C.F.R. part 141, subpart Q after failing to submit the Seasonal Start-up Checklist prior to opening to the public for the 2022 season. This violation must be corrected by **December 31, 2023**.

Tier 3 Public Notice and Certification (2020 Nitrate Monitoring)

Summarized from paragraph 8 and 19 of the Order: Respondent is required to monitor the System's water annually for nitrate at every entry point to the distribution System which is representative of each well after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondent failed to monitor the System's water for nitrate during 2020, and therefore, violated this requirement. Within 30 days of opening for the 2022 season, Respondent shall notify the public of this violation. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

- Violation: Respondent failed to notify the public of the above referenced violation within 30 days of opening for the 2022 season. This violation must be corrected by **December 31, 2023**.
- Violation: Respondent failed to submit a copy of the notice and certification to EPA within 10 days after providing public notice. This violation must be corrected by **January 10, 2024**.

Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$67,544 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 88 Fed. Reg. at 989 (January 6, 2023).

Finally, EPA records indicate that the System currently serves an average of 150 persons daily during the operational season occurring between December 1 and February 28 each year. If there are or have been changes in your population, by estimating the number of people water is served by the System during the operational season, you may submit a Public Water System Inventory Change Form found at <https://www.epa.gov/region8-waterops/epa-r8-public-water-system-inventory-change-form> to R8DWU@epa.gov. This could be significant if EPA determines that the System no longer meets the definition of a public water system as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2.

If you have any questions or to request an informal conference with the EPA, please contact Chris Brown via email at brown.christopher.t@epa.gov, or by phone at (800) 227-8917, extension 6669, or (303) 312-6669. Any questions from the Company's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)
Fremont County Commissioners (travis.becker@fremontcountywy.gov)
EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)
James Brough, WY DEQ District Engineer (james.brough@wyo.gov)