



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, COLORADO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

April 21, 2020

Ref: 8ENF-W-SD

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Brush Creek, LLC  
CT Corporation System, Registered Agent  
1908 Thomas Avenue  
Cheyenne, Wyoming 82001-3527

Re: Administrative Order Addendum, Brush Creek, LLC, Respondent  
Brush Creek Ranch Public Water System, PWS ID # WY5601644  
Docket Numbers: **SDWA-08-2020-0014** and **SDWA-08-2020-0017**

Dear Sir/Madam:

This is an Addendum to the Administrative Orders (Orders) issued to Brush Creek, LLC (the Company) on January 9, 2020, and January 14, 2020. The purpose of this letter is to approve the Company’s March 23, 2020, schedule (Schedule) for coming into consistent compliance with the nitrate maximum contaminant level (MCL). The Schedule is hereby incorporated into the Order pursuant to paragraph 9 of the Orders. Each milestone and deadline specified below is an enforceable provision of the Order.

Milestone

Deadline Date

Submit plan and schedule to EPA Region 8.	March 23, 2020 (completed)
Submit EDR and specifications to Wyoming DEQ for test wells. Submit water well permit applications to Wyoming SEO.	March 25, 2020 (reported as completed on April 10, 2020)
Receive permit to construct from Wyoming DEQ and well permit from Wyoming SEO for well drilling, construction, and testing.	April 30, 2020
Project start – drill and test well(s). Submit water quality samples for laboratory analysis as soon as each well is drilled.	May 5, 2020
Submit permit to construct application for well connection to Wyoming DEQ. Forward radionuclide water quality results upon receipt from the laboratory.	May 22, 2020

Receive permit to construct for connection of well to water system	July 15, 2020
Project start – well connections.	July 30, 2020
Project completion and EPA notification.	September 30, 2020

Within 10 calendar days of completing all steps included in the above Schedule, please notify the EPA in writing of the project's completion as required by the Orders. The Orders also require the Company to achieve and maintain compliance with the nitrate MCL by the final date specified in the approved Schedule. The EPA is authorized to seek penalties if these deadlines are not met. If Brush Creek, LLC has a reasonable basis to believe it may be unable to meet any deadline in the Schedule, it shall notify the EPA well in advance of the Scheduled deadline to request an extension. The EPA may, in its discretion, consider granting an extension.

As a reminder, you are required to provide the EPA with quarterly progress reports beginning on July 10, 2020, and notify the public quarterly by completing public notice (PN) until the nitrate MCL violations are resolved. A copy of the completed PN shall be submitted to the EPA each quarter.

If you have any questions concerning this Addendum, please contact Steven Latino via email at [latino.steven@epa.gov](mailto:latino.steven@epa.gov) or by phone at (800) 227-8917, extension 6440, or (303) 312-6440. Any legal questions from the Company's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at [Bearley.Mia@epa.gov](mailto: Bearley.Mia@epa.gov) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

Sincerely,

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

cc: WY DEQ/DOH (via email)  
Carbon County Commissioners  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Chad Lybrook, Director of Operations  
Travis Walker, Operator  
Mike Williams, Vice President  
Kyle Wilson  
Christopher Brown w/ WY DEQ, UIC Program  
Ben J. Jordan, Weston Engineering, Inc.