



REGION 8

DENVER, CO 80202

FILED

Mar 11, 2025

11:16 am

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

March 10, 2025

Ref: 8ECA-W-S

SENT VIA EMAIL
DIGITAL DELIVERY RECEIPT REQUESTED

Mr. James R. Webb, President-CEO
Lower Valley Energy, Inc.
jim@lvenergy.com; ahelm@lvenergy.com

Subj: Administrative Order issued to Lower Valley Energy regarding Lower Valley
Energy Public Water System, PWS ID # WY5601403, Docket No. SDWA-08-2025-0011

Dear Mr. Webb:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that Lower Valley Energy (Respondent), as owner and/or operator of the Lower Valley Energy Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from you, the EPA will assume this information is correct. If Respondent complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$71,545 (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; 90 Fed. Reg. at 1375 (January 8, 2025).

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small entities, in case these are

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relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist Respondent in addressing the outstanding violations.

Please be aware that Respondent is required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. The EPA's approval of Respondent's schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages Respondent to contact any such governmental agency or agencies regarding any applicable approval requirements.

Respondent is required to notify the public quarterly by completing a public notice (PN) until the nitrate maximum contaminant level violation is resolved. Please submit a copy of the completed PN to the EPA each quarter.

If you have any questions or to request an informal conference with the EPA, please contact Christina Carballal via email at carballal-broome@epa.gov, or by phone at (800) 227-8917, extension 6046, or (303) 312-6046. Any questions from your 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)
Lincoln County Commissioners (Lincoln County
Commissioners(teri.bowers@lincolncountywy.gov)
EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)
James Brough (james.brough@wyo.gov)
Lily Barkau, WY DEQ, Natural Resources Program Manager (lily.barkau@wyo.gov)
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