



REGION 8
DENVER, CO 80202

March 19, 2024



Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL DELIVERY RECEIPT REQUESTED

Brush Creek LLC c/o
Mr. Michael Williams, Vice President,
Brush Creek Ranch
mwilliams@brushcreekranch.com

Subj: Administrative Order Addendum, Brush Creek LLC regarding the Brush Creek Ranch Public Water System, PWS ID #WY5601644 Docket # SDWA-08-2024-0011

Dear Mr. Willams:

This is an Addendum to the Administrative Order (Order) issued to Brush Creek LLC on January 9, 2024. The purpose of this letter is to approve the Respondent’s February 9, 2024 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. Each milestone and deadline specified below is an enforceable provision of the Order.

<u>Milestone</u>	<u>Deadline</u>	<u>Projected Cost</u>
Complete investigation of treatment options and final design. Notify EPA of selected treatment option.	Completed March 14, 2024	\$7,500
Complete drawings, specifications, and engineering design report and submit permit application to WDEQ.	April 1, 2024	\$5,500
Respond to WDEQ comments on the permit application (if applicable)	Within 30 days of receiving WDEQ comments.	TBD (if applicable)
Receive permit from WDEQ and order equipment.	--	N/A
Begin construction to install treatment equipment and appurtenances	June 17, 2024, or within 30 days of WDEQ permit issuance if not received by this date.	\$35,000

Subj: Administrative Order Addendum, Brush Creek LLC regarding the Brush Creek Ranch Public Water System, PWS ID #WY5601644 Docket # **SDWA-08-2024-0011**

<u>Milestone</u>	<u>Deadline</u>	<u>Projected Cost</u>
Complete construction to install treatment equipment and appurtenances	32 days after beginning construction	
Notify the EPA of construction completion. Complete PWS Inventory Change Form and submit to the EPA: https://www.epa.gov/region8-waterops/epa-r8-public-water-system-inventory-change-form .	Within 10 calendar days after completing all tasks included in the Schedule	N/A

Respondent is encouraged to contact the Region 8 Nitrate Rule Manager, Bailey Smith, at bailey.smith@epa.gov or 303-312-6940 with any questions concerning acceptable treatment technologies in EPA Region 8. EPA may require Respondent to submit an updated schedule and plan if necessary, based on the selected treatment option.

Within 10 calendar days of completing all steps included in the above Schedule, please notify the EPA of the project's completion as required by the Order. The Order also requires Respondent 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 Respondent has a reasonable basis to believe it may be unable to meet any deadline in the Schedule, it must 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 per paragraph 9.b of the Order, within 90 calendar days after receipt of the EPA's approval of the Schedule, Respondent shall begin to provide the EPA with quarterly reports on the progress in meeting the deadlines in the Schedule.

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 Respondent's attorney should be directed to Noah Stanton, Assistant Regional Counsel, via email at stanton.noah@epa.gov or by phone at (800) 227-8917, extension 6163, or (303) 312-6163.

Sincerely,

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

cc: WY DEQ/DOH (via email)
EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)
Carbon County Commissioners (johnjohnson@carbonwy.com)

Subj: Administrative Order Addendum, Brush Creek LLC regarding the Brush Creek Ranch Public Water System, PWS ID #WY5601644 Docket # **SDWA-08-2024-0011**

EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)

Niels Vuijsters, Vice-President (niels.vuijsters@brushcreekranch.com)

Brad Baillie (brad.baillie@brushcreekranch.com)

Richard Kosty (richard.kosty@brushcreekranch.com)

Beth White, Owner (via certified mail, return receipt requested)

CT Corporation System, Registered Agent (via certified mail, return receipt requested)

Ben Jordan, Contract Operator (bjordan@forsgren.com)

Dennis Lewis, WY DEQ District Engineer (dennis.lewis@wyo.gov)