

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2023-0004
LLN Limited LLC,)	
)	ADMINISTRATIVE ORDER
Respondent.)	
)	
Green River Bar Public Water System)	
<u>PWS ID #WY5601726</u>)	

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. LLN Limited LLC (Respondent) is a Wyoming corporation that owns and operates the Green River Bar Public Water System (System), which provides piped water to the public in Sublette County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well.
4. The System has approximately one service connection and regularly serves an average of approximately 26 individuals daily at least 60 calendar days out of the year. Therefore, the System is 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. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
5. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12) and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System’s water the first quarter of operation 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 the third and fourth quarter of 2021 and the first, second and third quarter of 2022, and therefore, violated this requirement.
8. Respondent is required to monitor the System’s water the first quarter of operation for nitrite at every entry point to the distribution system which is representative of each well after treatment. 40 C.F.R. § 141.23(e). Respondent failed to monitor the System’s water for nitrite during the third and fourth quarter of 2021 and the first, second and third quarter of 2022, and therefore, violated this requirement.

9. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.853-858. Respondent is required to develop a written total coliform sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution System and submit it to the EPA for review. 40 C.F.R. § 141.853(a)(1). Respondent must collect total coliform samples according to the written sample siting plan. 40 C.F.R. § 141.853(a)(1). Respondent failed to submit a sample siting plan to the EPA and, therefore, failed to conduct appropriate total coliform sampling. As a result, Respondent violated these requirements.

10. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during November and December of 2021 and January through November of 2022, and therefore, violated this requirement. Respondent sampled for total coliform bacteria on December 20, 2022.

11. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraphs 7, 8, and 10, above, are classified as violations requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the third and fourth quarter of 2021 violations cited in paragraphs 7 and 8; the November and December of 2021 and January of 2022 violations cited in paragraph 10; and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 6 and 7, above, to the EPA and therefore, violated this requirement.

13. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations listed in paragraph 8, above, to the EPA and therefore, violated this requirement.

ORDER

Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

14. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

15. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for nitrate, in accordance with 40 C.F.R. §§ 141.23(a) and

(d). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

16. Within 30 calendar days of receipt of this Order, and thereafter as directed by the EPA, Respondent shall monitor the System's water for nitrite, as required by 40 C.F.R. § 141.23(e). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

17. Within 30 calendar days of receipt of this Order, Respondent shall develop a written total coliform sample siting plan and map and submit it to the EPA for review. The plan must identify sampling sites (both routine and repeat) and a sample collection schedule that is representative of water throughout the distribution system, as required by 40 C.F.R. § 141.853(a)(1). The triggered source water monitoring location must also be included in the sample siting plan 40 C.F.R. § 141.402(a). A template can be found at <https://www.epa.gov/region8-waterops/revised-total-coliform-rule-sample-siting-plan>.

18. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

19. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the third and fourth quarter 2021 violations cited in paragraphs 7 and 8; and the November and December of 2021 and January of 2022 violations cited in paragraph 10, above. 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). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.

20. Respondent shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or Part 141, Respondent shall report within that different period.

21. Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).

22. If the population or number of connections served by the System at least 60 days of the year falls below 25 individuals, Respondent must notify the EPA in writing within 10 calendar days by submitting a completed basic information form.

23. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent must, within 10 calendar days,

provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent will remain obligated to comply with this Order.

24. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov and latino.steven@epa.gov

GENERAL PROVISIONS

25. This Order is binding on Respondent, its successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

26. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

27. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil administrative 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).

28. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: February 28, 2023.

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