



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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U.S. EPA REGION 8
HEARING CLERK

September 12, 2023

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Lenn T. Island, Registered Agent
Beulah Land Water, LLC
islandlenn@gmail.com

Re: Second Violation of the Beulah Land Water, LLC, Administrative Order, Docket No. SDWA- 08-2022-0004; Beulah Land Water Public Water System, PWS ID #WY5601692

Dear Mr. Island:

The purpose of this letter is to notify Beulah Land Water, 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 Beulah Land Water Public Water System (System). Specifically, on March 22, 2022, the EPA issued an Administrative Order Addendum (Addendum), approving the February 18, 2022, schedule (Schedule) Respondent submitted for returning to compliance. The Schedule was then incorporated into the January 11, 2022, Administrative Order (Order) pursuant to the Order's paragraph number 13. Each milestone and deadline specified in the Addendum is an enforceable provision of the Order. Our records indicate that the System is in violation of the Order. A first Violation of Administrative Order (AOV) letter was issued on July 28, 2022, for failure to correct significant deficiencies. To date, required corrective actions identified in the Order, first AOV, and the 2022 significant deficiencies identified in the September 6, 2022, Sanitary Survey have not been fulfilled.

Among other things, the Schedule approved in the Addendum included the following requirements:

Violation: Failure to timely correct significant deficiencies

Respondent failed to correct, by the June 1, 2022 deadline approved in the Addendum, the following significant deficiency regarding the System's Storage Gravity Tank known as ST01:

- To understand the unknown integrity of the ST01's air vent and access hatch, the following must be provided (SD#1 from the 2019 Sanitary Survey):
 - a copy of the completed Unknown Integrity Checklist;
 - the air vent and access hatch for ST01 must be inspected, an inspection report conducted, and the structure/condition compared to the Tech Tips for Finished Water Storage Facilities;

- a copy of a completed inspection report describing the structure/condition of the air vent and access hatch, including photographs and the date by when any corrective actions needed to address additional deficiencies with the tank components will be completed.

Respondent failed to complete, by the December 29, 2022 deadline approved in the Addendum, the tank replacement in lieu of the corrective action for the ST01 to be cleaned per the Finished Water Storage Tank Inspection/Cleaning Checklist. (SD#3 from the 2016 Sanitary Survey).

On August 9, 2022, the EPA conducted a sanitary survey at the System. New significant deficiencies were identified and required to be corrected by March 26, 2023. Three of the four significant deficiencies were not corrected by that deadline and a Notice of Noncompliance was issued on March 31, 2023.

Violation: Failure to timely correct significant deficiencies

Respondent failed to correct by March 26, 2023, the following significant deficiencies regarding ST01:

- evaluation required by a professional engineer familiar with the construction of water-storage tanks and repaired, if necessary, to ensure the structural integrity and reliability of the tank. (SD#1 from the 2022 Sanitary Survey);
- seams on the roof and sides must be evaluated by a professional engineer familiar with the construction of water-storage tanks and repaired, if necessary, to ensure the structural integrity and reliability of the tank. (SD#2 from the 2022 Sanitary Survey);
- the access hatch must have a rubber gasket to seal the hatch lid to the frame tightly. (SD#4 from the 2022 Sanitary Survey).

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).

The EPA may choose not to file a complaint seeking civil penalties if Respondent does not incur any additional violations and if Respondent provides the EPA with notice of completed corrective action regarding the above-referenced violations within 60 calendar days of receipt of this Second Violation letter assuming, of course, that the Respondent is in compliance with all other requirements of the Order.

If you have any questions or to discuss this Order with the EPA, please contact Christina Carballal via email at carballal-broome.christina@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)
Crook County Commissioners
EPA Regional Hearing Clerk
Pat Bundy and Tom Bundy, Beulah Land HOA Water Committee
Anthony Rivers, WY Department Environmental Quality, Water and Wastewater Enforcement Coordinator
Dale Lee, WY Department Environmental Quality, Assistant Northeast District Engineer
John Burbridge, Secretary and Chief Counsel, WY Public Service Commission
Kennan Hendon, WY Department Environmental Quality, Section Manager
Bradley Ellis, WY DEQ, WY Department Environmental Quality, Northeast District Engineer
David Schroeder, WY State Engineer's Office, Water Superintendent