

8/10/2023

9:46 AM

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EPA Region VIII  
Hearing Clerk



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region8>

August 10, 2023

Ref: 8ENF-W-SD

SENT VIA EMAIL  
DIGITAL DELIVERY RECEIPT REQUESTED

LLN Limited LLC  
c/o Nannette McKeough  
[nmckeoug@wyoming.com](mailto:nmckeoug@wyoming.com)

Re: Violation of LLN Limited LLC Administrative Order, Docket No. SDWA-08-2023-0004,  
Green River Bar Public Water System, PWS ID #WY5601726

Dear Ms. McKeough:

The purpose of this letter is to notify LLN Limited 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 Green River Bar Public Water System (System). Specifically, on February 28, 2023, the EPA issued the above-referenced Administrative Order (Order), directing Respondent to comply with the National Primary Drinking Water Regulations (Part 141) issued by the EPA under the Act. Our records indicate that the System is in violation of the Order.

Among other things, the Order included the following requirements, which have not been properly completed:

**Nitrate Monitoring:**

Summarized from paragraph 15 of the Order: 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).

- Violation: Failure to Monitor for Nitrate.
  - Respondent did not collect nitrate samples for the first quarter of 2023.
  - This violation must be corrected by September 30, 2023.

### **Nitrite Monitoring:**

Summarized from paragraph 16 of the Order: 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).

- Violation: Failure to Monitor for Nitrite.
  - Respondent did not collect nitrite samples for the first and second quarters of 2023.
  - This violation must be corrected by September 30, 2023.

### **Total Coliform Sample Siting Plan:**

Summarized from paragraph 17 of the 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).

- Violation: Failure to submit a sample siting plan to the EPA.
  - Respondent did not submit a sample siting plan to the EPA.
  - This violation must be corrected by September 30, 2023.

### **Total Coliform Monitoring:**

Summarized from paragraph 18 of the Order: 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).

- Violation: Failure to Monitor for Total Coliform.
  - Respondent did not collect total coliform samples in April of 2023.
  - This violation must be corrected by September 30, 2023.

**Public Notice:**

Summarized from paragraph 19 of the order: Respondent shall notify the public of the third and fourth quarter 2021 violations cited in paragraphs 7 and 8 (nitrate and nitrite violations); and the November and December of 2021 and January of 2022 violations cited in paragraph 10 (total coliform violations). 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).

- Violation: Failure to Submit Tier 3 Public Notice.
  - Respondent did not submit public notice for the required violations.
  - This violation must be corrected by September 30, 2023.

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 a completed sample siting plan, submits required public notices, and completes required monitoring by September 30, 2023.

If you have any questions or to request an informal conference with the EPA, 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 questions from the Respondent'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.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosures

cc: WY DEQ/DOH (via email)  
Sublette County Commissioners  
Justin Latham, Consumer Health Services Division Manager, Wyoming Dept. of Agriculture  
Dru Hadelie, Consumer Health Specialist, Wyoming Dept. of Agriculture  
EPA Regional Hearing Clerk  
Mark Baron, WY DEQ District Engineer