



REGION 8
DENVER, CO 80202

January 9, 2024

FILED

Jan 09, 2024

2:23 pm

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

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND VIA EMAIL

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

CT Corporation System, Registered Agent
1908 Thomas Avenue
Cheyenne, Wyoming 82001-3527

Subj: Administrative Order issued to Brush Creek LLC regarding the Brush Creek Ranch Public Water System, PWS ID #WY5601644, Docket No. SDWA-08-2024-0011

Dear Mr. Williams and Registered Agent:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Brush Creek LLC (Respondent), as owner and operator of the Brush Creek Ranch Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. Part 141 (Part 141).

Please note that the EPA's records indicate the System has exceeded the maximum contaminant level (MCL) for nitrate. Nitrate is an acute contaminant which, amongst other serious health risks, can be lethal for infants six months old and younger. *The Order requires compliance with the nitrate MCL no later than one year of the issuance date, however, the EPA urges you to take expeditious action to reduce the nitrates exposure at the System as soon as possible.*

The Order is effective upon the date received. 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 \$69,733 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

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 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 you 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. Changes to the System may require a permit from the Wyoming Department of Environmental Quality (WY DEQ). The contact person at WY DEQ for your region is Dennis Lewis. He can be reached at 307-777-7088 or dennis.lewis@wyo.gov.

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 and a certification of its completion (template information is found in the attached Order) to the EPA each quarter.

If Respondent has any questions or would like to discuss this Order 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.

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)
EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)
Carbon County Commissioners (johnjohnson@carbonwy.com)
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)
Ben Jordan, Contract Operator (bjordan@forsgren.com)
Dennis Lewis, WY DEQ District Engineer (dennis.lewis@wyo.gov)
Lily Barkau, WY DEQ, Natural Resources Program Manager (lily.barkau@wyo.gov)