



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

January 18, 2024

Ref: 8WD-SDB

SENT VIA EMAIL

Mr. Niels Vuijsters, Vice-President
Brush Creek Ranch
66 Brush Creek Ranch Road
Saratoga, Wyoming 82331
niels.vuijsters@brushcreekranch.com

**Re: Notice of Noncompliance
Nitrate Rule
Maximum Contaminant Level Exceedance
PWS ID# WY5601644 NC**

Dear Mr. Vuijsters:

The purpose of this letter is to inform you that Brush Creek Ranch public water system has failed to meet the maximum contaminant level (MCL) for nitrate under the Nitrate Rule. Compliance with the MCL is based on the average of an initial and a confirmation sample according to 40 C.F.R. § 141.23(f) of the National Primary Drinking Water Regulations (NPDWR).

Our records indicate that the nitrate sampling result collected at SS09/SP09 on January 2, 2024 showed a result of 10.46 mg/L. A confirmation sample collected on January 4, 2024 showed a result of 10.61 mg/L. Thus, the average of the initial sample and the confirmation sample is 10.5 mg/L which is above the nitrate MCL of 10 mg/L as stated in 40 C.F.R. § 141.62.

This is a violation of the NPDWR. If not already done, please take the following actions:

- (1) Notify your customers of this violation within 24 hours. The public notice (PN) must be hand delivered or posted in conspicuous locations. You must issue a repeat notice every three months for as long as the violation persists. Because a nitrate MCL violation is considered a risk to public health, the public notice must contain mandatory health effects language as contained within 40 C.F.R. § 141, Subpart Q. A sample public notice is enclosed. You may create the PN using the EPA Microsoft Word templates available at: <http://www.epa.gov/dwreginfo/public-notification-templates-community-and-non-transient-non-community-water-systems>.
- (2) Provide our office with a copy of your public notice within ten days of completion.

- (3) You are required to collect a nitrate sample every quarter until further notice in accordance with 40 C.F.R. § 141.23(g) and submit your data to EPA as soon as you receive it from the lab. If any sample result exceeds 10 mg/L, you must consult with the EPA within 24 hours of receiving the results, in accordance with 40 C.F.R. § 141.202(b). The next sample shall be collected during the Second Quarter 2024. Collect all required nitrate samples from SS09/SP09. Please see the attached schematic for your sampling point locations.

Please include your PWS ID # on all correspondence send public notice and sample results to our office at:

Email: R8DWU@epa.gov

Fax: 1-877-876-9101

Mail: Address at the top of this letter. Please use Mail Code 8WD-SDB on the envelope.

You should be aware that repeated violations of the National Primary Drinking Water Regulations may result in formal enforcement action taken against your water system. If formal enforcement action were to be necessary, the Safe Drinking Water Act provides for civil penalties of up to \$69,733 per day of violation. We prefer to resolve problems before such formal enforcement is necessary and ask your cooperation to rectify problems quickly and effectively.

If you have any questions, please contact the Nitrate Rule Manager Bailey Smith at 303-312-6940, or by email at smith.bailey@epa.gov.

Sincerely,

JUDY
BLOOM

 Digitally signed by JUDY
BLOOM
Date: 2024.01.18 23:57:08
-07'00'

Judy Bloom
Supervisor, Drinking Water Section B
Water Division

Enclosures (2)

cc:

Ms. Beth White, Owner
Brush Creek Ranch
66 Brush Creek Ranch Road
SARATOGA, WY 82331

Mr. Ben Jordan, Contract Operator
Camp Buffalo Bill
bjordan@forsgren.com

Kosty Richard, Engineering Manager
Brush Creek Ranch
richard.kosty@brushcreekranch.com

Mr. Brad Baillie, Engineering Mgr
Brush Creek Ranch
brad.baillie@brushcreekranch.com

Mr. Mike Williams, Vice President
Brush Creek Ranch
mwilliams@brushcreekranch.com

Instructions for Nitrate MCL Exceedance Notice – Template 1-1

Template on Reverse

Since exceeding the nitrate maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but no more than 24 hours from learning of the violation [40 CFR 141.202(b)]. During this time period you must also contact your primacy agency. You should also coordinate with your local health department. This template is also applicable to nitrite and total nitrate and nitrite violations. You must use one or more of the following methods to deliver the notice to consumers [40 CFR 141.202(c)]:

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. If you post or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse provides suggested public notice content and format and is appropriate for hand delivery or for publication in a newspaper. However, you may wish to modify it before using it for a radio or TV broadcast. If you do modify the notice on the reverse, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Alternative Sources of Water

If you are selling or providing bottled water, your notice should say where it can be obtained. Remember that bottled water can also be contaminated. If you are providing bottled water, make sure it meets US Food and Drug Administration (FDA) and/or state bottled water safety standards.

Repeat Notices

If this is a repeat notice (as required by your primacy agency), or if your system's nitrate levels fluctuate around the MCL, you may wish to include an explanation similar to the following:

You were initially notified of high nitrate levels on [give date]. Since that time we have been monitoring the nitrate concentration every three months. Seasonal fluctuations in nitrate concentrations have been observed, due to nitrates contained in fertilizer. It appears that high nitrates occur during the later summer and fall. Note that prior to [give year] we were meeting drinking water standards for nitrate.

Corrective Action

In your notice, describe corrective actions you are taking. The bullet below describes one action commonly taken by water systems with nitrate/nitrite violations. You can use the following language, if appropriate, or develop your own:

- We are investigating water treatment and other options. These may include drilling a new well, mixing the water with low-nitrate water from another source, or buying water from another water system.

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to your primacy agency within ten days after you issue the notice [40 CFR 141.31(d)].

You should notify health professionals in the area of the violation. People may call their doctors with questions, and the doctors should have the information they need to respond appropriately. They also need to make sure the water is not provided to infants in their care.

It is also a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6.

Nitrate MCL Exceedance Notice – Template 1-1

DRINKING WATER WARNING

[System] water has high levels of nitrate -

**DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD OR
USE IT TO MAKE INFANT FORMULA**

On [give date], we received notice that the sample collected on [give date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of [state/federal MCL]. Nitrate in drinking water is a serious health concern for infants less than six months old.

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems and run-off). Levels of nitrate in drinking water can vary throughout the year.

What should I do? What does this mean?

- **DO NOT GIVE THE WATER TO INFANTS.** **Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.** Blue baby syndrome is indicated by blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- Adults and children older than six months can drink the tap water (nitrate is a concern for infants because they can't process nitrates in the same way adults can). However, if you are pregnant or have specific health concerns, you may wish to consult your doctor.

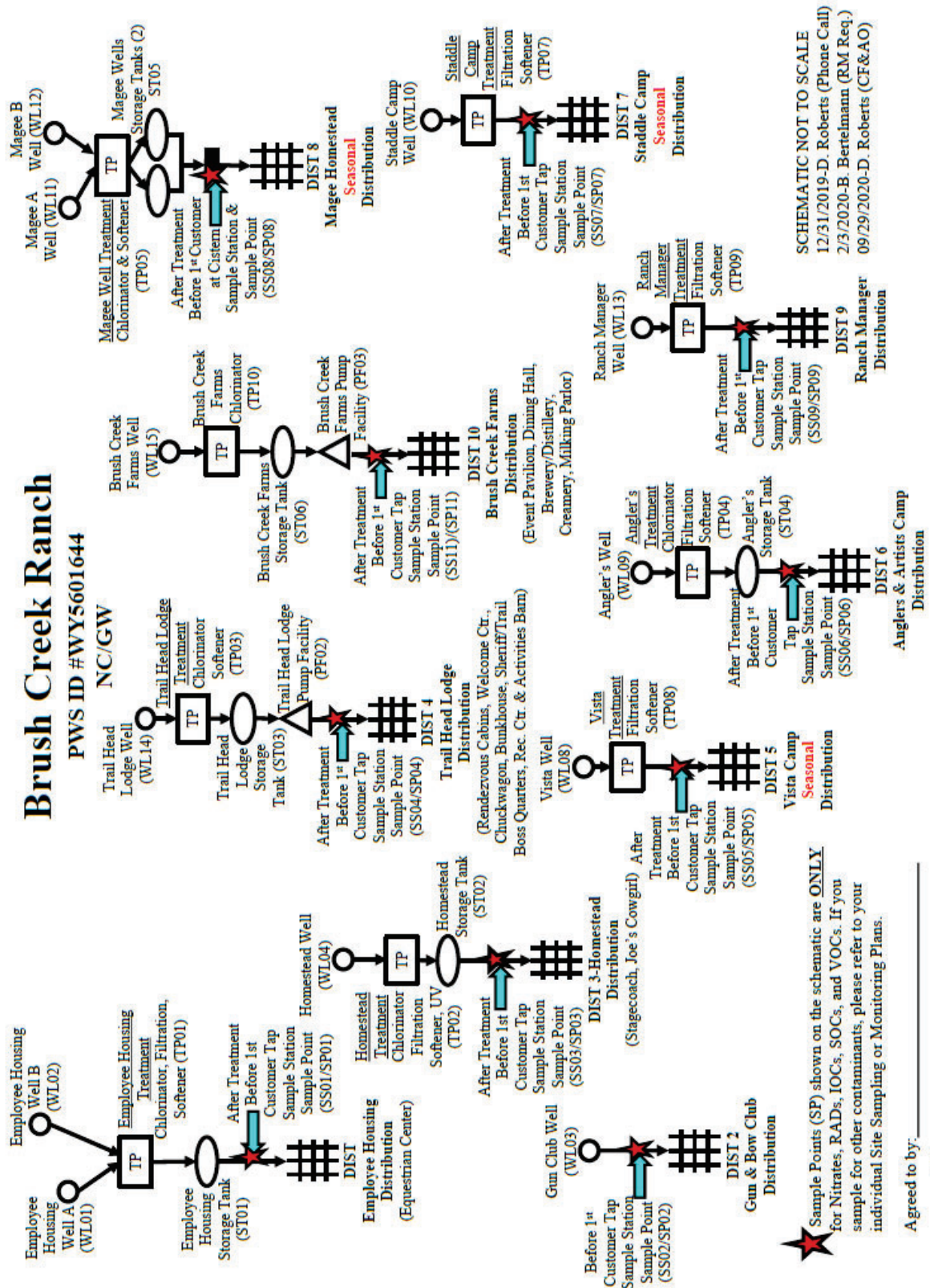
What is being done?

[Describe corrective action and when system expects to return to compliance.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by [system]. State Water System ID#: _____.
Date distributed:_____.



SCHEMATIC NOT TO SCALE
12/31/2019-D. Roberts (Phone Call)
2/3/2020-B. Bertelmann (RM Req.)
09/29/2020-D. Roberts (CF&AO)