



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

November 7, 2023

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
Failure to Monitor
PWS ID# WY5601644 NC**

Dear Mr. Vuijsters:

The purpose of this letter is to inform you that Brush Creek Ranch has failed to conduct the required monitoring of nitrate in drinking water at facility/sample points SS01/SP01 and SS09/SP09. Samples were required to be collected during the Third Quarter of 2023 monitoring period and submitted to the Environmental Protection Agency according to 40 C.F.R. §§ 141.23 and 141.31 of the National Primary Drinking Water Regulations (NPDWR).

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

- (1) Collect all required nitrate samples as soon as possible for the current calendar quarter (for seasonal systems, as soon as the system is activated for the year). Monitor early in the monitoring period to help ensure results are submitted on time. Samples must be taken at every entry point to the distribution system which is representative of each well or surface water source for the drinking water system. Samples must be taken after treatment at the designated sampling points. Please see the attached Schematic Diagram of this system for your sampling point locations. If any changes have been made to the system or sampling points, please indicate those changes on the diagram, sign the diagram and send it back to the EPA.
- (2) Report sampling results to our office as soon as you receive them from the lab.
- (3) Public notification (PN) is required within one year of the violation or by the end of the Third Quarter of 2024. The PN must be delivered through either posting in conspicuous locations for at least 10 days, by hand delivery, or by mail. You may also create your own 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>. Enclosed is a copy of the PN form.

- (4) Provide our office with a copy of your public notice and certification within 10 days of completion.

Please send the public notice and sample results to our office using one of the methods listed below. Include your PWS name and PWS ID# on all correspondence.

Email: R8DWU@epa.gov

Fax: 1-(877) 876-9101

Mail: Refer to the 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 NPDWR 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 \$67,544 per day of violation. We prefer to resolve problems before such formal enforcement is necessary, and we ask for your cooperation to rectify them quickly and effectively.

If you have questions, please contact 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: 2023.11.07
21:59:12 -07'00'

Judy Bloom, Supervisor
Drinking Water Section B

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

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

Mr. Mike Williams, Vice President

Brush Creek Ranch
mwilliams@brushcreekranch.com

Instructions for Monitoring Violations Annual Notice – Template 3-1A

Template on Reverse

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Noncommunity systems must use one of the following [40 CFR 141.204(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, 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 for monitoring and testing procedure violations [40 CFR 141.205(d)] 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.

Corrective Action

In your notice, describe corrective actions you took, or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

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

Monitoring Violations Annual Notice – Template 3-1A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for [System]

Our water system violated drinking water requirements over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we are doing (did) to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period] we [‘did not monitor or test’ or ‘did not complete all monitoring or testing’] for [contaminant(s)] and therefore cannot be sure of the quality of your drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants], how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
[enter contaminant]	[enter frequency]	0	[enter date samples should have been taken]	[enter date samples taken or planned]

What is being done?

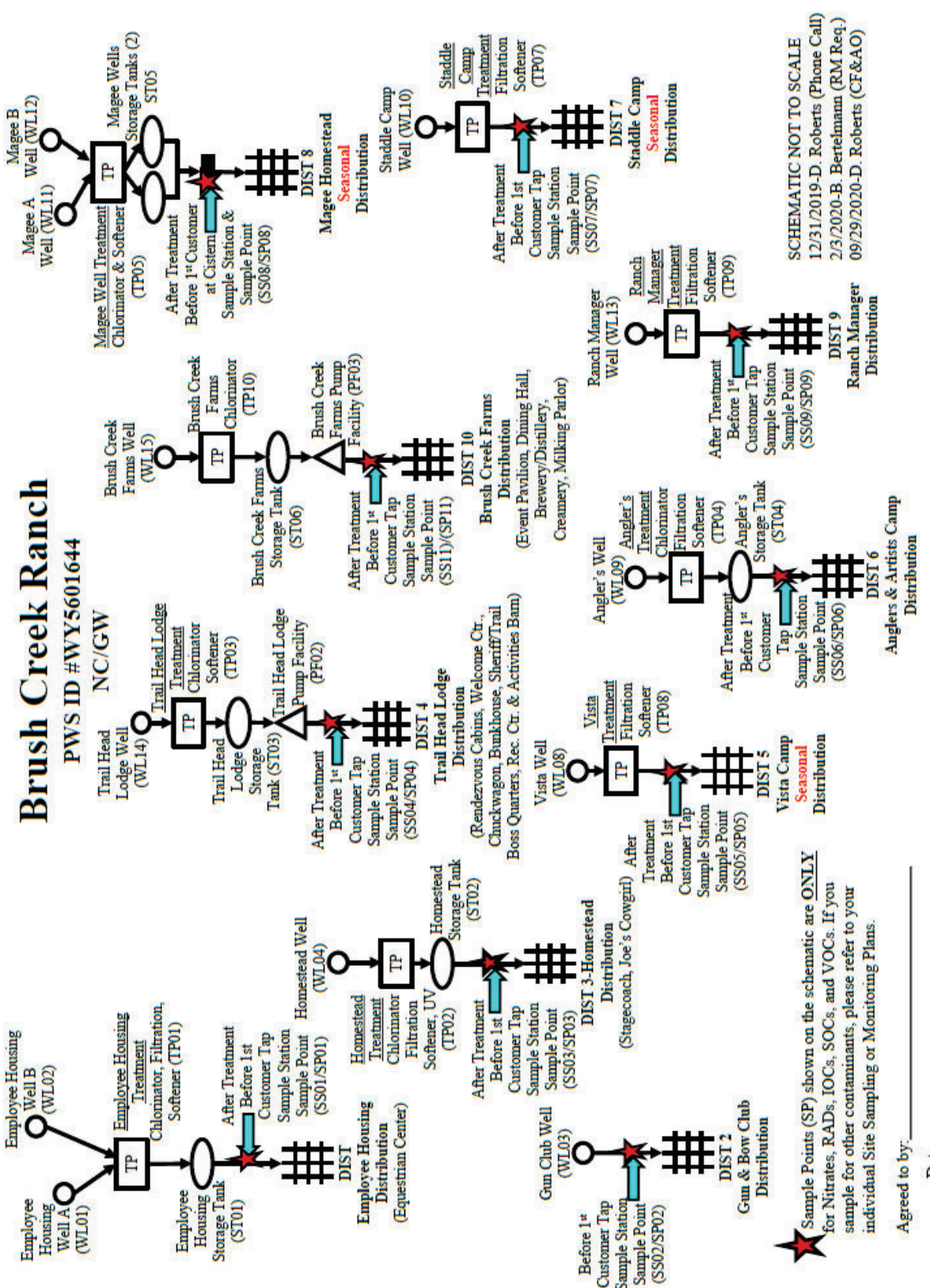
[Describe corrective action.]

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: _____.



★ Sample Points (SP) shown on the schematic are ONLY for Nitrates, RADs, IOC₃, SOC₃, and VOC₃. If you sample for other contaminants, please refer to your individual Site Sampling or Monitoring Plans.

Agreed to by: _____
Date: _____