



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

December 16, 2021

11:14 AM

December 16, 2021

Received by
EPA Region VIII
Hearing Clerk

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Rex Kelson, Board President
Jeffrey City Water & Sewer District
rexmarkel@gmail.com

Re: Violation of Jeffrey City Water & Sewer District Administrative Order, Docket No. SDWA-08-2020-0028, Jeffrey City Public Water System, PWS ID #WY5600106

Dear Mr. Kelson:

The purpose of this letter is to notify you that civil penalties and/or a federal court injunction may be ordered against you for violating the Safe Drinking Water Act at the Jeffrey City Public Water System. Specifically, on June 15, 2020, the EPA issued the above-referenced Administrative Order (Order), directing you to comply with the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* Our records indicate that you are in violation of the Order.

Among other things, the Order included the following requirement (summarized from paragraph 16, on pages 3 of the Order and referring to you as the Respondent), which has not been completed:

- **Radionuclides samples were not collected during the first quarter (between January 1 and March 31) of 2021):** Respondent shall monitor the System's water for radionuclides once every quarter, in accordance with 40 C.F.R. § 141.26(a). 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).

In other words, Respondent is required to monitor the System's water quarterly for radionuclides and failed to monitor the System's water for radionuclides between January 1 – March 31, 2021. A radionuclide sample was collected on April 1, 2021.

Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$59,017 (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; 85 Fed. Reg. at 83821 (December 23, 2020).

Please note that the EPA may choose not to file a complaint seeking civil administrative penalties if Respondent incurs no additional violations of this Order.

For assistance with actions necessary to come into compliance, please contact Jill Minter via email at minter.jill@epa.gov, or by phone at (800) 227-8917, extension 6084, or (303) 312-6084. 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.

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

cc: WY DEQ/DOH (via email)
Fremont County Commissioners (travis.becker@fremontcountywy.gov)
Melissa Haniewicz, EPA Regional Hearing Clerk