



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

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HEARING CLERK

January 18, 2013

Ref: 8ENF-L

CERTIFIED MAIL #: 7009 3410 0000 2599 9413
RETURN RECEIPT REQUESTED

Mr. Corey Jones, Owner
Jones Farms: FRS I.D. # 2600007908
4505 Horizon Parkway
Miles City, MT 59301

RE: Administrative ORDER for Compliance,
Docket No. CWA-08-2011-0025

Dear Mr. Jones:

Thank you for meeting by phone with Seth Draper and me earlier this week. During our discussion you indicated that you timely performed, or caused to be performed, corrective measures that directly addressed each of the violations identified in the ORDER, with the exception of reporting the actions taken to remove the manure, waste silage, and / or feed from the Canal, rainfall data, the observation log, and the Best Management Practice plan. I mentioned to you that EPA attempted to contact you at least two times by phone during August, 2012 and also that EPA issued a Notice of Violation of Administrative Order to Jones Farm, sent via Certified Mail and received by Mija Nemec [sic?] on November 20, 2012. You explained that Ms. Nemec is an employee at your wife's law firm and that common practice is for her to pick up your mail. You also explained you changed cell phone service carriers last summer, which may explain why you did not receive the voicemail messages Mr. Draper left for you at your cell phone number (406-951-4610).

This office needs to be assured that the violations noted in the Administrative ORDER were timely corrected and that your facility is currently in compliance with applicable requirements. To that end, in our call I said that if you provide us with an affidavit that establishes evidence of timely correction and current compliance, we should be able to move this matter toward resolution. To be clear, since the ORDER additionally required you to submit a report indicating the actions you took to remove the manure, waste silage, and / or feed from the Kinsey Middle Canal, monthly reports to EPA (daily rainfall data and daily visual observations of potential discharges of pollutants) and also a Best Management Practices plan within 30 days of the ORDER, and you have submitted no such reports, this office will need to determine whether a penalty will be required as part of a final resolution.

Regarding your affidavit, please include in your testimony the actions you took, or caused to occur, that timely corrected violations noted in the ORDER. Specifically, your affidavit should describe the actions you took to prevent discharges containing manure, waste silage, and / or feed to waters of the United States, and the date by which they were completed, at the following locations:

1. The cleanout of the Kinsey Middle Canal which forms the northern border of the animal confinement facility. The area is further illustrated in Photos 1 and 2 of Appendix 1.
2. The confinement pens along the northern border, shown in Photo 3 of Appendix 1.
3. The manure storage along the northern border which is shown in Photo 4 of Appendix 1.
4. The westernmost confinement pen which is shown in Photo 5 of Appendix 1.
5. Areas of potential or actual discharges from fields subject to land application of wastes.
6. Any additional confinement areas.
7. Mortality management piles which is shown in Photo 6 of Appendix 1.
8. Silage piles which are located on the eastern border of the facility
9. Waste storage lagoons which are located along the southern border of the animal confinement area.

If available, your affidavit should include photographs and receipts for work, all substantiating your efforts to comply with the requirements of the ORDER. If you do include photographs, for ease of comparison, please provide recent photographs taken from the vantage of the photographs 1-6 attached to this letter.

In order to expedite a final resolution, please submit your affidavit within two weeks of your receipt of this letter, or no later than February 1, 2013. Please do not hesitate to contact me if you have any questions.

Best regards,



Dana J. Stotsky
Enforcement Attorney
U.S. EPA Region 8- Legal Enforcement Program
1595 Wynkoop Street
Denver, CO 80202
(303) 312-6905

cc: Seth Draper, EPA Region 8 Technical Enforcement Program
Attachment 1: Photographs 1-6
Attachment 2: Affidavit (model form)

Attachment 1: Photographs

Photo 1:



Photo Description: Manure, waste silage, and / or feed from the manure storage pile is shown within the Kinsey Middle Canal.

Photo 2:



Photo Description: Manure, waste silage, and / or feed from the concentrated animal feeding operation pens along the northern border of the facility and the animals within the confinement pen is shown within the Kinsey Middle Canal.

Photo 3:



Photo Description: Concentrated animal feeding operation pens located along the northern border of the facility.

Photo 4:



Photo Description: Manure storage pile located approximately 40 feet east of the confinement pens along the northern border of the facility. Manure, waste silage, and / or feed is shown within the Kinsey Middle Canal.

Photo 5:



Photo Description: Westernmost confinement pens located along the border of the Kinsey Middle Canal. The confinement pens do not restrict animal access to the canal. Animals have direct contact with surface water located in the canal. Manure, waste silage, and / or feed is shown within the Kinsey Middle Canal.

Photo 6:



Photo Description: Mortality pile located upgradient from the Kinsey Middle Canal.

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IN THE MATTER OF:)
)
Mr. Corey Jones, Owner)
Jones Farms: FRS I.D. # 2600007908) Docket No. CWA-08-2011-0025
4505 Horizon Parkway)
Miles City, MT 59301)
)
Respondent.)
_____)

AFFIDAVIT OF COREY L. JONES

BEFORE ME, the undersigned notary public, on this day personally appeared COREY L. JONES, who, being first duly sworn by me according to law, on his oath, deposed and stated the following:

"My name is Corey L. Jones, I am above the age of eighteen (18) years and have never been convicted of a felony or crime involving moral turpitude. I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct.

1. _____
2. _____
3.

Further, the affiant sayeth not."

SUBSCRIBED AND SWORN to by the said Corey L. Jones on this the ____ day of _____, 2013, certify which witness my hand and official seal.

NOTARY PUBLIC

NOTARY'S STAMP