



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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March 19, 2021  
10:42 AM  
Received by  
EPA Region VIII  
Hearing Clerk

March 19, 2021

Ref: 8ENF-W-SD

**SENT VIA EMAIL**  
**DIGITAL READ RECEIPT REQUESTED**

Mr. Rex Kelson, Board President  
Jeffrey City Water & Sewer District  
[rexmarkel@gmail.com](mailto:rexmarkel@gmail.com)

Re: Violation of the 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 provide notice of the EPA's intention to file a complaint seeking civil administrative penalties.** Specifically, on June 15, 2020, the EPA issued the above-referenced Administrative Order (Order), directing the Jeffrey City Water & Sewer District (District) 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 the District is in violation of the Order.

Among other things, the Order included the following requirements (summarized from paragraphs 14, 15, 18 and 24 on pages 3 and 4 of the Order), which have not been completed:

- Within 90 days after receipt of this Order (for samples collected on June 27, 2019 and November 7, 2019) and within 30 days after receiving monitoring results (for samples collected on December 8, 2020) the Order requires Respondent to deliver a consumer notice of individual tap monitoring results to the persons served at each sample site. 40 § C.F.R. 141.85(d). Within 90 days after receipt of this Order (for samples collected on June 27, 2019 and November 7, 2019) and within 90 days following the end of each monitoring period (for samples collected on December 8, 2020), the Order requires Respondent to submit to the EPA a sample copy of the consumer notification along with a certification that the notification had been distributed. 40 C.F.R. § 141.85(d) and 40 C.F.R. § 141.90(f)(3). The EPA has received a sample copy of the consumer notice and certification for samples collected on May 19, 2020. For samples collected on June 27, 2019, and November 7, 2019, the EPA does not know if consumer notices have been delivered and has not received a sample copy of the consumer notice and certification for these monitoring periods. For samples

collected on December 8, 2020, the EPA does not know if consumer notices have been delivered. A sample copy of the consumer notification and certification for samples collected on December 8, 2021, must be submitted to the EPA by March 31, 2021. **Partially completed (consumer notices of individual lead tap monitoring results have not been delivered to persons served at each sampled site and sample copies of the consumer notice and certification have not been submitted to the EPA for each monitoring period).**

- Within 30 days after receipt of this Order, Respondent shall notify the public of its failure to monitor violations. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. §141.31(d). Respondent did notify the public, in the 2019 Consumer Confidence Report (CCR), of the 2019 failure to monitor violations for radionuclides, VOCs and SOCs. The requirement to notify the public of the 2019 failure to monitor violation for lead and copper, where only one of five required samples was collected on November 7, 2019, was not included in the 2019 CCR and has not yet been addressed. In addition, a public notice for failure to monitor for radionuclides during the 1<sup>st</sup> Quarter of 2020 is due March 31, 2021. **Partially completed (the public was not notified of a failure to monitor violation for lead and copper).**
- 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).


The EPA may choose not to file a complaint seeking civil penalty if the District completes the following and does not incur any additional violations: 1) deliver consumer notice of individual tap monitoring results to persons served at each site sampled for lead and copper on June 27, 2019; November 7, 2019; and December 8, 2020; 2) submit to the EPA a sample copy of a consumer notice and a certification for samples collected on June 27, 2019; November 7, 2019; and December 8, 2020; and 3) notify the public of the failure to collect all five required samples for lead and copper during the July 1, 2019 to December 31, 2019 monitoring period.

The EPA acknowledges that the COVID-19 pandemic may be impacting your District. If the District has specific COVID-19 issues that would affect the timeframes listed herein, please contact Jill Minter via email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov) or by phone at (800) 227-8917, extension 6084, or (303) 312-6084 within 10 days of issuance of this Administrative Order Violation. We will consider nationwide public health developments and your specific circumstances in determining an appropriate timeline for responding to this Administrative Order Violation, while still pursuing regulatory compliance with the Safe Drinking Water Act as expeditiously as possible.

For assistance with actions necessary to come into compliance, please contact Jill Minter at the email and phone number listed in the above paragraph. Any questions from the District's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) or by phone at (800) 227-8917, extension 6654, or (303) 312-6554.

We urge your prompt attention to this matter.

COLLEEN  
RATHBONE

 Digitally signed by COLLEEN  
RATHBONE  
Date: 2021.03.19 08:04:05 -06'00'

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

Enclosures

cc: WY DEQ/DOH (via email)  
Freemont County Commissioners ([travis.becker@freemontcountywy.gov](mailto:travis.becker@freemontcountywy.gov))  
Melissa Haniewicz, EPA Regional Hearing Clerk