



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
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Phone 800-227-8917  
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Ref: SENF-L

**CERTIFIED MAIL #:**  
**RETURN RECEIPT REQUESTED**

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

RE: Notice of Violation of Administrative  
Order for Compliance, Docket No.  
CWA-08-2011-0025

Dear Mr. Jones:

This letter serves as notice that you are in violation of the Administrative Order for Compliance (Order) issued by the U.S. Environmental Protection Agency (EPA) on September 6, 2011. Your noncompliance may subject you to significant civil penalties and other serious legal consequences. I urge your prompt attention to this matter.

You received the EPA's Order on September 27, 2011. You agreed to comply with the Order when you signed and returned an "Intent to Comply" document to the EPA on November 10, 2011. Since that date, you have failed to submit any information to the EPA. This includes reports required by the Order. By failing to submit any information, the EPA is unable to determine whether you are complying with (1) the Order, and (2) requirements of the Clean Water Act (CWA), 33 U.S.C. §1251 *et seq.*

In order to reduce your liabilities for failing to comply with the Order, you must comply with the following requirements contained in the Order within 15 days of your receipt of this letter:

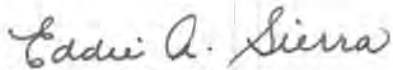
- Submit to the EPA and the Montana Department of Environmental Quality (MDEQ) a written report of the actions you have taken to remove the manure, waste silage, and/or feed from the Kinsey Middle Canal. [This obligation was due November 24, 2011, and required by Paragraph 7 of the Order.]
- Submit to the EPA and MDEQ a Best Management Plan (Plan) to prevent discharges of manure, waste silage, and/or feed from entering the Kinsey Middle Canal. [This obligation was due December 11, 2011, and required by Paragraph 8 of the Order.]
- Submit a Monthly Monitoring Report to the EPA and MDEQ describing the rainfall the facility has received in the past three months and describing whether manure, waste silage, and/or feed from the facility's confinement pens and storage piles has discharged into the Kinsey Middle Canal. [This obligation was due monthly, beginning in

November, 2011, by correspondence postmarked on the 10<sup>th</sup> day of every month. This requirement is contained in Paragraph 11 of the Order.]

Paragraph 15 of the Order indicates that section 309(d) of the Clean Water Act (CWA), 33 U.S.C. § 1319(d), authorizes civil penalties of up to \$37,500 per day for each violation of an order issued by the Administrator of the EPA under section 309(a) of the CWA, 33 U.S.C. § 1319(a). Paragraph 15 of the Order also sets forth information on additional enforcement mechanisms available to the EPA for violations of the CWA. Section 309 of the CWA, 33 U.S.C. § 1319 (c), authorizes fines and imprisonment for willful or negligent violations of the act.

There are serious legal consequences for failure to comply the Order, and again I urge your prompt attention to this matter. If you have any questions concerning this letter, please contact Seth Draper, Enforcement Officer, at 303-312-6763. You or your attorney may also direct legal questions to Mr. Dana J. Stotsky, Enforcement Attorney, at 303-312-6905.

Sincerely,

*for*   
Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance and  
Environmental Justice

cc: Tina Artemis, EPA, Regional Hearing Clerk  
Kari S. Smith, Montana Department of Environmental Quality,

