



## REGION 9

SAN FRANCISCO, CA 94105

June 14, 2024

### **SENT VIA EMAIL ONLY**

Jennifer Hodges  
President, Havasu Water Company  
P.O. Box 1690  
Havasu Lake, CA 92363  
havasuwat@outlook.com

Re: Notice of Noncompliance for EPA Administrative Order No. SDWA-AO-2024-008  
Havasu Water Company  
Public Water System ID No. 090600202

Dear Jennifer Hodges:

This letter is regarding the above-referenced Administrative Order (Order) that the U.S. Environmental Protection Agency Region 9 (EPA) issued to you on May 28, 2024, under Section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g).

### **Noncompliance with Order**

EPA is notifying you that the Havasu Water Company (HWC) has failed to comply with conditions in the Order. EPA issued the Order to bring the HWC public water system (System) into compliance with numerous violations of the Act, including compliance with the Surface Water Treatment Rule (SWTR) requirements as described in Paragraph 69 of the Order. The SWTR requires water systems to submit a monthly operating report (MOR) to EPA within 10 days after the last day of each month. HWC submitted the May 2024 MOR on June 12, 2024, which was after the required due date.

In addition, the Order required you to submit a letter to EPA stating your intent to comply with the Order by June 12, 2024 (Order at Paragraph 61). You submitted a letter on June 12, 2024, but the letter did not state your intent to comply; instead, it contested EPA's jurisdiction. As explained in detail in EPA's November 16, 2023 letter (see attached), the System is located within the exterior boundaries of the Chemehuevi Indian Reservation. However, EPA's authority to issue SDWA compliance orders does not depend on whether the public water system is located within an Indian Reservation. See 42 U.S.C. § 300g-3(a).

## Judicial Review

In your letter dated June 12, 2024, you state that the HWC “reserves the right to contest the EPA’s jurisdiction” regarding the Order. You may seek federal judicial review of the Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a). Any petition for judicial review under this section must be filed within 45 days of the issuance of the Order.

As stated in the Order at Paragraph 86, violation of any term of the Order may subject you to civil enforcement that may include a judicial penalty of up to \$69,733 per day of violation for each day in which such violation occurs, assessed by the United States District Court, under SDWA sections 1414(b) and 1414(g)(3). 42 U.S.C. §§ 300g-3(b) and 300g-3(g)(3). Violation of any term of this Order may, in the alternative, subject you to an administrative penalty of up to \$48,586 after notice and opportunity for a hearing, under SDWA section 1414(g)(3), 42 U.S.C. § 300g-3(g)(3). *See also* 40 C.F.R. § 19.4.

If you have any questions about this letter, please contact Christopher Chen of the Enforcement and Compliance Assurance Division at (213) 244-1853 or at [chen.christopher@epa.gov](mailto:chen.christopher@epa.gov). You may also have your legal counsel contact Alexa Engelman in our Office of Regional Counsel at (415) 972-3884, or by email at [engelman.alexa@epa.gov](mailto:engelman.alexa@epa.gov).

We appreciate your cooperation and prompt attention to this matter.

Sincerely,

**LAWRENCE TORRES**

Digitally signed by LAWRENCE

TORRES

Date: 2024.06.14 10:08:19 -0700

Lawrence Torres, Manager

Drinking Water Section

Enforcement and Compliance Assurance Division

## Enclosures:

1. EPA letter re: Regulatory Oversight of the Havasu Water Company Public Water System, dated November 16, 2023