



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

07/27/2022

12:32pm

Received by
EPA Region VIII
Hearing Clerk

July 27, 2022

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. David Flammond, Owner
Kip's Beer Garden Public Water System
P.O. Box 58
Babb, Montana 58411
kipsbeergarden@yahoo.com

Re: Administrative Order issued to David Flammond regarding Kip's Beer Garden Public Water System, PWS ID #083090098, Docket No. SDWA-08-2022-0019

Dear Mr. Flammond:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that you, as owner and/or operator of the Kip's Beer Garden Public Water System (System), have violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from you, the EPA will assume this information is correct. If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$62,689 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

The EPA acknowledges that the COVID-19 pandemic may be impacting your business. If you have specific COVID-19 issues that would affect the timeframes listed herein, please contact Steven Latino via email at latino.steven@epa.gov or by phone at (800) 227-8917, extension 6440 or (303) 312-6440 within 7 business days of receiving this Order. The EPA may, in its discretion, consider granting an extension.

Any questions from your attorney should be directed to Paige Lambert, Honors Attorney, via email at lambert.paige@epa.gov or by phone at (800) 227-8917, extension 6762, or (303) 312-6762.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosures

cc: Timothy Davis, Chairman, Blackfeet Tribal Business Council
Gerald Wagner, Tribal Environmental Director
Tinsuella Birdrattler, Treasurer
Tonia Armstrong, Financial Office
Dawn Gray, Tribal Attorney
Todd Rydquist, IHS