



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

December 9, 2021

11:51 AM

December 19, 2021

Ref: 8ENF-W-SD

Received by
EPA Region VIII
Hearing Clerk

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Frank Hubert Chapman II, Registered Agent
Lava Mountain Lodge
16985 Buffalo Valley Road
Moran, Wyoming 83013
fhchapman@chapmanlawfirm.com

Re: Administrative Order issued to Lava Mountain Lodge, LLC regarding Lava Mountain Lodge Public Water System, PWS ID #WY5600407, Docket No. SDWA-08-2022-0003

Dear Mr. Chapman:

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 Lava Mountain Lodge, LLC. (Company), as owner and/or operator of the Lava Mountain Lodge Public Water System (System), has 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 the Company believes 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 the Company, the EPA will assume this information is correct. If the Company complies 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 \$59,017 (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 the System has specific COVID-19 issues that would affect the timeframes listed herein, please contact Nathan Hicks via email at hicks.nathaniel@epa.gov or by phone at (800) 227-8917, extension 6546, or (303) 312-6546 within 7 business days of receiving this Order. The EPA may, in its discretion, consider granting an extension.

If you have any questions or to discuss this Order with the EPA, please contact Nathan Hicks at the email and phone number provided above. Any questions from the Company's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosures

cc: WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk
Fremont County Commissioners (travis.becker@fremontcountywy.gov)
James Jackson, Owner, (lavamountainlodge@wyoming.com)
Scott Fisher, General Manager, Lava Mountain Lodge (lavamountainlodge@wyoming.com)