



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

JUL 26 2012

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Ben Ellis, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against Hoback Stores
PWS ID#5601532

Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order is being issued to Hoback Stores. This Order requires that Hoback Stores take measures to return the Hoback Stores public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to take a nitrate confirmation sample after the initial sample exceeded the maximum contaminant level, failure to monitor quarterly for total coliform, and failure to notify the public and the EPA of the violations.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
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JUL 26 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frank Hess, HCD Registered Agents, LLC
Registered Agent, Hoback Stores
P.O. Box 449
Jackson, WY 83001

Re: Administrative Order
Hoback Stores Public Water System
Docket No. **SDWA-08-2012-0039**
PWS ID #5601532

Dear Mr. Hess:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) 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 Hoback Stores, as owner and/or operator of the Hoback Stores water system (the System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have.

If Hoback Stores complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

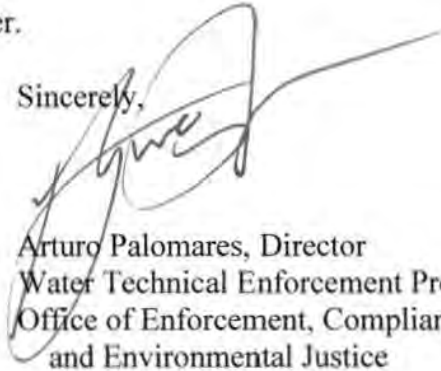
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

The Order requires Hoback Stores to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from Hoback Stores attorney should be directed to Marc Weiner, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', is written over the word 'Sincerely,'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Order
Public Notice template
SBREFA Information Sheet

cc: Larry Huhn, Director, Hoback Stores (hoback@hoback.net)
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 JUL 26 AM 9:43

IN THE MATTER OF:)
)
Hoback Stores,)
)
Respondent.)

Docket No. **SDWA-08-2012-0039**

ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
RECEIVED ON FILE

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Hoback Stores (Respondent) is a Wyoming corporation that owns and/or operates the Hoback Stores Water System (the System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well. The System's water is treated by ion exchange for nitrate removal and a sediment cartridge filter.
4. The System has approximately 2 service connections and/or regularly serves an average of approximately 200 individuals daily at least 60 days out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.
5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. If a nitrate sample exceeds the nitrate maximum contaminant level (MCL) of 10 mg/L shown at 40 C.F.R. 141.62, Respondent is required to either 1) take a confirmation sample within 24 hours of notification of the analytical results or 2) immediately notify the consumers served by the System and take a confirmation sample within two weeks of notification. 40 C.F.R. 141.23(f)(2). Respondent failed to take a confirmation sample within 24 hours of being notified that the System's December 14, 2011, nitrate sample result of 13.0 mg/L exceeded the MCL and failed to immediately notify the consumers served by the System and take a confirmation sample within two weeks of notification of the exceedance and, therefore, violated this requirement.
7. Respondent is required to monitor the System's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the 3rd (July-September) quarter of 2011, and, therefore, violated this requirement.
8. Respondent is required to report the results of testing for nitrate to the EPA no later than (1) the first 10 days following the month in which the result is received, or (2) the first 10 days

following the end of the required monitored period, whichever is earlier. 40 C.F.R. § 141.31(a). Respondent failed to report the monitoring results for a nitrate sample taken December 14, 2011 to the EPA until March 8, 2012, and, therefore, violated this requirement.

9. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violation cited in paragraph 6 and, therefore, violated this requirement. Public notice for violations cited in paragraphs 7 and 8 are not past due.

10. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 6, 8, and 9, above, to the EPA and, therefore, violated this requirement.

11. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 7, above, to the EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

12. Within 30 days after receipt of this Order, Respondent shall collect a nitrate confirmation sample from the System's water. 40 C.F.R. § 141.23(f)(2). Thereafter, Respondent shall comply with all nitrate monitoring requirements at 40 C.F.R. § 141.23.

13. Respondent shall operate, maintain, routinely check, and make adjustments to the nitrate removal system according to the manufacturer's recommendations to prevent future nitrate analytical results that exceed the MCL.

14. Respondent shall monitor the System's water quarterly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

15. Within 24 hours after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 6, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

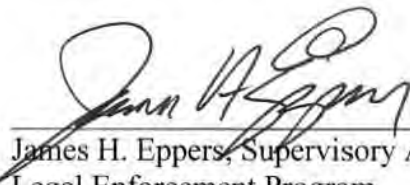
16. Respondent shall report analytical results to the EPA no later than (1) the first 10 days following the month in which the result is received, or (2) the first 10 days following the end of the required monitored period, whichever is earlier. 40 C.F.R. § 141.31(a).
17. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.
18. Respondent shall direct all reporting required by this Order to:


U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

19. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
20. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: July 26, 2012.


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice