



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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FEB 19 2014

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: Violation of Emergency Administrative Order, Hoback Stores Public Water System
PWS ID #5601532, Docket No. SDWA-08-2014-0007

Dear Mr. Hess:

On January 30, 2014, the U.S. Environmental Protection Agency (EPA) issued an Emergency Administrative Order (Order) ordering Hoback Stores, as owner and/or operator of the Hoback Stores public water system, to take actions necessary to protect human health. The Order was issued under the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA's records indicate that the Respondent is in violation of the Order.

Our records indicate that Hoback Stores is in violation of the Order. Among other things, the Order included the following requirement (summarized from item 16 on page 2 of the Order) in which the LLC is named as Respondent and the Hoback Stores public water system was named as the System:

No later than January 31, 2014, Respondent shall collect and submit to a certified laboratory samples from both the System's bathroom and drink station (soda fountain or coffee maker) to be analyzed for VOCs. Respondent shall forward the results to the EPA via email the same day they are received from the laboratory.

Respondent failed to take a sample from the System's bathroom and to have it analyzed for VOCs. The Hoback Stores submitted analytical results to the EPA on February 13, 2014 for a VOC sample taken from the drink station. The System was notified via a telephone call from Kathelene Brainich, EPA, to Marc Kelley, Hoback Stores, on February 14, 2014, to immediately obtain a sample bottle from the laboratory and take a sample from the bathroom sink to have it analyzed for VOCs.

EPA is considering additional enforcement action as a result of the Hoback Stores' non-compliance with the Order. Violating an emergency administrative order may lead to civil penalties of up to \$21,500 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19.

If you have any questions you may contact Kathelene Brainich at 1-800-227-8917, extension 6481, or (303) 312-6481. If you are represented by an attorney who has questions, please ask the attorney to direct any legal questions to Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858, or at the following address:

Peggy Livingston, Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Kimberly Pardue-Welch, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

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