



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-W

DEL 19 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Andy Schwartz, Chairman
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Hoback Stores
PWS ID#WY5601532

Dear County Commissioners:

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

An Administrative Order (Order) is being issued to Hoback Stores, located in Jackson, Wyoming. The Order requires that Hoback Stores take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The Order cites these violations of the NPDWRs: exceeding the maximum contaminant level for total coliform bacteria, failure to monitor quarterly for total coliform, and failure to provide public notice of the violations.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Shawn McCaffrey at (303) 312-6515.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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DEC 19 2008

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Frank Hess, Registered Agent
Hoback Stores
30 E. Simpson Street
P.O. Box 449
Jackson, WY 83001

Re: Administrative Order
Docket No. **SDWA-08-2009-0022**
PWS ID #WY5601532

Dear Mr. Hess:

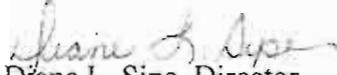
Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. Among other things, the Order describes how Hoback Stores violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Hoback Stores complies with the Order for twelve months, 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.

To submit information or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515, or (303) 312-6515. For legal questions, the attorney assigned to this matter is Peggy Livingston, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order

cc: Brad Crouch, Operator
WY DEQ (via email)
WY DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

bcc: Brenda Cazier, 8ENF-PJ
Jack Rychecky, 8P-W-DW
Peggy Livingston, 8ENF-L
John Gillis, 8P-W-DW (via e-mail)
Charla Colson, 8P-W-DW
Lisa Kahn, 8ENF-W
Shawn McCaffrey, 8ENF-W
Reading File

cc addresses:

Brad Crouch (via certified mail/return receipt requested)
Hoback Store
10850 South Highway 89
Jackson, WY 83001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 FEB 19 10:11 AM

IN THE MATTER OF _____)
)
Hoback Stores)
Jackson, Wyoming)
)
Respondent _____)

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2009-0022**

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. Respondent owns and/or operates the Hoback Stores Water System (the system) located in Teton County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well, is not treated, and serves more than 70 people through 1 service connection all year. The system is a "non-community water system" as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

VIOLATIONS

3. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63. Respondent's sampling results in April 2008 and July 2004 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

4. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during 4th quarter (October-December) 2007, 3rd quarter 2006, and 4th quarter 2005, and, therefore, violated this requirement.

5. Respondent is required to report any total coliform MCL to EPA by the end of the next business day after it learned of the violation. 40 C.F.R. § 141.21(g)(1). Respondent failed to report to EPA the MCL violations listed in paragraph 3 above and, therefore, violated this requirement.

6. Respondent is required to report any failure to comply with a total coliform monitoring requirement to the EPA within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the EPA the failure to monitor total coliform violations listed in paragraph 4 above and, therefore, violated this requirement.

7. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 et seq. Respondent failed to notify the public of the violations listed in paragraph 3 above, as well as the 2006 and 2007 violations listed in paragraph 4 above and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent:

8. Upon receipt of this Order, Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63(a)(2). Any violation of this MCL shall be reported to EPA by the end of the next business day after Respondent learns of it. 40 C.F.R. § 141.21(g)(1).

9. If the system has a total coliform MCL while this Order is in effect, Respondent shall submit to EPA, within 30 days of the MCL violation, detailed plans for bringing the system into compliance with the MCL for coliform bacteria. 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for total coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 180 days from the first MCL violation after this Order) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please note that approval from the Wyoming Department of Environmental Quality (DEQ) may be required for any changes to the system.

10. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.

11. If plans are required as stated in paragraph 9 above, Respondent shall submit to EPA monthly reports on the progress made toward bringing the system into compliance with the coliform bacteria MCL. 40 C.F.R. § 141.63.

12. Upon receipt of this Order, Respondent shall monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent shall report any violation of total coliform monitoring to EPA within 10 days after learning of it. 40 C.F.R. § 141.21(g)(2).

13. Within 30 days of receipt of this Order, Respondent shall provide notice to the public of the 2004 and 2008 violations listed in paragraph 3 above, as well as the 2006 and 2007 violations listed in paragraph 4 above by (1) posting the notice for no less than seven days in public locations where it can be seen by people served in the system OR (2) mailing or delivering the notice to each customer and connection, AND (3) any other effective method if people would not be notified by either of the first two notice options. 40 C.F.R. § 141.201 et seq. If public notice was performed at the time of the violations, Respondent may submit a copy of the public notice that was previously completed. Respondent shall notify the public of any future violations. Respondent shall send a copy of the notice to EPA within 10 days after providing the notice. 40 C.F.R. § 141.21(g)(2).

14. Upon the effective date of this Order, Respondent shall report all analytical results to EPA within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

15. Reporting requirements specified in this Order shall be provided by certified mail to:

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

GENERAL PROVISIONS

16. This Order does 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 EPA to forgo any civil or criminal action.

17. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

Dated: 12/10/08


Michael T. Risner, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice