



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2014 APR 21 AM 8:30

EPA REGION VIII
MAILING CLERK

APR 21 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: 2nd 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 Section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i.

Our records indicate that Hoback Stores is again in violation of the Order. Among other things, the Order included the following requirement (summarized from items 17 and 18 on page 3 of the Order), in which the LLC is named as Respondent and the Hoback Stores public water system was named as the System:

Respondent shall provide the EPA with a plan and schedule that outlines actions to be taken that will ensure the protection of public health at the System. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the Order. The schedule will be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

On March 13, 2014, the EPA issued an addendum to the Order incorporating the March 7, 2014, schedule submitted by Marc Kelley of Hoback Stores to address high benzene levels in the water by installing a GAC water filtration system to serve all water needs by April 15, 2014. During a telephone call from Kathelene Brainich of the EPA to Larry Hahn of Hoback Stores on April 16, 2014, Ms. Brainich determined that the GAC filter has not been installed and that the required application for a permit to construct had not yet been submitted to the Wyoming Department of Environmental Quality.

The following paragraph was included in the March 13, 2014 addendum:

Please note that the EPA expects this approved schedule to be met. While not creating any right to an extension, the EPA in its discretion may consider granting an extension to compliance order deadlines under limited circumstances. If unexpected events occur that are beyond the System's control and that may require the System to request an extension of these deadlines, the System is responsible for notifying the EPA well in advance of the deadline dates. The EPA will not consider extending these deadlines without a clear justification for their need. The System must provide the following information in writing for any request for extensions: a description of the work that has been completed and the additional work that may not be completed by the deadline dates, the unexpected events that have occurred or may occur and how the System has attempted to foresee and use its best efforts to overcome these obstacles, and proposed new deadline dates with justification for the length of the proposed new deadlines.

It does not appear that Hoback Stores has encountered any unexpected events that would justify an extension to the April 15th deadline. Nor did Hoback Stores request any such extension. By failing to meet the April 15th deadline, Hoback Stores has violated, and continues to violate, the Order.

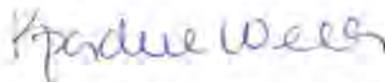
EPA is considering additional enforcement action as a result of the Hoback Stores' non-compliance with the Order. Violating an emergency administrative order may lead to civil penalties of up to \$21,500 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19.

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 contact Peggy Livingston, Senior Enforcement Attorney, at 1-800-227-8917, extension 6858, or (303) 312-6858, or at the following address:

Peggy Livingston, Senior 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