



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
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Phone 800-227-8917  
<http://www.epa.gov/region08>

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

JUN 26 2013

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 Violation  
Hoback Stores Public Water System  
Docket No. SDWA-08-2012-0039  
PWS ID #5601532

Dear Mr. Hess:

On July 26, 2012, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (Order) ordering Hoback Stores, as owner and/or operator of the Hoback Stores public water system, to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. part 141.

Our records indicate that Hoback Stores (Respondent) is in violation of the Order. Among other things, the Order included the following requirement (summarized from items 12, 14, 15 and 17 on pages 2 and 3 of the Order):

1. Respondent shall comply with all nitrate monitoring requirements at 40 C.F. R. §141.23.

The EPA did not receive a 1<sup>st</sup> quarter 2013 nitrate sample result. The EPA does have a 2<sup>nd</sup> quarter 2013 nitrate sample result taken May 29, 2013.

2. Respondent shall monitor the System's water quarterly for total coliform bacteria 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).

The EPA did not receive a 1<sup>st</sup> quarter 2013 total coliform monitoring result. Respondent did not report the total coliform monitoring violation to the EPA.

3. 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. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

EPA has not received the public notice for the failure 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.

4. 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.

Respondent did not report the nitrate monitoring violation cited above to the EPA.

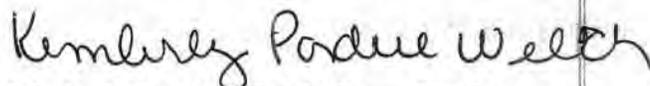
EPA is considering additional enforcement action as a result of the Respondent's non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

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 Marc Weiner, Enforcement Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913, or at the following address:

Marc Weiner, 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: WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk