



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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DEC 21 2011

Ref: 8 ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald Abernathy, Registered Agent
Hudson Gas, Grill and Goods, Inc.,
c/o McKee, Marburger and Fagnant, PC
185 South 5th
Lander, WY, 82520

Re: Violation of Administrative Order
Hudson Gas, Grill and Goods
Public Water System
Docket No. SDWA-08-2011-0060
PWS ID # WY5601441

Dear Mr. Abernathy:

On August 22, 2011, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2011-0060, ordering Hudson Gas, Grill and Goods, Inc. (the Respondent), as owner and/or operator of the Hudson Gas, Grill and Goods public water system (system), to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate that the Respondent is in violation of the Order. Among other things, the Order included the following requirements (quoted from paragraphs 17 and 18 on page 4 of the Order):

1. *Within seven days after receipt of this Order, Respondent shall consult with EPA regarding the appropriate corrective action for the significant deficiency of the system's lack of an emergency response plan, identified in EPA's letter of February 14, 2011, as required by C.F.R. § 141.403(a)(4). Within 60 days of receipt of this Order, Respondent must submit an emergency response plan to EPA. C.F.R. § 141.403(a)(5).*

On September 2, 2011, Respondent consulted with EPA regarding the appropriate corrective action for the significant deficiency of the system's lack of an emergency response plan (ERP). That same day, Respondent faxed a blank ERP template to the EPA. On September 9, 2011, EPA advised Respondent that the plan submitted was not complete, and requested that the ERP template be properly completed. As of the date of this letter, EPA has not received a completed ERP from Respondent. Please submit a complete ERP to EPA as soon as possible.

2. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7, 8, 10, and 11, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the 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 EPA.

As of the date of this letter, EPA has not received a copy of the public notice Respondent was required to post for the users of its water system. Please post the public notice and submit a copy to EPA as soon as possible.

EPA is considering additional enforcement action, including assessment of penalties, as a result of the non-compliance with the Order detailed above. 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 or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If you are represented by an attorney who has questions, please ask your attorney to contact Jean Belille, Enforcement Attorney, at 1-800-227-8917, extension 6556 or (303) 312-6556 or at the following address:

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

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ and DOH via e-mail
Ron Abernathy, Registered Agent, HGGG, LLC