



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JAN 30 2014

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HCD Registered Agents, LLC
Registered Agent, Hoback Stores
P.O. Box 449
Jackson, WY 83001

RE: Emergency Administrative Order under Section 1431 SDWA, Hoback Stores Public Water System,
PWS ID #WY5601532, Docket No. **SDWA-08-2014-0007**

Dear Whomever This May Concern:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to Hoback Stores (Hoback) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Hoback public water system (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on a customer complaint of a gas smell from a bathroom faucet at the System during a visit on January 24, 2014, and a laboratory analysis of volatile organic contaminants (VOCs) dated October 23, 2012, from the System's water that showed the benzene level was 0.29 milligrams per liter (mg/l). (As a comparison, the maximum contaminant level established for benzene by 40 C.F.R. § 141.61 is 0.005 mg/l.)

Pursuant to its authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health at the System.

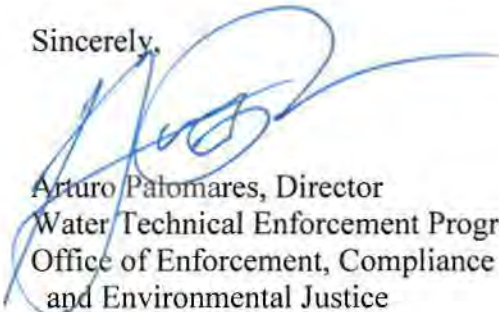
The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires, in part, that Hoback post a Do Not Use notice at the bathroom and kitchen sinks until further notice from EPA and collect and analyze one VOC sample from each bathroom sink and from the drink station (soda fountain/coffee maker), among other steps. The penalties for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Kathelene Brainich at (800) 227-8917, extension 6481, or 303-312-6481, or via e-mail at branich.kathelene@epa.gov. Any questions

from counsel for Hoback should be directed to Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6858.

Thank you for your attention to this matter.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Frank Hess, Registered Agent, Hoback Stores, LLC (by certified mail, return receipt requested)
Marc Kelley and Larry Huhn, Hoback Stores (by e-mail to hoback@hoback.net)
Tina Artemis, EPA Regional Hearing Clerk (by hand delivery)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 JAN 30 PM 3:12

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Hoback Stores)
PWS ID WY5601532)
)
Respondent.)
_____)

Docket No. **SDWA-08-2014-0007**

EMERGENCY ADMINISTRATIVE ORDER

AUTHORITY

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.
2. Failure to comply with this Order may result in civil penalties of up to \$21,500 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19.
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), when certain conditions exist which may present an imminent and substantial endangerment to the health of humans, and other state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. Hoback Stores (Respondent) is a Wyoming corporation.
5. Respondent is a "person" as that term is defined in the Act. 42 U.S.C. § 300f(2).
6. Respondent owns and/or operates the Hoback Stores Public Water System (System) located in Teton County, Wyoming, which provides water to the public for human consumption.
7. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year are "public water systems" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and, therefore, are subject to the requirements of the Act and the National Primary Drinking Water Regulations at 40 C.F.R. part 141.
8. The System has approximately one service connection and regularly serves an average of approximately 200 person per day and is, therefore, a public water system as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4).
9. The EPA has determined that this Order is necessary to protect human health.

10. Prior to issuing this Order, the EPA consulted with the System and state and/or local governmental authorities to confirm the facts stated in this Order and to confirm that state and local governments are unable to act to protect public health in this instance.

11. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated below.

12. On January 28, 2014, the EPA received a customer complaint that during a visit on January 24, 2014, the water in a bathroom sink at the System bathrooms smelled like gasoline. The complainant also stated that someone he knew had had the same observation approximately six months previously while visiting the System. According to information from the System, a granular activated carbon (GAC) filter was installed to treat the drink station (soda fountain and coffee maker) after a gas odor was detected in 2012 and analytical results of a sample taken on October 23, 2012, confirmed levels of benzene, a volatile organic contaminant (VOC), at 0.29 milligrams per liter (mg/l). The bathrooms reportedly have constant air flow through vents.

13. On January 29, 2014, the EPA instructed the System via e-mail to immediately obtain sample bottles to monitor the bathrooms and soda fountain/coffee maker water for VOCs, have them analyzed by a certified laboratory, and report the results to the EPA via e-mail upon receipt. The System was further instructed to post notices at both bathrooms and the kitchen sink that the water is not to be used for consumption and that treated water is available through the soda fountain.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of its intention to comply with the terms of this Order. Notification by e-mail is acceptable.

NON-POTABLE WATER NOTICE

15. Respondent shall continue to post notice at both bathrooms and the kitchen sink that the water is not to be used for consumption. Respondent shall continue posting the notice until the EPA provides written notice that it may be discontinued.

MONITORING REQUIREMENTS

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

COMPLIANCE MEASURES

17. Within 30 days of the effective date of this Order, 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. If applicable, 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 proposed schedule shall include specific milestone dates and a final compliance date (to be within six months from the date of EPA's approval of the schedule). The schedule must be approved by the EPA before construction or modifications may commence. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approval of plans and specifications (e.g., engineering plans) that may also be required before modifications can be made to the System. Upon review of the VOC results, EPA may require additional measures.

18. The schedule required by paragraph 17, above, will be incorporated into this Order as an enforceable requirement upon written approval by the EPA. The EPA may incorporate the above required schedule into a new administrative order.

REPORTING

19. Respondent must give weekly updates to the EPA on the progress of ensuring that the System's water is safe to drink. Updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

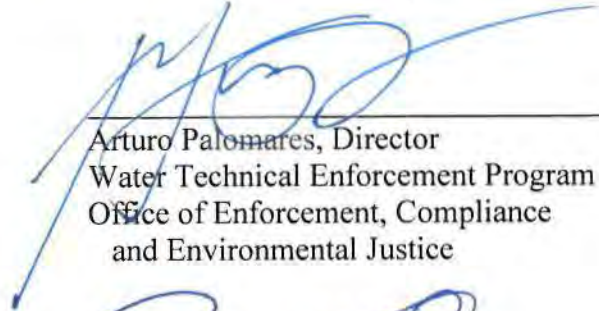
20. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Kathelene Brainich, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917, ext. 6481, or (303) 312-6481
Fax (303) 312-7518
e-mail: brainich.kathelene@epa.gov


21. This Order does not relieve the Respondent from complying with any applicable federal, state, or local law.

22. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order under section 1431 of the SDWA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a).

23. Issued and effective this 30th day of January, 2014.



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice