



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2015 SEP 30 PM 2: 32

FILED  
EPA REGION VIII  
HEARING CLERK

SEP 30 2015

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Fred Nelson, Registered Agent  
The Kinnear Store, Inc.  
PO Box 372, 11519 Hwy 26  
Kinnear, Wyoming 82516

Re: Administrative Order issued to The Kinnear Store, Inc., owner of the Kinnear Store  
Public Water System, PWS ID # 5601577, Docket No. **SDWA-08-2015-0056**

Dear Mr. Nelson:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that The Kinnear Store, Inc. (Company), as owner and/or operator of the Kinnear Store Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information the Company believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any public notices issued but not provided to the EPA, any updates to the numbers of connections and/or individuals served, etc.).

If the Company complies with the Order, the 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.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

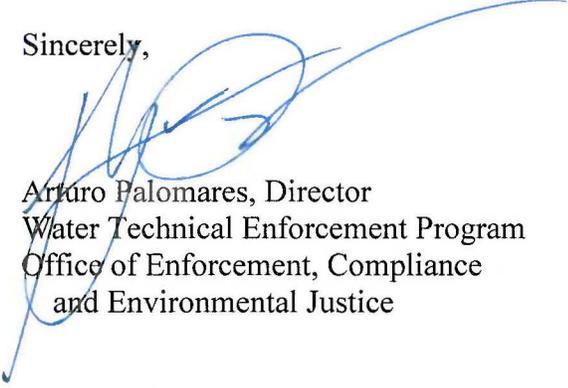
The Order requires the Company to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or request an informal conference with the EPA, please contact Jill Minter at the above address (with the mailcode 8ENF-W) or by email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov) or phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from the Respondent's attorney should be

directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) or phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

cc: Mr. Darwin St. Clair, Jr., Chairman, Eastern Shoshone Tribe  
Mr. Dean Goggles, Chairman, Northern Arapaho Tribe  
WY DEQ/DOH (via email)  
Ms. Tina Artemis, EPA Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, COLORADO 80202-1129  
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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Fremont County Commissioners  
c/o Douglas L. Thompson, Chairman  
Fremont County Courthouse  
450 North 2<sup>nd</sup> Street  
Lander, Wyoming 82520

Re: Notice of Safe Drinking Water Act Enforcement Action against The Kinnear Store, Inc.,  
owner of the Kinnear Store Public Water System, PWS ID # 5601577. **DOCKET NO. : SDWA-08-2015-0056**

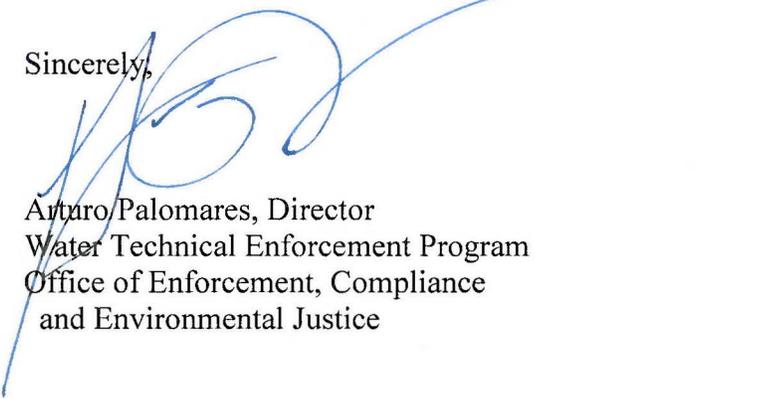
Dear Commissioners:

The Safe Drinking Water Act requires that the U.S. Environmental Protection Agency notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order (Order) is being issued to The Kinnear Store, Inc. (Company), which owns the Kinnear Store Public Water System, located in Fremont County, Wyoming, directing the Company to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to monitor for nitrate, failing to monitor for total coliform bacteria, failing to notify the public of certain violations, and failing to report certain violations to the EPA.

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 Jill Minter at (303) 312-6084 or [minter.jill@epa.gov](mailto:minter.jill@epa.gov).

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2015 SEP 30 PM 2: 31

IN THE MATTER OF: \_\_\_\_\_ )  
 )  
The Kinnear Store, Inc., )  
 )  
 )  
 )  
Respondent. \_\_\_\_\_ )

Docket No. ~~SDWA-08-2015-0056~~

FILED  
EPA REGION VIII  
HEARING CLERK

**ADMINISTRATIVE ORDER**

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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. The Kinnear Store, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Kinnear Store Public Water System (System), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via a single well with a submersible pump and a 60 gallon hydropneumatic tank. The water is not treated.
4. The System has approximately 6 service connections and/or regularly serves an average of approximately 25 individuals daily at least 60 days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are “applicable requirements” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. Respondent is required to monitor the System’s water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System’s water for nitrate during 2014 and, therefore, violated this requirement. Respondent did take a nitrate sample on March 15, 2015.
8. Respondent is required to monitor the System’s water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System’s water for total coliform bacteria during the 4<sup>th</sup> quarters (October – December) of 2013 and 2011, and, therefore, violated this requirement.
9. Within 24 hours of being notified that any routine sample of the System’s water is positive for total coliform, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take all required repeat samples of the System’s water within 24 hours of being

notified that the sample taken on September 21, 2011, was positive for total coliform and, therefore, violated this requirement. Respondent did take 1 repeat sample on September 29, 2011.

10. Respondent is required to conduct triggered source water monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. 40 C.F.R. § 141.402. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator (i.e., *E. coli*). Respondent was notified that a routine sample taken September 21, 2011, (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) was positive for total coliform. However, Respondent failed to collect a ground water source sample within 24 hours and, therefore, violated this requirement. 40 C.F.R. § 141.402.

11. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraphs 8, 9, and 10, above, and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations cited in paragraphs 8 and 9, above, to EPA and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7, 10, and 11, above, to the EPA and, therefore, violated this requirement.

### **ORDER**

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

14. Respondent shall monitor the System's water annually for nitrate. 40 C.F.R. § 141.23. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). The next nitrate sample is due in 2016.

15. Respondent shall monitor the System's water quarterly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). 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).



16. Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis (i.e., E. coli) within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. 40 C.F.R. § 141.402. If the sample is negative, Respondent shall report that result to the EPA no later than 10 days after the end of the month in which the sample is taken. If the sample is positive, Respondent shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. When reporting any triggered source water sample result to the EPA, Respondent shall specify that it is a triggered source water sample.
17. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.
18. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 8, 9, and 10, above, following the instructions provided with the public notice template enclosed with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any 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 the EPA.
19. If the number of individuals served by the System falls below an average of 25 daily at least 60 days of the year, Respondent shall notify the EPA in writing within 10 days.
20. This Order shall be binding on Respondent, its successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
21. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.
22. Respondent shall send all reporting and notifications required by this Order in writing to:

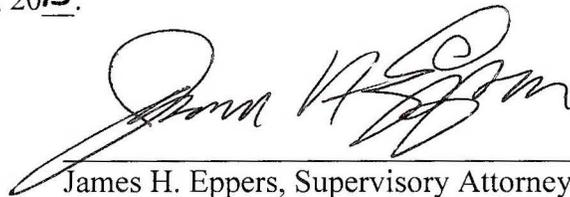
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop  
Denver, Colorado 80202-1129



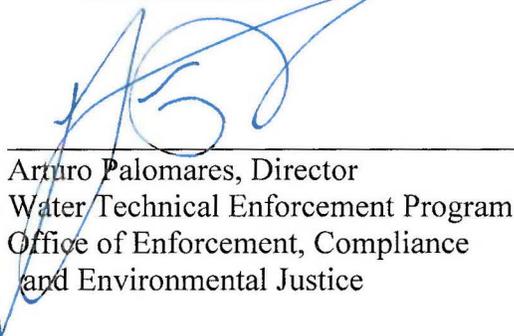
**GENERAL PROVISIONS**

23. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
24. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.
25. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
26. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: September 30, 2015.



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



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



# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Monitoring Requirements Not Met for Kinnear Store

Our water system violated several drinking water regulations over the compliance period shown below. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not your drinking water meets health standards. During 2014, we did not monitor for nitrate. During the 4<sup>th</sup> quarters of 2011 and 2013, we did not monitor for total coliform bacteria. In addition, within 24 hours of a positive total coliform routine sample on September 21, 2011, we did not take a sufficient number of repeat samples and we did not take a ground water source sample. Therefore cannot be sure of the quality of your drinking water during these times.

### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency	When samples should have been taken	When samples were taken
Nitrate	Once per year	During 2014	March 25, 2015
Total coliform bacteria	Quarterly	4 <sup>th</sup> Quarter 2011 and 4 <sup>th</sup> Quarter 2013 (October - December)	January 3, 2012 and January 14, 2014
Total coliform bacteria	Take 4 repeat samples within 24 hours of a positive total coliform routine sample	4/4 samples on September 29, 2011	1/4 samples on September 29, 2011
<i>E. coli</i>	Sample the ground water source within 24 hours of a positive total coliform routine sample	September 29, 2011	

### What happened? What is being done?

For more information, please contact Fred Nelson at 307-856-0277, or at 11519 Hwy. 26, Kinnear, WY 82516.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hands or mail.

This notice is being sent to you by Kinnear Store Public Water System, PWS ID # 5601577.

Date distributed: \_\_\_\_\_.

**ATTENTION: PWS Operator/Responsible Party**

For monitoring violations, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)).

Community systems must use one of the following methods of delivery (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods of delivery (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

**Corrective Actions**

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

**After Issuing the Notice**

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements. Mail copies to:

Jill Minter  
 US EPA Region 8  
 Drinking Water Enforcement Program (8ENF-W)  
 1595 Wynkoop Street  
 Denver, CO 80202-1129

Or, you can fax a copy toll-free to 1-(877) 876-9101 or send via email to [minter.jill@epa.gov](mailto:minter.jill@epa.gov).

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued  
(PWS Operator/Responsible Party)

from \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_



## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### **Small Business Programs**

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

### **EPA's Asbestos Small Business Ombudsman**

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### **EPA's Compliance Assistance Homepage**

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### **EPA's Compliance Assistance Centers**

[www.assistancecenters.net](http://www.assistancecenters.net)  
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### **Agriculture**

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

### **Automotive Recycling**

[www.ecarcenter.org](http://www.ecarcenter.org)

### **Automotive Service and Repair**

[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

### **Chemical Manufacturing**

[www.chemalliance.org](http://www.chemalliance.org)

### **Construction**

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

### **Education**

[www.campuserc.org](http://www.campuserc.org)

### **Food Processing**

[www.fpeac.org](http://www.fpeac.org)

### **Healthcare**

[www.hercenter.org](http://www.hercenter.org)

### **Local Government**

[www.lgean.org](http://www.lgean.org)

### **Metal Finishing**

[www.nmfrc.org](http://www.nmfrc.org)

### **Paints and Coatings**

[www.paintcenter.org](http://www.paintcenter.org)

### **Printing**

[www.pneac.org](http://www.pneac.org)

### **Ports**

[www.portcompliance.org](http://www.portcompliance.org)

### **Transportation**

[www.tercenter.org](http://www.tercenter.org)

### **U.S. Border Compliance and Import/Export Issues**

[www.bordercenter.org](http://www.bordercenter.org)

### **EPA Hotlines, Helplines and Clearinghouses**

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

### **Clean Air Technology Center (CATC) Info-line**

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

### **Superfund, TRI, EPCRA, RMP and Oil Information Center**

[www.epa.gov/superfund/contacts/infocenter/index.htm](http://www.epa.gov/superfund/contacts/infocenter/index.htm) or 1-800-424-9346

### **EPA Imported Vehicles and Engines Public Helpline**

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 734-214-4100

### **National Pesticide Information Center**

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### **National Response Center**

**Hotline** to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### **Pollution Prevention Information Clearinghouse (PPIC) -**

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799

### **Safe Drinking Water Hotline -**

[www.epa.gov/drink/hotline/index.cfm](http://www.epa.gov/drink/hotline/index.cfm) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### State Small Business Environmental Assistance Programs (SBEAPs)

[www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

### EPA's Small Business Compliance Policy

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)

This Policy offers small businesses special incentives to come into compliance voluntarily.

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*