



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

Ref: 8ENF-L

SEP 21 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Registered Agents, Inc
Registered Agent for Carothers Construction, Inc.
1535 Grant Street, Suite 140
Denver, CO 80203

Re: Administrative Complaint and Notice of
Opportunity for Hearing
Docket No. **CWA-08-2011-0031**

Dear Registered Agent:

On April 25, 2011, an inspection of Carothers Construction's (Carothers) Fort Carson Army Air Force Exchange construction site on Fort Carson, Colorado by the U.S. Environmental Protection Agency (EPA) revealed violations of the facility's Authorization to Discharge under the EPA's National Pollutant Discharge Elimination System General Permit for Discharges from Large and Small Construction Activities, Permit No. COR10DT3F (the permit). The Clean Water Act (CWA or Act) prohibits, among other things, the discharge of pollutants except as in compliance with the terms of a permit issued under section 402 of the Act, 33 U.S.C. § 1342. See 33 U.S.C. § 1311.

Enclosed is an Administrative Complaint and Notice of Opportunity for Hearing (complaint) that EPA is issuing to Carothers under the authority of § 309(g) of the Act, 33 U.S.C. § 1319(g). In the complaint, EPA alleges that Carothers violated numerous provisions of the permit, in violation of section 301 of the Act, 33 U.S.C. § 1311. The complaint proposes that a penalty of \$25,500.00 be assessed against Carothers for these violations.

By law, Carothers has the right to request a hearing regarding the violations alleged in the complaint and the appropriateness of the proposed administrative civil penalty. Please pay particular attention to the section of the complaint entitled "Notice of Opportunity to Request a Hearing." If Carothers wishes to request a hearing, it must file within thirty (30) days of receipt of the enclosed complaint, a written answer with the EPA Regional Hearing Clerk at the address set forth in the complaint. The written request must follow the requirements of the Consolidated Rules of Practice at 40 C.F.R. part 22, a copy of which is enclosed. Note that should Carothers fail to request a hearing within thirty (30) days of receipt of the complaint, the right to such a hearing will be waived and the proposed civil penalty may be assessed against Carothers without further proceedings.



Printed on Recycled Paper

If Carothers wishes to settle this matter without further legal action, it may waive the right to a hearing and, within thirty days of receipt of this letter, pay the proposed penalty to "Treasurer, United States of America," at the address set forth in the complaint.

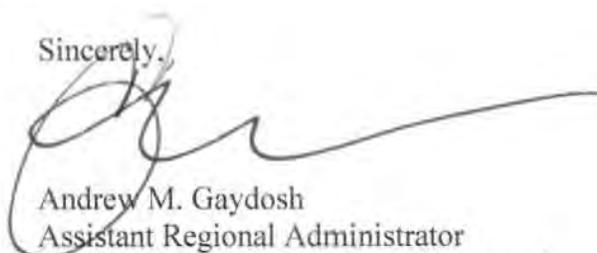
Enclosed is a copy of "U.S. EPA Small Business Resources," which can assist in complying with federal environmental laws. Also enclosed is an SEC Disclosure Notice.

Whether or not Carothers requests a hearing, it may confer informally with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference. If a mutually satisfactory settlement can be reached, it will be formalized by the issuance of a consent agreement signed by Carothers and the delegated official in EPA Region 8. The issuance of such a consent agreement shall constitute a waiver by Carothers of its right to a hearing on, and to a judicial appeal of, the agreed upon civil penalty. A request for an informal conference with EPA does not extend the thirty day period within which Carothers must request or waive the right to a hearing. The two procedures can be pursued simultaneously.

Carothers has the right to be represented by an attorney at any stage in the proceedings, including any informal discussions with EPA, but it is not required. If Carothers wishes to discuss settlement or technical questions, please contact David Gwisdalla, Environmental Engineer, at (303) 312-6193. Legal questions, including any communications from an attorney, should be directed to Charles Figur, Senior Enforcement Attorney, at (303) 312-6915.

We urge your prompt attention to this matter.

Sincerely,



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Enclosures:

1. Administrative Complaint and Notice of Opportunity for Hearing
2. Consolidated Rules of Civil Practice (40 C.F.R. part 22)
3. U.S. EPA Small Business Resources Information Sheet
4. SEC Disclosure Notice

cc: Dr. Christopher E. Urbina, Executive Director, CDPHE
Jessica Frank, Storm Program Manager, Fort Carson

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 SEP 21 PM 12:00

In the Matter of:)
)
) ADMINISTRATIVE PENALTY
Carothers Construction, Inc.,) COMPLAINT AND NOTICE OF
a Mississippi Corporation) OPPORTUNITY FOR HEARING
)
Respondent.) Docket No. CWA-08-2011-0031

EPA REGION 8
HEARING CLERK

INTRODUCTION

1. This civil administrative enforcement action is authorized by section 309(g) of the Federal Water Pollution Control Act, commonly known as the Clean Water Act (the "CWA" or "Act"), 33 U.S.C. §1319(g). The rules for this proceeding are the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits" ("Rules of Practice"), 40 C.F.R. part 22. A copy of the Rules of Practice is attached.
2. The undersigned EPA official has been properly delegated the authority to issue this complaint.
3. Because the Respondent, Carothers Construction, Inc. ("Respondent") has violated the Act and its implementing regulations, EPA proposes to assess a civil penalty, as more fully described below.

NOTICE OF OPPORTUNITY FOR A HEARING

4. Respondent has the right to a public hearing before an administrative law judge to disagree with any allegation EPA has made in this complaint and/or the appropriateness of the penalty EPA proposes.
5. To protect its right to a hearing, Respondent must file a written answer (and one copy) to this penalty complaint and notice of opportunity for hearing (complaint) with the Regional Hearing Clerk of EPA Region 8 (1595 Wynkoop Street, Mail Code 8RC, Denver, Colorado 80202) within 30 days of receiving this complaint. The answer must clearly admit, deny or explain the factual allegations of the complaint, the grounds for any defense, the facts Respondent disputes, and its request for a public hearing. Please see section 22.15 of the Rules of Practice for more information on what must be in the answer. **FAILURE TO FILE AN ANSWER AND REQUEST FOR HEARING WITHIN 30 DAYS MAY WAIVE RESPONDENT'S RIGHT TO DISAGREE WITH THE ALLEGATIONS AND/OR PROPOSED PENALTY. IT MAY ALSO**

RESULT IN A DEFAULT JUDGMENT AND ASSESSMENT OF THE FULL PENALTY PROPOSED IN THE COMPLAINT OR THE MAXIMUM PENALTY AUTHORIZED BY THE ACT.

QUICK RESOLUTION

6. Respondent may resolve this proceeding at any time by paying the penalty amount proposed in this complaint. Such payment need not contain any response to, or admission of, the allegations in this complaint. Such payment waives Respondent's right to contest the allegations and to appeal any final order resulting from this complaint. See section 22.18 of the Rules of Practice for further explanation of the quick resolution process.

SETTLEMENT NEGOTIATIONS

7. EPA encourages informal settlement conferences if matters are not resolved using the quick resolution process. If Respondent wishes to pursue the possibility of settling this matter, or has any other questions, Respondent should contact Charles Figur, Senior Enforcement Attorney, by telephone at 1-800-227-8917; extension 6915, or 303-312-6915, or by mail at the address below. **Please note that contacting this attorney or requesting a settlement conference does NOT delay the running of the 30-day period for filing an answer and requesting a hearing.**

GENERAL ALLEGATIONS

The following general allegations apply to all times relevant to this action and to each count of this complaint:

8. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into navigable waters, unless authorized by certain other provisions of the Act, including section 402, 33 U.S.C. §1342.
9. Section 402 of the Act, 33 U.S.C. § 1342, establishes the National Pollutant Discharge Elimination System ("NPDES") program, under which EPA and, upon receiving authorization from EPA, states may permit discharges into navigable waters, subject to specific terms and conditions.
10. Section 402(p) of the Act, 33 U.S.C. § 1342(p), requires that any discharge of storm water associated with an industrial activity must comply with the requirements of an NPDES permit.
11. As directed by section 402(p) of the Act, 33 U.S.C. § 1342(p), EPA has issued regulations that further define requirements for NPDES permits for storm water discharges. The regulations include those codified at 40 C.F.R. § 122.26.

12. EPA's regulations define discharges associated with industrial activity to include construction activity, with exceptions not relevant here. 40 C.F.R. § 122.26(b)(14)(x).
13. EPA's regulations require each person who discharges storm water associated with construction activity to obtain coverage under either an individual permit or a promulgated general permit. 40 C.F.R. § 122.26(c).
14. Respondent is a Mississippi corporation and is doing business in the State of Colorado.
15. EPA retains the lead for NPDES program implementation on all federal lands in Colorado. Fort Carson is on federal land.
16. Effective June 30, 2008, EPA issued a general NPDES permit authorizing discharges of storm water associated with construction activities, if done in compliance with the conditions of the permit. Permit no. COR10000F ("Permit"). As of January 28, 2010, the Permit was administratively extended until June 30, 2011. This Permit was in effect during all times relevant to this complaint.
17. Respondent is a "person" as defined in section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
18. Respondent thus is subject to the requirements of the Act and 40 C.F.R. part 122.
19. Respondent owns and/or has been engaged in construction activities at a facility known as the Army Air Force Exchange Service (also known as Post Exchange, PX) Facility Renovation and Expansion, located at 6100 Martinez Street, Fort Carson, Colorado, 80913 ("facility").
20. At its facility, Respondent's construction activities have disturbed over five acres.
21. The runoff and drainage from Respondent's facility is "storm water" as defined in 40 C.F.R. § 122.26(b)(13).
22. Storm water contains "pollutants" as defined by section 502(6) of the Act, 33 U.S.C. § 1362(6).
23. Storm water, snow melt, surface drainage and runoff water has been leaving Respondent's facility and flows into Fort Carson's municipal separate storm sewer system (Fort Carson MS4).
24. The Fort Carson MS4 ultimately discharges by gravity flow to an unnamed ditch (U-Ditch) with intermittent flows, which is a tributary of Fountain Creek.

25. Fountain Creek is a “waters of the United States,” as defined by 40 C.F.R. § 122.2, and therefore a “navigable water” within the meaning of § 502(7) of the Act, 33 U.S.C. § 1362(7).
26. Storm water runoff from Respondent’s facility first entering the Fort Carson MS4 and then entering the U-Ditch and Fountain Creek is the “discharge of a pollutant” as defined by section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2.
27. Respondent’s facility is a “point source” as that term is defined in section 502(14) of the Act, 33 U.S.C. § 1362(14) and 40 C.F.R. § 122.2.
28. Construction activities disturbing over five acres began at Respondent’s facility in April of 2010.
29. On April 25, 2011, authorized EPA employees entered Respondent’s facility and, with the consent of Respondent, inspected the facility for compliance with the Act and EPA’s regulations.
30. On December 2, 2010 and February 24, 2011, Fort Carson employees entered Respondent’s facility and inspected the facility.
31. Section 301 of the Act and the storm water regulations at 40 C.F.R. § 122.26 require that a storm water permit be obtained for construction activity including clearing, grading and excavation disturbing at least five acres. Respondent is covered under the EPA general construction permit and subject to its terms and conditions.
32. Pursuant to section 309(g) of the Act, 33 U.S.C. §1319(g), EPA has consulted with Dr. Christopher Urbina, Executive Director, Colorado Department of Public Health and Environment, regarding assessment of this administrative penalty by furnishing a copy of this complaint and inviting him to comment on behalf of the State of Colorado.

COUNT 1

33. Respondent failed to conduct inspections as required by the Permit. Inspections are required to be conducted every 14 days and after a precipitation event greater than 0.5 inches per the Permit. Respondent failed to inspect within 14 days at least 5 times during the period between February 2011 and April 2011. Respondent also failed to properly document the inspections completed for the period between December 2010 and February 2011.
34. Respondent’s failures to conduct and document inspections as required by the Permit are in violation of the Permit and therefore constitute violations of section 301 of the Act, 33 U.S.C. §1311.

COUNT 2

35. The Permit requires Respondent's Storm Water Pollution Prevention Plan ("SWPPP") to contain certain specified components. At the time of EPA inspections, Respondent's SWPPP did not contain the following required components: the SWPPP was not signed; it did not document the required sequence of event dates; it did not identify all operators and their areas of control; it did not designate the inspection schedule used for the site; the site map did not contain the required items; it did not include an adequate inspection checklist; the SWPPP and site map were not kept up to date with changes in design, construction, operation, or maintenance; and the storm water inspectors and their qualifications were not identified.
36. Respondent's failures to include each required component in its SWPPP as required by the Permit constitutes violations of the Act. 33 U.S.C. § 1311.

COUNT 3

37. The Permit requires Respondent to implement best management practices ("BMPs") in order to minimize the impact of Respondent's construction activities on waters of the U.S. At the time of the EPA and Fort Carson inspections, the following BMPs were not in place or were not being maintained: inlet and outfall protection; erosion/sedimentation controls; soil stock-pile protection; silt fencing; properly sized sedimentation pond; vehicle track out pad; and good housekeeping.
38. Respondent's failure to implement BMPs as required by the Permit constitutes violations of the Act. 33 U.S.C. § 1311.

PROPOSED CIVIL PENALTY

39. Section 309(g) of the Act, 33 U.S.C. § 1319(g), as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 and 40 C.F.R. parts 19 and 27, authorizes EPA to assess a civil penalty of up to \$37,500 per day, for each violation of the Act occurring after January 12, 2009. Section 309(g)(3) of the Act requires EPA to take into account the following factors in assessing a civil penalty: the nature, circumstances, extent and gravity of the violation(s) and, with respect to the violator, ability to pay, any prior history of such violations, degree of culpability, any economic benefit or savings gained from the violation, and such other factors that justice may require.
40. In light of the statutory factors and the specific facts of this case, EPA proposes that a penalty of \$25,500 be assessed against Respondent for the violations alleged above, as explained below:

Nature, Circumstances, Extent, and Gravity of Violations

Respondent began construction at the facility in April of 2010. On April 25, 2011, EPA found that the SWPPP did not adequately describe the BMPs that would be implemented at the site. Further, the SWPPP did not contain all the required components described in paragraph 35 above. The EPA and Fort Carson inspections revealed that the BMPs described in paragraph 37 above were not in place or were not being maintained. The lack of BMPs and maintenance of installed BMPs resulted in potential sediment loading to the U-Ditch, and Fountain Creek. Finally, EPA and Fort Carson inspections also found that storm water inspections have not been conducted by the facility as required by the Permit.

EPA has found that storm water discharges from construction sites can severely compromise the integrity of our nation's waters. High sediment loads can cause siltation, which EPA found in 1998 to be the largest cause of impaired water quality in rivers and the third largest cause of impaired water quality in lakes. Other pollutants can be preferentially absorbed into fine sediment, causing these pollutants to move into aquatic ecosystems. Discharges from construction sites have been identified as a source of pollution in 6 percent of impaired rivers, 11 percent of impaired lakes, ponds, and reservoirs, and

11 percent of impaired estuaries. Sediment can fill lakes and reservoirs and clog stream channels, with effects extending far downstream of the discharge from the construction site. EPA has found that erosion rates from construction sites are much greater than from almost any other land use. Suspended sediment concentrations from construction sites have been found to be many times the concentrations from already-developed urban areas. Excess sediment is associated with increased turbidity, reduced light penetration in the water column, long-term habitat destruction, and increased difficulty in filtering drinking water. See 64 Fed. Reg. 68722, 68728-68731 (Dec. 8, 1999) for more information on how discharges from construction sites cause significant water pollution.

Prior Compliance History

This complaint is the first enforcement action EPA Region 8 has issued to Respondent.

Degree of Culpability

Respondent has a copy of the storm water Permit, and should have been aware of all the requirements therein. During multiple inspections by Fort Carson, Respondent was provided information on compliance concerns and permit requirements. However, violations continued at the site.

Economic Benefit

Respondent received an economic benefit from its failure to comply with the storm water discharge Permit. Specifically, Respondent benefited by not spending the required funds to install and maintain the necessary BMPs (storm drain inlet protection, sediment and erosion control, vehicle track out pad), conduct the required inspections, and to develop and maintain a complete SWPPP.

Ability to Pay

EPA did not reduce the proposed penalty due to this factor, but will consider any new information Respondent may present regarding Respondent's ability to pay the penalty proposed in this complaint.

Other Matters that Justice may Require

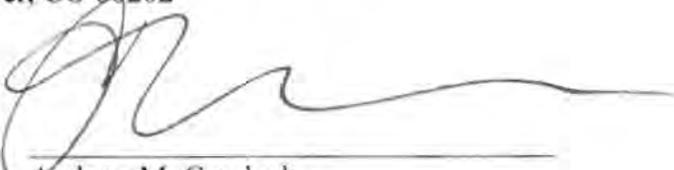
EPA is making no adjustments regarding these factors at this time.

41. As required by section 309(g)(4) of the Act, 33 U.S.C. §1319(g)(4), prior to assessing a civil penalty, EPA will provide public notice of the proposed penalty and a reasonable opportunity for the public to comment on the matter and, if a hearing is held, to be heard and present evidence.
42. If there is a hearing on this matter, it will be before an administrative law judge (ALJ), who will be responsible for deciding whether EPA's proposed penalty is appropriate. The ALJ is not bound by the penalty proposed by EPA and may assess a penalty above the proposed amount, up to the \$37,500 per day per of the Act.

Again, if Respondent wishes to pursue the possibility of settling this matter, or has any other questions, Respondent should contact Charles Figur by telephone at 1-800-227-8917 extension 6915, or 303-312-6915, or by mail at the address below.

United States Environmental Protection Agency
Region 8, Complainant
1595 Wynkoop Street (ENF-L)
Denver, CO 80202

Date: 9/21/2011

By: 

Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of the foregoing ADMINISTRATIVE COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING, and a copy of the Consolidated Rules of Practices Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, to:

National Registered Agents, Inc
Registered Agent for Carothers Construction, Inc.
1535 Grant Street, Suite 140
Denver, CO 80203

Certified Return Receipt No. 7009 3410 0000 2592 0363

I further certify that on the same date below I sent by certified mail, return receipt requested, a copy of this document to:

Dr. Christopher Urbina
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Certified Return Receipt No. 7009 3410 0000 2592 0370

The original and one copy were hand-delivered to:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

Date SFP 21 2011

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§21.13

approve or disapprove the State issued statement, in accordance with the requirements of §21.5.

(2) The Regional Administrator will periodically review State program performance. In the event of State program deficiencies the Regional Administrator will notify the State of such deficiencies.

(3) During that period that any State's program is classified as deficient, statements issued by a State shall also be sent to the Regional Administrator for review. The Regional Administrator shall notify the State, the applicant, and the SBA of any determination subsequently made, in accordance with §21.5, on any such statement.

(1) If within 60 days after notice of such deficiencies has been provided, the State has not taken corrective efforts, and if the deficiencies significantly affect the conduct of the program, the Regional Administrator, after sufficient notice has been provided to the Regional Director of SBA, shall withdraw the approval of the State program.

(ii) Any State whose program is withdrawn and whose deficiencies have been corrected may later reapply as provided in §21.12(a).

(g) Funds appropriated under section 106 of the Act may be utilized by a State agency authorized to receive such funds in conducting this program.

§21.13 Effect of certification upon authority to enforce applicable standards.

The certification by EPA or a State for SBA Loan purposes in no way constitutes a determination by EPA or the State that the facilities certified (a) will be constructed within the time specified by an applicable standard or (b) will be constructed and installed in accordance with the plans and specifications submitted in the application, will be operated and maintained properly, or will be applied to process wastes which are the same as described in the application. The certification in no way constitutes a waiver by EPA or a State of its authority to take appropriate enforcement action against the owner or operator of such facilities for violations of an applicable standard.

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

- Sec. 22.1 Scope of this part. 22.2 Use of number and gender. 22.3 Definitions. 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment. 22.5 Filing, service, and form of all filed documents; business confidentiality claims. 22.6 Filing and service of rulings, orders and decisions. 22.7 Computation and extension of time. 22.8 Ex parte discussion of proceeding. 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances. 22.11 Intervention and non-party briefs. 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding. 22.14 Complaint. 22.15 Answer to the complaint. 22.16 Motions. 22.17 Default. 22.18 Quick resolution; settlement; alternative dispute resolution. 22.19 Prehearing information exchange; prehearing conference; other discovery. 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing. 22.22 Evidence. 22.23 Objections and offers of proof. 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard. 22.25 Filing the transcript. 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision. 22.28 Motion to reopen a hearing.

**NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE
ENVIRONMENTAL LEGAL PROCEEDINGS**

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the Office of Chief Counsel in the SEC's Division of Corporation Finance. The phone number is (202) 942-2900.

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U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, 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.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to 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

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/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

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

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

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

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline - to report oil and hazardous substance spills

www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

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

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996