



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

SEP 30 2015

2015 SEP 30 AM 11:54

FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Donna H. Shepherd, Registered Agent  
SSDA, LLC  
1055 Gregory Lane  
P.O. Box 4338  
Jackson, Wyoming 83001

Re: Administrative Order issued to SSDA, LLC, owner of the Snake River Mobile Home Park Public Water System, PWS ID # WY5600214, Docket No. **SDWA-08-2015-0055**

Dear Ms. Shepherd:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) 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 SSDA, LLC (Company), as owner and/or operator of the Snake River Mobile Home Park 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 you believe 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 changes made to the public water system since the last sanitary survey and Change Form, 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.

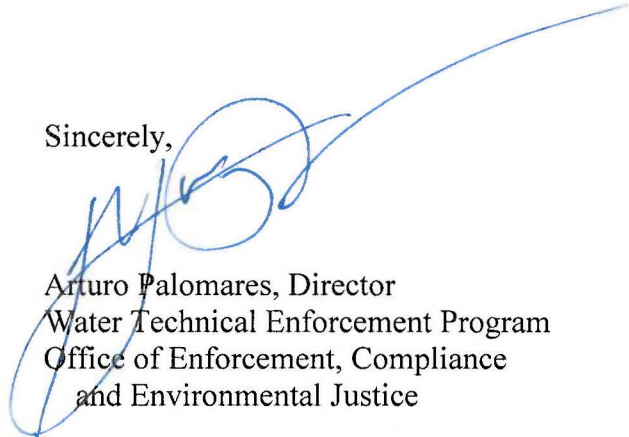
Please be aware that you are also required to submit to the EPA an Emergency Response Plan (ERP) for your System in order to bring the System into compliance with the Drinking Water Regulations. A

template, including instructions, for developing an ERP for a small community water system may be found on the EPA Region 8 Drinking Water Online website at <http://www2.epa.gov/region8-waterops/rcap-emergency-response-planning-template-public-drinking-water-systems>.

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 Company'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. Alan Bybee, Administrative Contact  
Snake River Mobile Home Park Public Water System

Ms. Tina Artemis, Regional Hearing Clerk  
U.S. Environmental Protection Agency

WY DEQ/DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

SEP 30 2015

2015 SEP 30 AM 11:54

FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Barbara Allen, Chairwoman  
Teton County Courthouse  
Post Office Box 3594  
Jackson, Wyoming 83001

Re: Notice of Safe Drinking Water Act Enforcement Action against the Snake River Mobile Home Park Public Water System, PWS ID # WY5600214 **DOCKET NO. : SDWA-08-2015-0055**

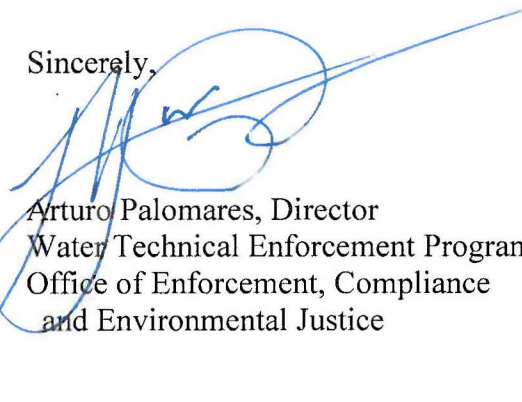
Dear Commissioners:

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

An Administrative Order (Order) is being issued to SSDA, LLC, which owns the Snake River Mobile Home Park Public Water System (System), located in Teton County, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to consult with the EPA regarding a significant deficiency and failing to complete corrective action to correct a significant deficiency, failing to monitor for disinfection byproducts, failing to monitor for total coliform bacteria, late reporting of total coliform bacteria results, 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 AM 11:54

IN THE MATTER OF: \_\_\_\_\_ )

) Docket No. ~~SDWA-08-2015-0055~~

SSDA, LLC, \_\_\_\_\_ )

) **ADMINISTRATIVE ORDER**

\_\_\_\_\_  
Respondent. \_\_\_\_\_ )

FILED  
EPA REGION VIII  
HEARING CLERK

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. SSDA, LLC (Respondent) is a Wyoming corporation that owns and/or operates the Snake River Mobile Home Park Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The System uses two wells to access a groundwater source under the influence of surface water. The old water system was replaced in 2014 and a new water treatment system was installed. The water is filtered with sand and microfiltration and then treated with ultraviolet light (UV) and chlorination.
4. Respondent is required to monitor for disinfection byproducts in compliance with the System's Stage 2 Monitoring Plan dated July 1, 2014, (Monitoring Plan), pursuant to 40 C.F.R. § 141.622.
5. The System has approximately 28 service connections used by year-round residents and/or regularly serves an average of approximately 65 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
6. 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).
7. 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**

8. Respondent is required to collect one set of total trihalomethane (TTHM) and haloacetic acid (HAA5) samples in the System's distribution system during the peak historical month (40 C.F.R. § 141.621) at the location and on the date identified in the Monitoring Plan (40 C.F.R. § 141.622(a)(1)). Respondent failed to monitor the System's water for TTHM and HAA5 during August 2014 and, therefore, violated this requirement.

9. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during August 2012 and, therefore, violated this requirement.
10. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on October 16, 2012, Respondent failed to take at least five routine samples of the System's water in November 2012 and, therefore, violated this requirement. Two out of five routine samples were taken on November 19, 2012.
11. Respondent is required to report the results of testing for total coliform bacteria to the EPA no later than (1) the first 10 days following the month in which the result is received, or (2) the first 10 days following the end of the required monitoring period, whichever is earlier. 40 C.F.R. § 141.31(a). Respondent failed to report its March 2014 monitoring results for total coliform bacteria to the EPA within this time period and, therefore, violated this requirement. The March 2014 total coliform bacteria results were reported to the EPA in June 2014.
12. Respondent is required to consult with the EPA regarding the appropriate corrective action within 30 days of receiving written notice from the EPA of a significant deficiency. 40 C.F.R. § 141.403(a)(4). Respondent failed to consult with the EPA by December 12, 2014, after receiving written notice of a significant deficiency on November 12, 2014, and therefore, violated this requirement.
13. Respondent is required to complete corrective actions to correct significant deficiencies or be in compliance with an EPA approved corrective action schedule within 120 days of receiving written notification from the EPA of any significant deficiency. 40 C.F.R. § 141.404(a). Respondent received a letter from the EPA on November 12, 2014, that detailed a significant deficiency: no Emergency Response Plan for the system. Respondent failed to complete corrective actions for this significant deficiency or be in compliance with an EPA approved corrective action schedule within 120 days after receiving the November 12, 2014, letter from the EPA that detailed significant deficiencies, or by March 12, 2015, and therefore, violated these requirements.
14. 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 9 and 10, above, and, therefore, violated this requirement. Respondent did notify the public of the violation in paragraph 8 in the 2014 Consumer Confidence Report.
15. 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 9, 10 and 11, above, to EPA and, therefore, violated this requirement.



16. 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 8 and 14, 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):

17. Respondent shall monitor the System's water annually for TTHM and HAA5 at the location and on the date identified in the Monitoring Plan, as required by 40 C.F.R. §§ 141.620-141.622. Respondent shall monitor at the specified location (Lot #19) during the month of August, per the Monitoring Plan. Respondent shall submit the annual sampling results to the EPA within 10 days following the end of the quarter in which monitoring is required. 40 C.F.R. § 141.629.

18. Respondent shall monitor the System's water monthly for total coliform bacteria as required by 40 C.F.R. § 141.21. If any total coliform routine sample is positive for total coliform, Respondent shall collect a set of four repeat samples within 24 hours of being notified of the positive result, and at least five routine samples during the next month in which the System provides water to the public, following the procedures in 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).

19. Within 30 days of receipt of this Order, Respondents shall submit to the EPA an Emergency Response Plan (ERP) to bring the system into compliance with the significant deficiency identified by the EPA in its November 12, 2014, letter. 40 C.F.R. § 141.403(a)(5). The ERP must detail emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions, and other emergency conditions.

20. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 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.

21. 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.

22. If the population or number of connections served by the System falls below 25 individuals or 15 service connections, Respondent shall notify the EPA in writing within 10 days.

23. 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.

24. 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.

25. 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**

26. 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.

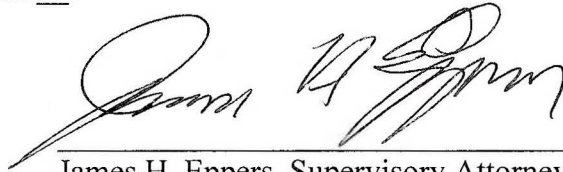
27. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

28. 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).

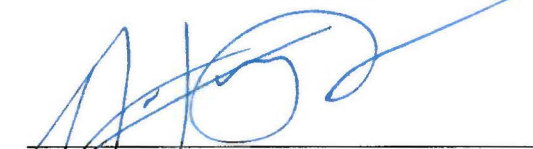
29. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.



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





# PUBLIC NOTICE

Date of Release: \_\_\_\_\_ PWS Number: WY5601554

## FAILURE TO MONITOR VIOLATIONS FAILURE TO CORRECT A SIGNIFICANT DEFICIENCY

To All Snake River MHP HOA Water Users

*We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We did not complete all monitoring for total coliform bacteria. We also did not take all required follow-up monitoring samples when there was a positive total coliform sample. Therefore cannot be sure of the quality of our drinking water during that time. We also did not address a significant deficiency, no emergency response plan for the water system, within the required time frame.*

The table below lists the failure to monitor violations we received for total coliform during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, when samples should have been taken but were not, and when samples were taken.

Contaminant	Required sampling frequency and number of samples	When samples should have been taken (failure to monitor violation)	When samples were taken
Total coliform bacteria	1 sample each month	August 2012	September 25, 2012
Total coliform bacteria	Following a positive total coliform sample, collect 4 repeat samples within 24 hours and 5 routine samples the following month.	5 routine samples in November, 2012	2/5 routine samples taken November 19, 2012
Significant Deficiency	No emergency response plan	Dec 12, 2014	

**What happened? What is being done?**

If you have any questions, please contact Alan Bybee at 307-733-2096.  
(Water system contact person) (Phone)

*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 hand or mail.*

PWS Operator/Responsible Party:

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

**Community Systems must use one of the following methods:**

- hand or direct delivery
- mail, as a separate notice or included with the bill

**Non-Community Systems must use one of the following methods:**

- 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. Such methods could include newspapers, e-mail, 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. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for distribution after each violation or collectively at the end of the calendar year. If you choose to wait until the end of the year to give notice, the enclosed form can be issued or it can be inserted into your CCR as long as public notification requirements are met.

After issuing the notice, make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice.

Send the copy of your notice and dates posted to:

Jill Minter  
US EPA REGION 8  
Drinking Water Enforcement (8ENF-W)  
1595 WYNKOOP ST.  
DENVER CO 80202

Or, you can fax a copy to: Attn: Jill Minter at **303-312-7518**.

If you have questions about your total coliform failure to monitor violation, please call Bre Bockstahler, Total Coliform Rule Manager, Drinking Water Program, at 1-800-227-8917, extension 6034 or (303) 312-6034. If you have questions about source water monitoring, please call Gail Franklin, Ground Water Rule Manager, at 1-800-227-8917, extension 6497, or (303) 312-6497.

**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.*