



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

SEP 18 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Yellowstone Valley Inn and RV, Inc.
Ronald B. Jordan, President and Registered Agent
3324 Yellowstone Park Highway
Cody, WY 82414

Re: Administrative Order
Yellowstone Valley Inn Public Water System
Docket No. **SDWA-08-2013-0057**
PWS ID # WY5600471

Dear Mr. Jordan:

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 Yellowstone Valley Inn and RV, Inc. (Company), as owner and/or operator of the Yellowstone Valley Inn 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, public notice distributed, etc.). If the EPA does not hear from you, the EPA will assume this information is correct.

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.

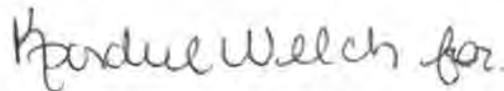
SEP 18 2013

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, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions from the Company's attorney should be directed to Dana Stotsky, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6905, or (303) 312-6905.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Arturo Palomares for".

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

Enclosures:

Order
SBREFA Information Sheet
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk



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REGION 8

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Ref: 8ENF-W

SEP 18 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Park County Commissioners
c/o Loren Grosskopf, Chairman
1002 Sheridan Ave.
Cody, WY 82414

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Yellowstone Valley Inn Public
Water System
Docket No. **SDWA-08-2013-0057**
PWS ID # WY5600471

Dear Commissioners:

The Safe Drinking Water Act (SDWA) 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 Yellowstone Valley Inn and RV, Inc., which owns the Yellowstone Valley Inn Public Water System (System) located in Park County, WY. This Order requires that the System take measures to return the System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for total coliform bacteria, exceedance of the total coliform maximum contaminant level (MCL), failure to provide notice of the violations to the public and failure to report such violations to 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 Olive Hofstader at (303) 312-6467.

Sincerely,

A handwritten signature in black ink that reads "Arturo Palomares for".

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

Enclosure:
Order

SEP 18 2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Yellowstone Valley Inn)
and RV, Inc.)
)
Respondent.)

2013 SEP 18 AM 8:15
Docket No. **SDWA-08-2013-0057**
ADMINISTRATIVE ORDER
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. Yellowstone Valley Inn and RV, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Yellowstone Valley Inn Public Water System (System), which provides piped water to the public in Park County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of two wells. The water is disinfected with chlorine.
4. The System has approximately 73 service connections and/or regularly serves an average of approximately 190 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. If two or more samples collected in any month from the System’s water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the month of June 2012 two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.
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 3rd quarters (July – September) of 2008 and 2010, 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 4 repeat samples of the System’s water within 24 hours of being notified on July 31, 2012, of a result that was positive for total coliform 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 July 27, 2012, Respondent failed to take at least five routine samples of the System's water in August 2012 and, therefore, violated this requirement.
11. Respondent is required to notify the public of certain violations of the Drinking Water Regulations in the manner specified by the regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraphs 7 through 10, above, and, therefore, violated this requirement. Respondent shall report any violation of the Drinking Water Regulations to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
12. Respondent is required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the MCL violation cited in paragraph 7, above, and, therefore, violated this requirement.
13. 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 listed in paragraphs 8, 9 and 10, 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 for total coliform quarterly, 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).
15. If Respondent's total coliform sample results exceed the MCL while his Order is in effect, Respondent shall, within 30 days after learning of this violation, provide the EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a).
16. The plan shall include proposed modifications to the System, estimated costs of modifications, and a proposed schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 6 months from the date of the EPA's approval of the schedule. The schedule must be approved by the EPA before construction or modifications may begin. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the System.

17. The schedule required by paragraph 16, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
18. Within 30 days after receipt of the EPA's approval of the schedule required by paragraph 16, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the total coliform MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.
19. Within 10 days after completing all tasks included in the schedule required by paragraph 16, above, Respondent shall notify the EPA of the project's completion.
20. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved compliance schedule, or no later than six months after receipt of the EPA's approval of the schedule required by paragraph 16, above, whichever is earliest. Respondent shall meet that deadline even if the plan as submitted does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
21. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the next business day after learning of the violation, as required by 40 C.F.R. § 141.21(g)(1).
22. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 10 above, following the instructions provided with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.
23. Respondent shall notify the EPA within 10 days after any sale of the System or any reduction in the population served by the System if such reduction brings the number of service connections to fewer than 15 or the number of individuals served to fewer than 25. The notification of any sale shall include the name and contact information for the entity buying the System and Respondent shall provide a copy of this Order to the new owner.
24. This Order shall be binding on Respondent, its successors and assigns, and any person (e.g., employee, contactor, or other agent) acting in concert with Respondent.
25. If Respondent (a) leases 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, or other contract, provide a copy of this Order to the lessee or contractor and, no later than 10 days thereafter, notify the EPA in writing of the lease or other contract. 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.

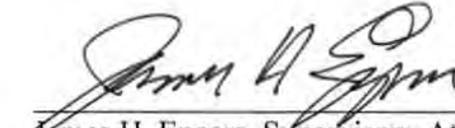
26. Respondent shall direct all reporting required by this Order to:

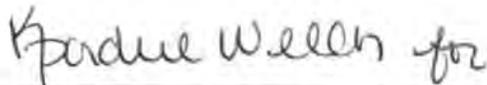
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

GENERAL PROVISIONS

27. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
28. 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.
29. 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).
30. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: Sept. 18, 2013.


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

Template on Reverse

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** [40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and your state may have more stringent requirements. Check with your state to make sure you meet its requirements.

Noncommunity water systems must use one of the following methods [40 CFR 141.204(c)]:

- Posting in conspicuous locations
- Hand or direct delivery
- Mail

In addition, you must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)].

You must post the notice until the violation is resolved. If the violation has already been resolved, you must post the notice for **at least seven days** [40 CFR 141.204(b)]. If you mail, post, or hand deliver, you should print your notice on your system's letterhead, if available.

The template on the reverse is appropriate for use as an annual notice combining notification for several violations, as well as for notices for individual violations. This template presents violations in a table; however, you may write out an explanation for each violation if you wish.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, you must still include all required PN elements and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language for monitoring and testing procedure violations [40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

Corrective Actions

In your notice describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own text:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Be sure to send your state a copy of each type of notice and a certification that you have met all the public notification requirements **within ten days after issuing the notice** [40 CFR 141.31(d)].

DRINKING WATER NOTICE**Monitoring Requirements Not Met for Yellowstone Valley Inn**

We violated a drinking water requirement. Even though this is not an emergency, as our customers, you have the right to know what happened and what we are doing to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2008, 2010 and 2012 we did not complete all monitoring for total coliform and therefore cannot be sure of the quality of our drinking water during that time.

What This Means

There is nothing you need to do at this time. The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample (frequency) 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 (or will be) taken.

Contaminant	Requirement	Action	When actions should have been taken	When actions were (or will be) taken
Coliform	Five samples during month after total coliform positive sample	No additional routine samples taken	August 2012	September 27, 2012 (two samples taken)
Coliform	Four repeat samples within 24 hours of being notified of total coliform positive sample	No repeat samples taken	July 31, 2012	September 27, 2012 (two samples taken)
Coliform	Quarterly samples	3 rd quarter (July – September) 2008 and 2010	Between July – September annually	May 28, 2009 June 1, 2011

Steps We Are Taking

Total coliform samples since the missed samples have been safe.

For more information, please contact Ron Jordan of Yellowstone Valley Inn at 307-587-3961 or 3324 Yellowstone Park Highway, Cody, WY 82414.

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.

This notice is being sent to you by Yellowstone Valley Inn. State Water System ID#: WY5600471.

Date distributed: _____.

Certification

After delivering this notice, enter the date delivered, sign below and send a copy to:

Olive Hofstader
Environmental Protection Agency
1595 Wynkoop Street, Attn: 8ENF-W
Denver, CO 80202

Date and method of delivery _____

Signature _____

Template on Reverse

This template is intended for systems where consumers will not need to boil their water or where they will not have the facilities to do so. Since exceeding the total coliform bacteria maximum contaminant level requires a Tier 2 notification, you must provide public notice to persons served as soon as practical and within 30 days after you learn of the violation [40 CFR 141.203(b)]. Persistent total coliform problems can pose a serious health risk, and your state may elevate such situations to Tier 1. Check with your state to make sure you meet all its requirements. You must issue a repeat notice every three months for as long as the violation persists.

Noncommunity water systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand or direct delivery
- Mail

You must also use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)].

If you modify the notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

Description of the Violation

The template on the reverse is intended for use by systems taking fewer than 40 coliform bacteria samples a month. You can modify the template using the following language if you are required to take 40 or more samples per month:

We routinely monitor for the presence of drinking water contaminants. During [provide month], [give percentage] percent of our samples showed the presence of total coliform bacteria. The standard is that no more than 5 percent of samples may do so.

Corrective Action

In your notice, describe corrective actions you are taking. If you know what is causing the coliform problem, explain this in the notice. Listed below are some steps commonly taken by water systems with total coliform violations. You can use one or more of the following statements, if appropriate, or develop your own text:

- We are chlorinating and flushing the water system.
- We are increasing sampling for coliform bacteria to identify the source of contamination.
- We are repairing the wellhead seal.
- We are repairing, cleaning, and disinfecting the storage tank.
- We will inform you when additional samples show no coliform bacteria.

After Issuing the Notice

Make sure to send EPA a copy of each type of notice and a certification that you have met all the public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

DRINKING WATER NOTICE

Tests Show Presence of Coliform Bacteria in Water

We routinely monitor for the presence of drinking water contaminants. We took five samples during June 2012. Two of those samples showed the presence of total coliform bacteria. The standard is that no more than one sample per month may do so.

What This Means

This is not an emergency. Total coliform bacteria themselves are generally not harmful. **Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.**

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution systems.

You may drink the water. However, if you have specific health concerns, consult your doctor.

If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

Steps We Are Taking

Total coliform samples taken in September 2012 indicated no presence of total coliform. For more information, please contact Ron Jordan of Yellowstone Valley Inn at 307-587-3691 or 3324 Yellowstone Valley Inn, Cody, WY 82414.

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.

This notice is being provided by Yellowstone Valley Inn. State Water System ID#: WY5600471.

Certification

After delivering this notice, enter the date delivered, sign below and send a copy to:

Olive Hofstader
Environmental Protection Agency
1595 Wynkoop Street, Attn: 8ENF-W
Denver, CO 80202

Date and method of delivery _____

Signature _____

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

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

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.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

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

www.epa.gov/compliance/incentives/smallbusiness/index.html

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

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

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), or go to their website at www.sba.gov/ombudsman.

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.