



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

**AUG - 8 2012**

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

The Honorable Greg Norgaard, Mayor  
City of Poplar  
P.O. Box 630  
Poplar, Montana 59255

Re: Findings of Violation and Order for Compliance  
City of Poplar Wastewater Treatment Facility  
Docket No. CWA-08-2012-0020

Dear Mayor Norgaard:

Enclosed is a United States Environmental Protection Agency Region 8 (EPA) Order for Compliance (Order) issued to the City of Poplar (City) for alleged violations of the Clean Water Act (Act) and National Pollutant Discharge Elimination System (NPDES) Permit No. MT0030597 (Permit) at the City's Wastewater Treatment Facility (Facility). The authority for EPA to issue this Order is provided under section 309(a)(3) of the Clean Water Act (Act), 33 U.S.C. § 1319(a)(3).

The Order describes the actions necessary for the City to achieve compliance with the Act. Specifically, the Order requires the City to perform all monitoring required by Section 1.3.2 of the Permit and submit monthly Discharge Monitoring Reports to the EPA and the Fort Peck Tribes. The Order also requires the City to submit to the EPA and the Fort Peck Tribes an explanation for the violations cited. The City further is ordered to monitor the Facility's effluent in accordance with the Permit.

The Act requires the Administrator of the EPA to take all appropriate enforcement actions necessary to secure prompt compliance with the statute and any orders issued thereunder. Section 309 of the Act provides a variety of possible enforcement actions, including the filing of a civil, criminal, or administrative action. (See 33 U.S.C. § 1319, subsections (b), (c), (d) and (g).) Please be advised that issuance of this Order does not preclude civil or criminal judicial actions or EPA administrative penalty proceedings for the violations cited in the Order. Please review the Order carefully. Failure to comply with the requirements of the Order shall constitute a violation of the Order.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet. The SBREFA sheet notifies small entities of their right to comment on regulatory enforcement activities and provides information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate the City's responsibility to comply with the Act or to respond to this Order.

If you have any questions regarding this letter, the enclosed Order, or any other matters pertinent to the City's compliance with the Act, the most knowledgeable people on my staff regarding these matters for technical and legal issues, respectively, are David Rise, Montana Office NPDES Program, at (406) 457-5012, and Amy Swanson, Enforcement Attorney, at (303) 312-6906.

Sincerely,

*for: Eadie A. Sierra*  
Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures:

Findings of Violation and Order for Compliance  
Small Business Regulatory Enforcement and Fairness Act Information Sheet

cc: Kerry Shane Halverson, City of Poplar Public Works Director  
Deb Madison, Fort Peck Tribes Office of Environmental Protection, Director  
Tina Artemis, Regional Hearing Clerk

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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FILED  
EPA REGION VIII  
AUG 8 2012  
BIRMINGHAM, AL

In the Matter of: ) Docket No. **CWA-08-2012-0020**  
)  
The City of Poplar, Montana ) **FINDINGS OF VIOLATION AND**  
) **ORDER FOR COMPLIANCE**  
Respondent. )  
) Proceeding Under Section 309(a) of the Clean  
) Water Act, 33 U.S.C. § 1319(a)

**STATUTORY AUTHORITY**

The following Findings of Violation and Order for Compliance (Order) is issued pursuant to section 309(a)(3) of the Clean Water Act (Act), 33 U.S.C. § 1319(a)(3), which authorizes the Administrator of the U.S. Environmental Protection Agency (EPA) to issue an order requiring compliance by a person found to be in violation of, *inter alia*, section 301 of the Act, or in violation of any permit condition or limitation implementing section 402 of the Act. This authority has been properly delegated to the undersigned Assistant Regional Administrator of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

**FINDINGS OF FACT AND LAW**

General

1. The City of Poplar (Respondent) is a "municipality" as defined in section 502(4) of the Act, 33 U.S.C. § 1362(4), and 40 C.F.R. § 122.2.
2. Respondent is a municipality and therefore a "person" as that term is defined in section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

3. Section 402 of the Act, 33 U.S.C. § 1342, establishes a National Pollutant Discharge Elimination System (NPDES) program, under which the EPA may issue permits authorizing discharges into navigable waters, subject to specific terms and conditions.
4. Respondent owns and/or operates the City of Poplar Wastewater Treatment Facility (Facility) serving the incorporated City of Poplar that includes a sanitary sewer collection system and a mechanical plant consisting of an oxidation ditch, clarifier, aerated sludge digester, sludge drying beds and ultraviolet lights for effluent disinfection.
5. The Facility is located within the exterior boundaries of the Fort Peck Indian Reservation in Montana.
6. The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (Tribes) own the land on which the Facility is sited but do not own, manage or control the Facility.
7. Respondent was authorized from June 1, 2006 until October 1, 2011 to discharge treated effluent from the Facility to a ditch leading to the Missouri River in accordance with the conditions of NPDES Permit No. MT-0030597 (the 2006 Permit). The 2006 Permit expired on May 31, 2011, and was administratively extended thereafter until the permit referenced below was issued.
8. Effective October 1, 2011, the EPA issued NPDES Permit no. MT0030597 (the 2011 Permit) to the City of Poplar authorizing, in part, the City to discharge treated effluent from the Facility to a ditch leading to the Missouri River in accordance with the conditions set forth in the 2011 Permit.

9. Effective November 9, 2011, the EPA modified the 2011 Permit by adding monitoring requirements to section 1.3.2.2 for *Escherichia coli* (*E. coli*) and fecal coliform as this language had been inadvertently omitted from the 2011 Permit issued in October 2011.
10. The Facility is a “point source” within the meaning of section 502(14) of the Act, 33 U.S.C. § 1362(14).
11. Wastewater is a “pollutant” within the meaning of section 502(6) of the Act, 33 U.S.C. § 1362(6).
12. The Missouri River and its tributaries constitute “waters of the United States” within the meaning of 40 C.F.R. § 122.2 and, therefore, “navigable waters” within the meaning of section 502(7) of the Act, 33 U.S.C. § 1362(7).
13. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits, among other things, the discharge of any pollutant by any person into navigable waters, unless authorized by certain other provisions of the Act, including section 402 of the Act, 33 U.S.C. § 1342.
14. Respondent is subject to the requirements of the Act, the 2011 Permit and the EPA’s regulations implementing the Act.

#### Permit Terms and Conditions

15. Section 1.3.1 of the 2006 Permit set effluent limitations for biological oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), percent BOD<sub>5</sub> removal, percent TSS removal, fecal coliform, *E. coli*, pH, floating solids and visible foam, and oil and grease.
16. Section 1.3.2 of the 2006 Permit required Respondent to monitor the Facility’s influent monthly for BOD<sub>5</sub>, and TSS.

17. Section 1.3.2 of the 2006 Permit required Respondent to monitor the Facility's effluent weekly for flow, pH, floating solids and visible foam, oil and grease, and total residual chlorine.
18. Section 1.3.2 of the 2006 Permit required Respondent to monitor the Facility's effluent monthly for flow, BOD<sub>5</sub>, TSS, nitrate nitrogen, nitrite nitrogen, and from April 1 through October 31 of each year for fecal coliform and E. coli.
19. Section 1.3.2 of the 2006 Permit required Respondent to monitor the Facility's effluent quarterly for arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, silver, and zinc (total metals).
20. Section 1.3.1 of the 2011 Permit set effluent limitations for BOD<sub>5</sub>, TSS, percent BOD<sub>5</sub> removal, percent TSS removal, fecal coliform, E. coli, pH, floating solids and visible foam, and oil and grease.
21. Section 1.3.2.1 of the 2011 Permit requires Respondent to monitor the Facility's influent monthly for BOD<sub>5</sub> and TSS.
22. Section 1.3.2.2 of the 2011 Permit requires Respondent to monitor its effluent weekly for flow, pH, floating solids and visible foam, and oil and grease.
23. Section 1.3.2.2 of the 2011 Permit requires Respondent to monitor its effluent monthly for BOD<sub>5</sub>, TSS, E. coli, and fecal coliform.
24. Section 1.3.2.2 of the 2011 Permit requires Respondent to monitor its effluent annually for ammonia-nitrogen, nitrate-nitrogen, nitrite-nitrogen, total Kjeldahl nitrogen, total nitrogen, and total phosphorus.

25. Section 2.4 of the 2011 Permit requires Respondent to submit effluent monitoring results for each month to the EPA and the Tribes using a Discharge Monitoring Report (DMR). Each DMR is to be on the EPA Form No. 3320-1 postmarked no later than the 28<sup>th</sup> day of the month following the end of the completed monitoring period. If no discharge occurs during the reporting period, Respondent must report “no discharge.”
26. Section 2.4 of the 2006 Permit required Respondent to submit effluent monitoring results for each month to the EPA and the Tribes on monthly DMRs, each of which was to have been postmarked no later than the 28<sup>th</sup> day of the month following the end of the completed monitoring period. For any month with no discharge, Respondent was required to indicate “no discharge” on the DMR.
27. The EPA by letter dated November 9, 2011, provided Respondent with DMR forms to be used to meet the requirements of Section 2.4 of the 2011 Permit.
28. Section 1.3.1 of the 2006 Permit prohibited the effluent from the Facility from exceeding 200 fecal coliform organisms per 100 milliliters as a 30-day average.
29. Section 1.3.1 of the 2006 Permit prohibited the effluent from the Facility from exceeding 126 E. coli organisms per 100 milliliters as a 30-day average.
30. Section 1.3.1 of the 2006 Permit prohibited the effluent from the Facility from exceeding 30 milligrams per liter of TSS as a 30-day average.
31. Section 1.3.1 of the 2006 Permit prohibited the effluent from the Facility from containing floating solids or visible foam.
32. Section 1.3.1 of the 2006 Permit prohibited the effluent from the Facility from containing visible oil and grease.



33. Section 1.3.1 of the 2006 Permit prohibited the effluent from the Facility from having less than 85 percent TSS removal.
34. Section 1.3.1 of the 2011 Permit prohibits the effluent from the Facility from exceeding 126 E. coli organisms per 100 milliliters, as a 30-day average.
35. Section 2.9 of the 2011 Permit and Section 2.9 of the 2006 Permit require Respondent to report any instances of noncompliance with permit conditions (other than noncompliance which may endanger health and environment, which must be reported within 24 hours) to the EPA and the Tribes at the time that monitoring reports are submitted. Each report must specify (1) a description of the noncompliance and its cause; (2) the period of noncompliance, including exact dates and times; (3) the estimated time noncompliance is expected to continue if it has not been corrected; and (4) the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

#### **FINDINGS OF VIOLATION**

36. For the months of October 2009, August 2010, and January 2011, Respondent failed to submit any DMRs to the EPA, in violation of Section 2.4 of the 2006 Permit.
37. For the months of April and May 2009 and May, June, July, September and December 2010, Respondent submitted DMRs to the EPA later than the 28<sup>th</sup> day of the month following the end of the completed monitoring period, in violation of Section 2.4 of the 2006 Permit.
38. Respondent failed to report monitoring results of the Facility's effluent for BOD<sub>5</sub> TSS, pH, oil and grease, arsenic, zinc, nitrate-nitrogen, nitrite-nitrogen, E. coli, floating solids



- and visible foam, total residual chlorine and flow during the month of August 2009, in violation of Section 1.3.2 of the 2006 Permit.
39. Respondent failed to report monitoring results of the Facility's influent for BOD<sub>5</sub> and TSS during the month of August 2009, in violation of Section 1.3.2 of the 2006 Permit.
  40. Respondent failed to monitor the Facility's effluent monthly for BOD<sub>5</sub> during the months of June and September 2010, in violation of Section 1.3.2 of the 2006 Permit.
  41. Respondent failed to monitor the Facility's influent monthly for BOD<sub>5</sub> during the months of June and September 2010, in violation of Section 1.3.2 of the 2006 Permit.
  42. Respondent failed to monitor the Facility's effluent monthly for TSS during the months of January and June 2010, in violation of Section 1.3.2 of the 2006 Permit.
  43. Respondent failed to monitor the Facility's influent monthly for TSS during the months of January and June 2010, in violation of Section 1.3.2 of the 2006 Permit.
  44. Respondent failed to visually monitor the Facility's effluent weekly for oil and grease during the months of January, February, March and April 2010, in violation of Section 1.3.2 of the 2006 Permit.
  45. Respondent failed to perform weekly monitoring or collect samples for the Facility's effluent for oil and grease during the months of January, February, March and April 2010, in violation of Section 1.3.2 of the 2006 Permit.
  46. Respondent failed to visually monitor the Facility's effluent weekly for oil and grease during the month of December 2009, in violation of Section 1.3.2 of the 2006 Permit.

47. Respondent failed to perform weekly monitoring or collect samples for the Facility's effluent for oil and grease during the month of December 2009, in violation of Section 1.3.2 of the 2006 Permit.
48. Respondent failed to monitor the Facility's effluent weekly for pH during the months of June and September 2010, in violation of Section 1.3.2 of the 2006 Permit.
49. Respondent failed to report the Facility's percent BOD<sub>5</sub> removal for the month of July 2010, in violation of Section 2.4 of the 2006 Permit.
50. Respondent failed to report the Facility's percent TSS removal for the months of January and July 2010, in violation of Section 2.4 of the 2006 Permit.
51. Respondent failed to monitor the Facility's effluent for E. coli during the month of July 2010, in violation of Section 1.3.2 of the 2006 Permit.
52. Respondent failed to monitor the Facility's effluent for fecal coliform during the month of July 2010, in violation of Section 1.3.2 of the 2006 Permit.
53. Respondent failed to monitor the Facility's effluent for total residual chlorine during the months of July 2010 and April 2011 in violation of Section 1.3.2 of the 2006 Permit.
54. Respondent failed to monitor the Facility's effluent for flow during the month July 2010, in violation of Section 1.3.2 of the 2006 Permit.
55. Respondent failed to monitor the Facility's effluent for floating solids or visible foam during the month of July 2010, in violation of Section 1.3.2 of the 2006 Permit.
56. Respondent failed to calculate and report the TSS loading of Facility's effluent monthly for the months of October and November 2011 and February 2012, in violation of Sections 1.3.2 and 2.4 of the 2011 Permit.

57. Respondent failed to calculate and report the BOD<sub>5</sub> loading of Facility's effluent monthly for the months of October and November 2011 and February 2012, in violation of Sections 1.3.2 and 2.4 of the 2011 Permit.
58. Respondent failed to report the correct BOD<sub>5</sub> loading for Facility's effluent for the month of December 2011, in violation of Section 1.3.2 of the 2011 Permit.
59. Respondent failed to report the correct TSS loading for Facility's effluent for the month of December 2011, in violation of Section 1.3.2 of the 2011 Permit.
60. Respondent failed to monitor the Facility's effluent for arsenic, cadmium, chromium, copper, lead, molybdenum, nickel and silver during the month of July 2010, in violation of Section 1.3.2 of the 2006 Permit.
61. Respondent allowed the concentration of E. coli in the Facility's effluent to exceed 126 organisms/100ml as a 30-day average during the months of April, May, June, July, August and September 2008; April, July and September 2009; April, May, June and September 2010; and April, May and September 2011, in violation of Section 1.3.1 of the 2006 Permit.
62. Respondent allowed the concentration of fecal coliform in the Facility's effluent to exceed 200 organisms/100ml as a 30-day average during the months of April, May, June, July, August and September of 2008; April and September 2009; April, June and September 2010; and April, May and September 2011, in violation of Section 1.3.1 of the 2006 Permit.

63. Respondent allowed floating solids or visible foam to be in the Facility's effluent during the months of March and April 2008 and January 2009, in violation of Section 1.3.1 of the 2006 Permit.
64. Respondent allowed visible oil and grease to be in the Facility's effluent during the months of March and April 2008, in violation of Section 1.3.1 of the 2006 Permit.
65. Respondent allowed the percent removal of TSS in the Facility's effluent to fall below 85 percent during the months of April 2008 and December 2009, in violation of Section 1.3.1 of the 2006 Permit.
66. Respondent allowed the E. coli level in the Facility's effluent to exceed 126 organisms per 100 milliliters as a 30-day average during the months of October, November and December 2011 and January, February, March and April 2012, in violation of Section 1.3.1 of the 2011 Permit.
67. Respondent allowed the fecal coliform level in the Facility's effluent to exceed 200 organisms per 100 milliliters as a 30-day average during the month of April 2012, in violation of Section 1.3.1 of the 2011 Permit.
68. Respondent failed to provide the EPA with any notification of Respondent's noncompliance with conditions of the 2006 Permit, in violation of Section 2.9 of the 2006 Permit.
69. Respondent failed to provide the EPA with any notification of Respondent's noncompliance with conditions of the 2011 Permit, in violation of Section 2.9 of the 2011 Permit.

## ORDER

70. Within 10 days of receipt of this Order, Respondent shall submit a written notice to the EPA of its intent to comply with the requirements of this Order.
71. Upon receipt of this Order, Respondent shall immediately comply with all requirements of the 2011 Permit, including all monitoring required by Section 1.3.2 of the 2011 Permit and submitting monthly DMRs to the EPA and the Tribes, using EPA Form No. 3320-1 and postmarking each DMR no later than the 28<sup>th</sup> day of the month following the completed reporting period as required by Section 2.4 of the 2011 Permit.
72. Effective immediately, Respondent shall meet all effluent limits in Section 1.3.1 of the 2011 Permit.
73. No later than 10 days after receiving this Order, Respondent shall submit to the EPA and the Tribes any monitoring results for the Facility that Respondent has not previously submitted.
74. No later than 10 days after receiving this Order, Respondent shall submit to the EPA and the Tribes DMRs for each of the months of October 2009 and August 2010.
75. No later than 30 days after receiving this Order, Respondent shall submit to the EPA and the Tribes a written explanation of the reasons for each violation cited in this Order and a description of the steps Respondent has taken and intends to take to ensure future compliance with the 2011 Permit.
76. No later than 60 days after receiving this Order, Respondent shall develop and submit to the EPA for review and approval a draft management and operation plan for the Facility. The plan, at a minimum, shall include the following elements:

(1) Measures and Activities. Respondent's management and operation plan must address the following elements, including identification of the person or position in its organization responsible for each element:

- (a) Provide adequate maintenance facilities and equipment;
- (b) Maintain a map of the collection system;
- (c) Conduct routine preventive operation and maintenance activities;
- (d) Assess the current dry and wet weather capacities of the collection system and treatment facilities;
- (e) Identify and prioritize structural deficiencies, and identify and implement short-term and long-term rehabilitation actions to address each deficiency;
- (f) Provide appropriate facility training on a regular basis;
- (g) Maintain equipment and replacement parts inventories including identification of critical replacement parts;

(2) Monitoring, Measurement, and Program Modifications. Respondent must:

- (a) Monitor the implementation and effectiveness of each element of its management and operation plan;
- (b) Update program elements as appropriate based on monitoring or performance evaluations.

77. Within 30 days of receiving plan approval from the EPA and incorporating any requested changes, Respondent shall submit a final management and operation plan to the EPA and the Tribes.

78. All notices and reports to the EPA required by this Order shall be given to:

David Rise (8MO)  
U.S. EPA Region 8 Montana Office  
10 W 15 Street Suite 3200  
Helena, MT 59626

79. All notices and reports to the Tribes required by this Order shall be given to:

Fort Peck Assiniboine and Sioux Tribes  
Office of Environmental Protection  
P.O. Box 1027  
Poplar, MT 59255





80. All reports and information required by this Order shall include the following certification statement, signed and dated by either a principal executive officer or elected official for Respondent, or a duly authorized representative of such person:

I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

### **GENERAL PROVISIONS**

81. Issuance of this Order shall not be deemed an election by the EPA to forgo any civil or criminal action to seek civil penalties, fines, or other appropriate relief under the Act for the violations set forth in the Findings.
82. Issuance of this Order does not otherwise affect the EPA's ability to enforce or implement the Act.
83. Failure to comply with the terms of this Order may result in Respondent's liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the Act, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. part 19. The United States District Court may impose such penalties if the court determines that Respondent has violated the Act and failed to comply with the terms of this Order.
84. Respondent has the right to seek immediate federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, provides the grounds for such review.

85. This Order shall be effective upon receipt by Respondent.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8.**

Date: 7/27/12

Edward A. Seena

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

Date: 8.7.12

Margaret J. (Peggy) Livingston  
for Amy Swanson, Enforcement Attorney  
U.S. EPA, Region 8  
1595 Wynkoop Street (8ENF-L)  
Denver, CO 80202-1149  
Telephone: 303/312-6906

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the preceding FINDINGS OF VIOLATION AND ORDER FOR COMPLIANCE were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202, and that a true copy of the same was sent to the following by CERTIFIED MAIL/RETURN RECEIPT REQUESTED:

The Honorable Greg Norgard, Mayor  
City of Poplar  
P.O. Box 630  
Poplar, MT 59255

Date: 8/8/2012

By: Judith M. McTernan  
Judith McTernan

## 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](http://www.smallbiz-enviroweb.org)

Small Business Gateway - [www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

EPA's Small Business Ombudsman - [www.epa.gov/sbo](http://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](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

[www.ccar-greenlink.org](http://www.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)

### Printed Wiring Board Manufacturing

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

### Printing

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

### Ports

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

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

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

### Hotlines, Helplines and Clearinghouses

[www.epa.gov/epahome/hotline.htm](http://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](mailto:info-antimicrobial@epa.gov) or  
1-703-308-6411

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

[www.epa.gov/ttn/catc](http://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](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/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](http://www.epa.gov/ozone) 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

## **Wetlands Information Helpline**

[www.epa.gov/owow/wetlands/wetline.html](http://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](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.smallbiz-enviroweb.org](http://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](http://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/](http://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](http://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](http://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](http://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.*