



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-W

SEP 25 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Maurice Stewart, Owner
Country Estates Mobile Home Park
119 E. LaPorte Street
Arcadia, California 91006

Re: Administrative Order, Country Estates Mobile Home Park Public Water System,
PWS ID# UTAH 26060, Docket No. **SDWA-08-2014-0049**

Dear Mr. Stewart:

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 you, as owner and/or operator of the Country Estates Mobile Home Park public water system (System), have 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 you comply 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 you 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.

The Order describes significant deficiencies identified during sanitary surveys of the System which require corrective actions. Please be aware that you are required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulations. The EPA's approval of your plan and schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the system. The EPA encourages you to contact any such governmental agency or agencies regarding any applicable approval requirements.

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 your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

Eddie A. Sierra
for Suzanne J. Bohan
Acting Assistant Regional Administrator
Office of Enforcement, Compliance,
and Environmental Justice

Enclosures

Order
SBREFA Information Sheet
Public Notice Template

cc:

Mr. Bill Shuster, Manager Country Estates Mobile Home Park
Mr. Kenneth Bousfield, UTDEQ Division of Drinking Water Director
Ms. Patti Fauver, UTDEQ Drinking Water Rule Section Manager (by email)
Mr. Dwight Hill, Env. Health Director, Wasatch County Health Dept. (by email)

Ms. Tina Artemis, EPA Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 SEP 25 PM 12: 58

IN THE MATTER OF:)
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Maurice Stewart,)
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Respondent.)

Docket No. ~~SDWA-08-2014-0049~~

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. Maurice Stewart (Respondent) is an individual who owns and/or operates the Country Estates Mobile Home Park Public Water System (System), which provides piped water to the public in Wasatch County, Utah, for human consumption.
3. The System is supplied by a groundwater source consisting of 2 wells and is disinfected.
4. The System has approximately 70 service connections used by year-round residents and/or regularly serves an average of approximately 120 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.
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 Utah Department of Environmental Quality (State) has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah. The EPA issued a notice of Respondent’s violations to the State and to Respondent on August 19, 2014. The State elected not to commence an enforcement action against Respondent for the violations listed in that notification within the 30-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). The EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with the EPA regarding this Order.

VIOLATIONS

7. Respondent is required to monitor the System’s water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System’s water for nitrate during 2012, and, therefore, violated this requirement.
8. Respondent is required to monitor the System’s water at least once every three years for sodium, sulfate and total dissolved solids (TDS). Utah Administrative Code (UAC) R309-205-5(3). Respondent failed to monitor the System’s water for sodium, sulfate and TDS during the 2008-2010 monitoring period, and, therefore, violated this requirement.

9. Respondent is required to monitor the System's water once every three years for certain inorganic contaminants. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System's water for inorganic contaminants during 2008-2010 monitoring period, and, therefore, violated this requirement.
10. Respondent is required to monitor the System's water once every three years for synthetic organic (pesticide/herbicide) contaminants. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for pesticide/herbicide organic contaminants during the 2008-2010 monitoring period, and, therefore, violated this requirement.
11. Respondent is required to complete corrective action of a significant deficiency or be in compliance with an approved corrective action schedule within 120 days of receiving written notification from the State of the significant deficiency. 40 C.F.R. § 141.403(a)(5). Respondent is required to notify the State within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). The System received a letter from the State dated April 23, 2012, that detailed significant deficiencies regarding inadequate storage capacity and that the operator is not certified to the level required for the System. Respondent failed to complete corrective action of the significant deficiencies by August 21, 2012, or failed to notify the State of completion of the corrective actions by September 20, 2012, and, therefore, violated the requirements.
12. 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 7 through 11, above, and, therefore, violated this requirement.
13. Respondent is required to report any failure to comply with any Drinking Water Regulation to the State within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7 through 11, above, to the State and, therefore, violated this requirement.

ORDER

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

14. Respondent shall monitor the System's water annually for nitrate as required by 40 C.F.R. § 141.23. Within the first 10 days following the month in which sample results are received, Respondent shall (a) report any analytical results to the State, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of this notification. Respondent last sampled for nitrate on August 20, 2013. The next sample is required before December 31, 2014.



15. Respondent shall monitor the System's water for sodium, sulfate and TDS. UAC R309-205-5(3). Within the first 10 days following the month in which sample results are received, Respondent shall (a) report any analytical results to the State as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of this notification. Respondent last sampled for sodium, sulfate and TDS on April 19, 2011. The next sample is required before December 31, 2014.

16. Respondent shall monitor the System's water for inorganic contaminants as required by the Drinking Water Regulations. 40 C.F.R. § 141.23(a) and (c). Within the first 10 days following the month in which sample results are received, Respondent shall (a) report any analytical results to the State, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of this notification. Respondent last sampled for inorganic contaminants on April 19, 2011. The next sample is required before December 31, 2014.

17. Respondent shall monitor the System's water for pesticide/herbicide contaminants as required by the Drinking Water Regulations. 40 C.F.R. § 141.24(h). Within the first 10 days following the month in which sample results are received, Respondent shall (a) report any analytical results to the State, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of this notification. Respondent last sampled for pesticide/herbicide contaminants on August 20, 2013. The next sample is required before December 31, 2016.

18. Within 10 days after receipt of this Order, Respondent shall consult with the State and EPA regarding appropriate corrective actions for addressing the following significant deficiencies AND within 60 days of receipt of this Order, submit a corrective action plan and schedule to the State and EPA. 40 C.F.R. §§ 141.403(a)(4) and 403(a)(5) and UAC R309-215-16(3).

- a) The system lacks required storage capacity. The UAC designates the appropriate amount of storage per water system. UAC R309-510-8. These rules are intended to assure that such facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to general public health. UAC R309-510-1.
- b) The operator is not certified to the level required for the System. Every community and non-transient non-community drinking water system and all public systems that utilize treatment/filtration of the drinking water shall have at least one operator certified at the classified grade of the water system. Certification must be appropriate for the type of system operated (treatment and/or distribution). UAC R309-300-3 and R309-300-5(8).

19. The corrective action plan shall include proposed modifications to the System and estimated costs of such modifications. The schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). The Respondent shall not begin construction or modifications to the System before the State and the EPA have approved Respondent's compliance schedule.



20. The schedule required by paragraph 18, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the State and the EPA.

21. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 18, above, Respondent shall provide the State and the EPA with quarterly reports on the progress made toward bringing the System into compliance with the treatment technique requirements for ground water systems. Each quarterly report is due by the 10th day of the month following the relevant quarter.

22. Respondent shall notify the EPA within 30 days after completion of the corrective actions, as required by 40 C.F.R. § 141.405(a)(2). Respondent shall provide evidence to the State and the EPA, including photographs of the corrective actions and the following certification signed by a person of authority who represents the System, that the above corrective actions have been completed: "I certify under penalty of perjury that [insert name of individuals/company/representative] has/have completed corrective actions in accordance with the approved schedule to address the significant deficiencies at the Country Estates Mobile Home Park public water system."

23. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall, within 48 hours (a) report that violation to the State as required by 40 C.F.R. § 141.31(b), and (b) provide the EPA a copy of this notification. However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the State and to the EPA within that different period.

24. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 11, above, following the instructions provided with the public notice template enclosed with this Order and shall annually notify the public of any uncorrected significant deficiencies, as required by 40 C.F.R. § 141.403(a)(7). 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 State and the EPA.

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

26. This Order shall be binding on Respondent, his assigns and heirs, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

27. 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 State and 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.

28. Respondent shall send all reporting and notifications required by this Order in writing to BOTH:

Olive Hofstader
U.S. EPA Region 8 (ENF-W)
1595 Wynkoop Street
Denver, CO 80202-1129

AND

Patti Fauver, Rules Section Manager
Utah DEQ Drinking Water
P.O. Box 144830
Salt Lake City, UT 84114-4830

GENERAL PROVISIONS

29. 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.

30. 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.

31. 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).

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

Issued: SEP 25 2014, 20 .

for Eddie A. Sierra
Suzanne J. Bohan
Acting Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice



Instructions for GWR Failure to Take Corrective Action Within Required Time Frame Notice – Template 2-21

Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a fecal indicator-positive ground water source sample or significant deficiency under the Ground Water Rule is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for treatment technique violations. Check with your agency to make sure you meet all requirements.

If this notice is for failing to address a fecal indicator-positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

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

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

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

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this 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 and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

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 public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

**GWR Failure to Take Corrective Action Within Required Time Frame
Notice – Template 2-21**

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Country Estates Mobile Home Park Failed to Correct a Significant Deficiency Within Required Time Frame.

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

A routine inspection conducted on September 15, 2008 by the Utah Department of Environmental Quality found that we lack the required storage capacity for our drinking water system and our drinking water system operator is not certified to the appropriate level.

As required by Environmental Protection Agency's (EPA's) Ground Water Rule, we were required to take action to correct this deficiency. However, we failed to take this action by the deadline established by the Utah Department of Environmental Quality.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. 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. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?

[Describe corrective action.] We anticipate resolving the problem within [estimated time frame] (or the problem was resolved on [give date]).

For more information, please contact [name of contact] at [phone number] or [mailing address].

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 Country Estates Mobile Home Park public water system. State Water System ID#: UTAH26060.

Date distributed: .

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

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 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 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.