



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 26 2014

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Boris B. Vukovich, Registered Agent  
Ascentia Real Estate Investment Company  
2 West Dry Creek Circle, Suite 200  
Littleton, Colorado 80120

John A. Trefren, Registered Agent and PWS Operator  
Certified Water Specialists, LLC  
3515 Campstool Road  
Cheyenne, Wyoming 82007

Re: Administrative Order issued to West Winds Mobile Home Park Public Water System,  
PWS ID # WY5601619, Docket No. **SDWA-08-2014-0051**

Dear Messrs. Vukovich and Trefren:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 Ascentia Real Estate Investment Company and Certified Water Specialists, LLC (Companies), as owners and/or operators of the West Winds Mobile Home Park Public Water System (System), have violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served, any changes in ownership, etc.).

If the Companies 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.



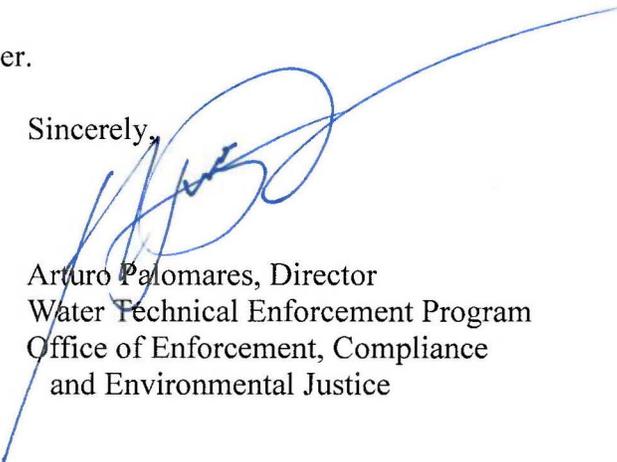
Printed on Recycled Paper

The Order requires the Companies 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 Jill Minter at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from the Companies' attorneys 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,



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

Enclosures:

Order  
SBREFA Information Sheet  
Public Notice Template

cc: Ms. Patti Sebesta, Manager, West Winds Mobile Home Park  
WY DEQ/DOH (via email)  
Ms. Tina Artemis, Regional Hearing Clerk, U.S. Environmental Protection Agency





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SEP 26 2014

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Laramie County Commissioners  
c/o Diane Humphrey, Chairperson  
Laramie County Courthouse  
309 West 20<sup>th</sup> Street  
Cheyenne, Wyoming 82001

Re: Notice of Safe Drinking Water Act Enforcement Action against the West Winds Mobile Home Park Public Water System, PWS ID # WY5601619

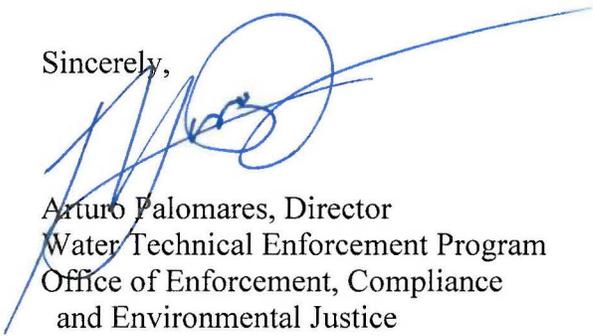
Dear Commissioners:

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

An Administrative Order (Order) is being issued to Ascentia Real Estate Investment Company and Certified Water Specialists, LLC, which own and/or operate the West Winds Mobile Home Park Public Water System, located in Laramie County, Wyoming, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to monitor for disinfection byproducts, late reporting of monitoring results for disinfection byproducts, late reporting of the annual Consumer Confidence Report, failing to monitor for lead and copper, failing to notify the public of certain violations, and failing to report certain violations to the EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Jill Minter at (303) 312-6084.

Sincerely,



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

Enclosure:  
Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2014 SEP 26 PM 1:13

\_\_\_\_\_  
IN THE MATTER OF: )  
 )  
Ascentia Real Estate Investment Company and )  
Certified Water Specialists, LLC, )  
 )  
Respondents. )

Docket No. **SDWA-08-2014-0051**

FILED  
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 officials.
2. Ascentia Real Estate Investment Company is a Colorado corporation and Certified Water Specialists, LLC is a Wyoming corporation (Respondents). Respondents own and/or operate the West Winds Mobile Home Park Public Water System (System), which provides piped water to the public in Laramie County, Wyoming, for human consumption.
3. The System is a consecutive system. Treated water is purchased from the South Cheyenne Water District which, in turn, purchases water from the City of Cheyenne Board of Public Utilities. The source water for the City of Cheyenne water system is both surface water and ground water consisting of multiple reservoirs and wells. The City of Cheyenne filters the water and treats the water with chlorine gas.
4. Respondents are required to monitor disinfection byproducts in accordance with the System's Stage 2 Monitoring Plan dated November 14, 2012, pursuant to 40 C.F.R. § 141.622.
5. The System has approximately 295 service connections used by year-round residents and/or regularly serves an average of approximately 663 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
6. Respondents are 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).

**VIOLATIONS**

7. Respondents are required to collect individual total trihalomethane (TTHM) and haloacetic acid (HAA5) samples in the System's distribution system at least quarterly (40 C.F.R. § 141.621) at the location and on the dates identified in the Monitoring Plan (40 C.F.R. § 141.622(a)(1)). Respondents failed to monitor the System's water for TTHM and HAA5 during the November 2012 and February 2013 and, therefore, violated this requirement.
8. Respondents are required to submit the TTHM and HAA5 monitoring results with locational running annual average (LRAA) compliance calculations for each monitoring location to the EPA within 10 days following the end of each quarterly monitoring period. 40 C.F.R. § 141.629(a).

Respondents failed to submit the LRAA compliance calculations for all monitoring locations for the 1<sup>st</sup> quarter (January – March) of 2014 and were late in reporting results for the 4<sup>th</sup> quarter (October – December) of 2013 and, therefore, violated this requirement.

9. Respondents are required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1<sup>st</sup> of each year and to certify to the EPA that it has been done. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondents were late in preparing and delivering the annual CCR for 2012 to the System's customers and to the EPA. The CCR for 2012 was dated and delivered to the EPA on September 29, 2013. Therefore, Respondents violated this requirement.

10. Respondents are required to monitor the System's tap water for lead and copper during two consecutive six-month monitoring periods. 40 C.F.R. § 141.86(d). Respondents failed to monitor the System's water for lead and copper during the first half (January – June) of 2010, and, therefore, violated this requirement.

11. Respondents are required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondents failed to notify the public of the violations cited in paragraphs 7 and 10, above, and, therefore, violated this requirement. Public notices for the violations listed in paragraphs 8 and 9 are not yet overdue.

12. Respondents are required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 7 through 11, above, to the EPA and, therefore, violated this requirement.

### **ORDER**

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

13. Respondents shall monitor for TTHM and HAA5 every 90 days at the location and on the dates identified in the Monitoring Plan, as required by 40 C.F.R. §§ 141.620-141.622. Respondents shall monitor at the specified location during the months of February, May, August and November, per the November 14, 2012, Monitoring Plan. Respondents shall submit the results with LRAA compliance calculations to the EPA within 10 days following the end of each compliance period. 40 C.F.R. § 141.629.

14. Respondents shall prepare and distribute annual CCRs by July 1st of each year and provide certifications to the EPA as required by 40 C.F.R. §§ 141.151-141.155.



15. Respondents shall monitor the System's water for lead and copper as directed by EPA and in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Within the first 10 days following the end of each monitoring period, Respondents shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. If Respondents violate any lead and copper monitoring requirement, Respondents shall report this violation to the EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

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

17. Within 30 days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 7 and 10, above, following the instructions provided with the public notice templates enclosed with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

18. This Order shall be binding on Respondents, their successors and assigns and any person (e.g., employee, contractor, or other agent) acting in concert with Respondents.

19. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents 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, Respondents shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondents shall remain obligated to comply with this Order even if Respondents lease the System to another person or entity or hire another person or entity to operate the System.

20. Respondents shall send all reporting and notifications required by this Order in writing to:

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

### **GENERAL PROVISIONS**

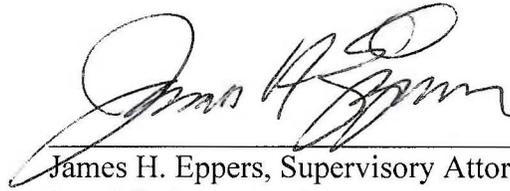
21. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.



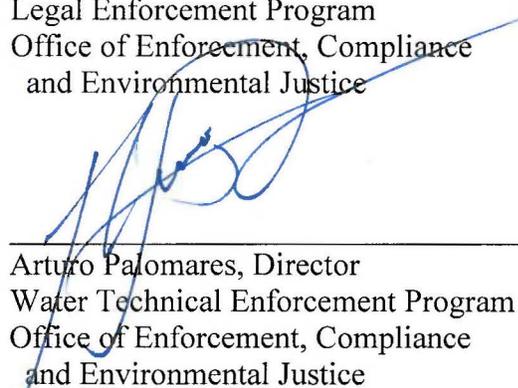
22. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.
23. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
24. This Order is effective upon receipt by Respondents and will continue to be in effect until closed by the EPA.

SEP 26 2014

Issued: \_\_\_\_\_, 2014.



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



# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Monitoring Requirements Not Met for West Winds Mobile Home Park Water System

Our water system violated drinking water requirements over the past few years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we are did to correct these situations.

*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. We did not monitor or test for total trihalomethane (TTHM) and haloacetic acid (HAA5), disinfection byproducts, during November 2012 and February 2013. In addition, we were late in reporting TTHM and HAA5 results for November 2013 and did not submit locational running average calculations for TTHM and HAA5 for February 2014. Also, during the first half (Jan. - Jun.) of 2010, we did not monitor or test for lead and copper. We therefore cannot be sure of the quality of your drinking water during the times we did not monitor. We also are required to prepare and deliver an annual Consumer Confidence Report (CCR) to customers by July 1<sup>st</sup> of each year. The CCR for 2012 was dated September 29, 2013, and was delivered late to the EPA.*

### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant we did not properly test, how often we are supposed to sample for this contaminant, 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 taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were next taken
Disinfection Byproducts TTHM and HAA5	Quarterly (every 90 days)	0	November 2012 February 2013	May 2013
Lead and Copper	Two consecutive 6-month periods then every 3 years.	0	1 <sup>st</sup> half of 2010	2 <sup>nd</sup> half of 2010

### What is being done?

[Describe corrective action.]

For more information, please contact Patti Sebesta, Manager, at 307-635-6557, West Winds Mobile Home Park, 505 Williams St., Cheyenne, WY 82007, or John Trefren, Operator, at 307-638-2646, P.O. Box 2675, Cheyenne, WY 82003.

*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 the West Winds Mobile Home Park Public Water System, ID # WY5601619.

Date distributed: \_\_\_\_\_.

## Template on Reverse

If you are required to provide Tier 3 notification, 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 primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

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

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

Noncommunity systems must use one of the following [40 CFR 141.204(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 141.204(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has 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, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met [40 CFR 141.204(d)]. You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

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 from 40 CFR 141.205(a) 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.

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 took, or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- 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**

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

## 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**

[tsca-hotline@epa.gov](mailto:tsca-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.*