



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

FEB 15 2012

Ref: 8ENF-W

**CERTIFIED MAIL:**  
**RETURN RECEIPT REQUESTED**  
**#7009-3410-0000-2591-9848**  
**#7009-3410-0000-2591-9855**

American Legion of Montana  
c/o Gary White, Registered Agent  
1900 Williams Street  
P.O. Box 6075  
Helena, MT 59604

Urbani Fisheries, LLC  
c/o Joseph Urbani, Registered Agent  
198 Northstar Lane  
Bozeman, MT 59718

Re: Findings of Violation and Administrative Order for  
Compliance,  
Docket No. **CWA-08-2012-0008**

Dear Madam or Sir:

Based on our review of all available information, the United States Environmental Protection Agency (EPA) has determined that the American Legion of Montana and Urbani Fisheries, LLC (Respondents) are in violation of section 301 of the Clean Water Act, as amended (CWA), 33 U.S.C. § 1311. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into waters of the United States except as in compliance with, among other things, section 404 of the CWA, 33 U.S.C. § 1344. Section 404 of the CWA requires that an authorizing permit be obtained from the United States Army Corps of Engineers prior to the discharge of dredged or fill material into waters of the United States. Waters of the United States include both surface waters and wetlands as defined by 40 C.F.R. § 122.2 and 33 C.F.R. § 328.3.

Specifically, Respondents and/or persons acting on Respondents' behalf discharged dredged or fill material into waters of the United States without authorization under the CWA. These discharges of pollutants into the Gallatin River occurred on property owned, controlled and/or operated by Gallatin County, located in 36, Township 2 North, Range 2 East, Logan, Gallatin County, Montana (the Site).

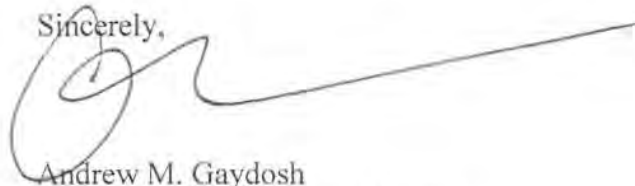
Enclosed please find a document entitled "Findings of Violation and Administrative Order for Compliance" (Order) which specifies the nature of the violations and describes actions necessary in order for you to achieve compliance with sections 301 and 404 of the CWA. Pursuant to this Order, within five (5) calendar days after your receipt of this Order, you must inform the EPA in writing of your intent to fully comply with the Order. The EPA's authority for such action is provided under section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3).

The CWA requires the Administrator of the EPA to take all appropriate enforcement action necessary to secure prompt compliance with the CWA and any order issued thereunder. Section 309 of the CWA, 33 U.S.C. § 1319, authorizes a variety of possible enforcement actions, including filing of a civil or criminal action, administrative penalty action, and/or debarment from Federal contracts and/or loans for any noncompliance with the CWA or an order issued pursuant to the CWA. Please be advised that failure to comply with the requirements of the Order is a violation of that Order and may be enforced through the mechanisms referenced above. Please also be advised that the issuance of this Order does not preclude civil or criminal actions in U.S. District Court pursuant to sections 309(b) or (c) of the CWA, 33 U.S.C. §§ 1319(b) or (c), or assessment of civil penalties pursuant to sections 309(d) or (g) of the CWA, 33 U.S.C. §§ 1319(d) or (g), for the violations cited in the Order or for any other violations that you may have committed prior to or may commit after the issuance of the enclosed Order.

The EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the time of an Agency enforcement activity pursuant to the Small Business Regulatory Enforcement and Fairness Act (SBREFA). SBREFA does not eliminate your responsibility to comply with the Act or the Order, nor does it create any new rights or defenses under law. We have enclosed a SBREFA information sheet containing further information on compliance assistance resources and tools available to small businesses.

Please review the Order carefully. If you have any questions, the most knowledgeable people on my staff are Amy Swanson, Enforcement Attorney, at 303-312-6906, and Kenneth Champagne, Section 404 Enforcement Officer, at 303-312-6608.

Sincerely,



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

#### Enclosures

1. Findings of Violation and Administrative Order for Compliance
2. SBREFA Information Sheet



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2012 FEB 15 AM 10:24

IN THE MATTER OF	)	<b>FINDINGS OF VIOLATION AND</b>
	)	<b>ADMINISTRATIVE ORDER FOR</b>
<b>American Legion of Montana</b>	)	<b>COMPLIANCE</b>
<b>P.O. Box 6075</b>	)	
<b>Helena, Montana 59604</b>	)	Docket No. <b>CWA-08-2012-0008</b>
	)	
<b>Urbani Fisheries, LLC</b>	)	
<b>198 Northstar Lane</b>	)	
<b>Bozeman, Montana 59718</b>	)	
	)	
<b>Respondents.</b>	)	
_____	)	

**I. STATUTORY AUTHORITY**

This Findings of Violation and Administrative Order for Compliance (Order) is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by sections 308 and 309(a) of the Clean Water Act (CWA), 33 U.S.C. §§ 1318 and 1319(a). This authority has been properly delegated to the Assistant Regional Administrator of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8. The Order is based on the following findings of violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a), which, among other things, prohibits the discharge of pollutants into waters of the United States except as in compliance with section 404 of the CWA, 33 U.S.C. § 1344.

**II. FINDINGS OF VIOLATION**

1. Respondent American Legion of Montana (American Legion), a veterans organization, is a corporation under the laws of Montana having a principal office address of P.O. Box 6075, Helena, Montana 59604. The American Legion's registered agent and registered office for Montana is Gary White, at 1900 Williams Street, Helena, Montana 59604.

2. Respondent Urbani Fisheries, LLC (Urbani), is a Montana limited liability corporation having a principal office address of 198 Northstar Lane, Bozeman, Montana 59718. Urbani's registered agent and registered office for Montana is Joseph Urbani, at 198 Northstar Lane, Bozeman, Montana 59718.

3. At all relevant times, Gallatin County owned, controlled and/or operated property located in Section 36, Township 2 North, Range 2 East, Logan, Gallatin County, Montana (the Site). The Gallatin River traverses the Site.

4. The Gallatin River is a tributary to the Missouri River. From the Site, the Gallatin River flows approximately 7 river miles to the Missouri River. The Missouri River is, and was at all relevant times, a navigable, interstate water.

5. Sometime in early 2011, Respondent American Legion contacted Respondent Urbani to conduct a fisheries enhancement project on the Gallatin River at the Site.

6. On April 1, 2011, Urbani submitted, on behalf of the American Legion, a Joint Application for Proposed Work in Streams, Lakes, and Wetlands in Montana to the United States Army Corps of Engineers (Corps) for the fisheries enhancement project at the Site. The fisheries enhancement project proposed to excavate three long pools, create point bars with the excavated gravel and cobble, and place fifteen large boulders within 1,000 linear feet of the Gallatin River at the Site. The Corps assigned file # NWO-2011-721-MTH to this permit application.

7. On May 5, 2011, the Corps; Montana Fish, Wildlife, and Parks (MTFWP); Montana Department of Environmental Quality (MTDEQ); and Respondent Urbani held a meeting at the Site to discuss the project design of permit application # NWO-2011-721-MTH. The Corps advised Urbani that the project as proposed would not qualify for a Nationwide Permit and would require authorization through the Individual Permit process because the design was not restoration or enhancement, but instead involved excessive river manipulation. Furthermore, MTDEQ advised Urbani that the State

would likely deny 401 Certification for the project as designed. The agencies also had major concerns with the project since the design would likely increase the potential for downstream flooding due to its close proximity to the Town of Logan's flood protection dike and the area's history of flooding and ice damming. During this onsite meeting, Urbani agreed to withdraw permit application # NWO-2011-721-MTH.

8. In a follow-up phone conversation with the Corps on May 11, 2011, Mr. Bud Lilly, acting on behalf of the American Legion, acknowledged the concerns that the Corps, MTFWP, and MTDEQ had with the proposed design and reiterated the withdrawal of permit application # NWO-2011-721-MTH. Furthermore, Mr. Lilly stated that the project would be re-designed and submitted to the Corps at a later date to address the concerns and meet the project purpose.

9. On or about September 23, 2011, Respondents and/or persons acting on Respondents' behalf constructed the fisheries enhancement project at the Site as proposed in permit application # NWO-2011-721-MTH. Respondents' activities at the Site were performed on most if not all of Gallatin County's property without its permission or knowledge.

10. On September 29, 2011, the Corps, MTDEQ, and MTFWP conducted an inspection at the Site in response to a complaint received by MTFWP of work being conducted in the Gallatin River at the Site. The Corps found, and EPA through issuance of this Order finds, that Respondents and/or persons acting on their behalf discharged dredged or fill material into the Gallatin River during construction of the fisheries enhancement project at the Site. The fisheries enhancement project was constructed as proposed in permit application # NWO-2011-721-MTH.

11. In a letter to Respondents dated October 11, 2011, the Corps found, and the EPA through issuance of this Order finds, that Respondents' activities, as described in paragraphs 6, 9, and 10 of this Order, required prior authorization from the Corps and that the required authorization had not been granted, in violation of section 404 of the CWA. Furthermore, the Corps directed Respondents to

provide it with specific information about the unauthorized fisheries enhancement project that was constructed at the Site.

12. In a letter to the Corps dated October 27, 2011, Respondents provided information on the fisheries enhancement project that was constructed at the Site and admitted to constructing the project without an authorized CWA Section 404 permit from the Corps.

13. On December 7, 2011, the Corps referred the case to the EPA for enforcement.

14. The activities described in paragraphs 6, 9, and 10 of this Order were performed using common earthmoving vehicles and equipment, all of which were operated by Respondents and/or by a person acting on Respondents' behalf.

15. Respondents are "persons" as defined in section 502(5) of the CWA, 33 U.S.C. § 1362(5).

16. The discharged dredged or fill material described above is and was at all relevant times "dredged material" or "fill material" within the meaning of 33 C.F.R. § 323.2(c) or 33 C.F.R. § 323.2(e), respectively, and "pollutants" within the meaning of section 502(6) of the CWA, 33 U.S.C. § 1362(6).

17. The vehicles and equipment described in paragraph 14 of this Order are and were at all relevant times each a "point source" within the meaning of section 502(14) of the CWA, 33 U.S.C. § 1362(14).

18. The Gallatin River and Missouri River referenced above are and were at all relevant times "waters of the United States" within the meaning of 33 C.F.R. § 328.3(a) and therefore "navigable waters" within the meaning of section 502(7) of the CWA, 33 U.S.C. § 1362(7).

19. The placement of dredged or fill material into the Gallatin River constitutes the "discharge of pollutants" within the meaning of section 502(12) of the CWA, 33 U.S.C. § 1362(12).

20. The portion of the Gallatin River that was filled and disturbed by Respondents' unauthorized activities at the Site provides various functions and values, including, but not limited to: habitat for fish, insects, and wildlife; water quality enhancement; flood attenuation; and aesthetics.

21. Section 301(a) of the CWA, 33 U.S.C. § 1311, prohibits, among other things, the discharge of pollutants by any person into waters of the United States except as in compliance with section 404 of the CWA, 33 U.S.C. § 1344(a).

22. Section 404 of the CWA, 33 U.S.C. § 1344, sets forth a permitting system authorizing the Secretary of the Army, acting through the Chief of Engineers of the Corps, to issue permits for the discharge of dredged or fill material into navigable waters that are waters of the United States.

23. 33 C.F.R. § 323.3(a) specifies that, unless exempted pursuant to 33 C.F.R. § 323.4, a permit issued by the Corps is required for the discharge of dredged or fill material into waters of the United States.

24. Respondents are not and never have been authorized by a permit issued pursuant to section 404 of the CWA, 33 U.S.C. § 1344, to conduct any of the activities described in paragraphs 6, 9, and 10 of this Order.

25. The activities conducted by Respondents and/or by persons acting on Respondents' behalf as described in paragraphs 6, 9, and 10 of this Order violate section 301 of the CWA, 33 U.S.C. § 1311. Each discharge of pollutants from a point source by Respondents into waters of the United States without the required permits issued pursuant to section 404 of the CWA, 33 U.S.C. § 1344, constitutes a violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a). Each day the discharges remain in place without the required permits constitutes an additional day of violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

26. The removal of the dredged or fill material illegally discharged into waters of the United States at the Site and restoration of the Gallatin River to a condition that closely approximates its

condition and function prior to the discharge of the dredged or fill material can be achieved as a practical matter through commonly used methods of construction, digging, revegetation, and best management practices.

27. Activities to be carried out under this Order are remedial, not punitive, and are necessary to achieve the CWA's objective "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters," as specified in section 101(a) of the CWA, 33 U.S.C. § 1251(a). The removal and restoration described in paragraph 26 of this Order are appropriate to alleviate actual and potential harm to water quality, aquatic habitat, and wildlife habitat caused by Respondents' unauthorized activities.

28. This Order was issued after consultation and coordination with the Corps' Omaha District, Helena Regulatory Office.

### **III. ORDER FOR COMPLIANCE**

Based upon the foregoing FINDINGS OF VIOLATION, and pursuant to the authority vested in the Administrator of the EPA pursuant to sections 308 and 309(a) of the CWA, 33 U.S.C. §§ 1318 and 1319(a), as properly delegated to the Assistant Regional Administrator of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, it is hereby ORDERED:

29. Respondents shall immediately terminate all unauthorized discharges of dredged or fill material, now and in the future, into waters of the United States, unless specifically authorized by the Corps under a valid permit issued pursuant to section 404 of the CWA, 33 U.S.C. § 1344. This prohibition includes all mechanical land clearing, dredging, filling, grading, leveling, installation of utilities, construction, and any other activities that result in a discharge of dredged or fill material into waters of the United States.

30. Within five (5) calendar days of receipt of this Order, Respondents shall contact the EPA to notify the Agency of their intent to fully comply with the Order and discuss the Order's requirements.



Specifically, Respondents shall be prepared to discuss the work to be performed pursuant to paragraph 32 below, including construction practices, equipment to be used, identification of proper disposal area(s) for the removed fill materials and scheduling.

31. Within seven (7) calendar days of receipt of this Order, Respondents shall obtain access agreement(s) from the present owner(s) of the Site since the work required by this Order is on property not owned by Respondents. Respondents shall use their best efforts to obtain such access agreement(s) necessary to complete work required by this Order. Best efforts as used in this paragraph shall include, at a minimum, a certified letter from Respondents to the present owner(s) of such property requesting access agreement(s) to permit Respondents and its authorized representatives to access such property, and the payment of reasonable compensation in consideration of granting access. Any such access agreement(s) shall provide for access by the EPA and its representatives. Respondents shall provide a copy of any access agreement(s) to the EPA at the address noted in paragraph 36 of this Order. In the event that agreement(s) for access are not obtained within the time frame specified above, Respondents shall immediately notify the EPA of both the efforts undertaken to obtain access and the failure to obtain access agreement(s). The EPA may, at its discretion, assist Respondents in obtaining access. Regardless of the means by which access is obtained, Respondents shall complete the restoration work on such property in accordance with paragraph 32 of this Order once the agreement is received.

32. By February 28, 2012, Respondents shall remove all dredged or fill material that was discharged as a result of the violations identified in this Order and restore the Gallatin River at the Site to its pre-impact condition and grade, unless otherwise approved by the EPA. Respondents shall use appropriate soil erosion and sediment controls during the removal and restoration activities.

Respondents shall notify the EPA and the Corps at the addresses found in paragraphs 36 and 37 of this Order no later than 48 hours prior to initiating any removal and restoration activities that is to be performed pursuant to this Order.

33. All removal and restoration activities shall be conducted by a consultant experienced in stream restoration. The consultant also shall directly supervise all work performed pursuant to this Order. A statement of the consultant's qualifications, including professional resume and business references, shall be submitted to the EPA within ten (10) calendar days of receipt of this Order.

34. Within ten (10) calendar days of completion of the removal and restoration required by paragraph 32 of this Order, Respondents shall submit a Completion Report prepared by the consultant referenced in paragraph 33 of this Order. The Completion Report shall include:

- a. A detailed description (including dimensions and quantities) of all unauthorized dredged or fill materials placed in the Gallatin River during construction of the fisheries enhancement project at the Site as described in paragraphs 6, 9, and 10 of this Order;
- b. A detailed description (including dimensions and quantities) of all unauthorized dredged or fill materials removed from the Gallatin River at the Site as required by paragraph 32 of this Order;
- c. A description of the soil erosion and sediment controls utilized during the removal and restoration activities;
- d. Photographic evidence of the removal and restoration activities;
- e. Identification of any unauthorized dredged or fill materials that was not removed from the Gallatin River at the Site as required by paragraph 32 of this Order;
- f. Identification of any problems discovered during the removal and restoration activities and appropriate corrective action to ensure the success of the restoration;
- g. A description and location where any excess excavated gravel and cobble or other materials generated during removal and restoration were disposed of;
- h. Detailed professional drawings of the removal and restoration activities completed, including plan and profile drawings with contour elevations; and

- i. A description of all costs necessary to complete the requirements of this Order, including the costs of all consultations, permits, construction, monitoring, etc.

35. Upon review of the Completion Report detailed above, the EPA may take further action deemed at its sole discretion necessary for the Respondents to comply with the CWA relating to or resulting from this initial removal Order.

36. This Order is not a permit or an authorization to place or discharge dredged or fill material in waters of the United States. Respondents shall consult with the Corps at the address and telephone number below to determine if any work to be performed pursuant to this Order requires a permit from the Corps under section 404 of the CWA. If any such permit is required, Respondents shall obtain such permit(s) and provide a copy or copies to the EPA pursuant to paragraph 37 of this Order prior to initiating any work that is to be performed pursuant to this Order.

U.S. Army Corps of Engineers  
Helena Regulatory Office  
10 West 15<sup>th</sup> Street, Suite 2200  
Helena, Montana 5626  
Telephone: (406) 441-1375  
Facsimile: (406) 441-1380

37. Respondents shall submit the Completion Report and all notifications, and related correspondence to:

Kenneth M. Champagne, 8ENF-W  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Telephone: 303-312-6608  
Facsimile: 303-312-7518

A copy of the Completion Report also shall be simultaneously provided to the Corps at the address noted in paragraph 36 of this Order.

38. Respondents shall allow, or use best efforts to allow, access by any authorized representatives of the EPA, the Corps, MTFWP, and MTDEQ, or any of the agencies' contractors, upon

proper presentation of credentials, to sites and records relevant to this Order for any of the following purposes:

- a. To inspect and monitor progress of the activities required by this Order;
- b. To inspect and monitor compliance with this Order; and
- c. To verify and evaluate data and other information submitted to the EPA.

39. This Order shall in no way limit or otherwise affect the EPA's authority, or the authority of any other governmental agency, to enter the Site, conduct inspections, have access to records, issue notices and orders for enforcement, compliance, or abatement purposes, or monitor compliance pursuant to any statute, regulation, permit, or court order.

40. This Order shall be effective upon receipt by Respondents.

41. Please be advised that section 309(d) of the CWA, 33 U.S.C. § 1319(d), authorizes civil penalties of up to \$37,500 per day for each violation of section 301 of the CWA, 33 U.S.C. § 1311, and for each violation of an order issued by the Administrator of the EPA under section 309(a) of the CWA, 33 U.S.C. § 1319(a), including this Order. Additionally, section 309(g) of the CWA, 33 U.S.C. § 1319(g), authorizes the EPA to impose administrative penalties for violations of the CWA. Further, section 309(c) of the CWA, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations of the CWA.

42. Issuance of this Order shall not be deemed to be an election by the United States to forego any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for violations giving rise to the Order.

43. Compliance with the terms and conditions of the Order shall not be construed to relieve Respondents of their obligation to comply with any applicable Federal, state, or local law or regulation.

44. Failure by Respondents to complete the tasks described herein in the manner and time frame specified pursuant to this Order may subject Respondents to a civil action under section 309 of the CWA, 33 U.S.C. § 1319, for violation of this Order.

DATED this 15<sup>th</sup> day of February, 2012.



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

## 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.ecar-greenlink.org](http://www.ecar-greenlink.org) or 1-888-GRN-LINK

### Chemical Manufacturing

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

### Construction

[www.eicacenter.org](http://www.eicacenter.org) or 1-734-995-4911

### Education

[www.campusere.org](http://www.campusere.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.pwbre.org](http://www.pwbre.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/cate](http://www.epa.gov/ttn/cate) or 1-919-541-0800

### Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/infocenter/epera.htm](http://www.epa.gov/superfund/resources/infocenter/epera.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.useg.mil](http://www.nrc.useg.mil) or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC)

[www.epa.gov/oppfinttr/ppic](http://www.epa.gov/oppfinttr/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**

[tscs-hotline@epa.gov](mailto:tscs-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.enveap.org/statetools](http://www.enveap.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.*