



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

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FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W-SD

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Lenny J. Kalway, Owner  
Line Shack Lodge  
Line Shack Lodge Public Water System  
4297 160th Street NW  
Hasty, Minnesota 55320

Re: Administrative Order Violation, Line Shack Lodge Public Water System,  
PWS ID #WY5601479, Docket No. SDWA-08-2019-0017

Dear Mr. Kalway :

On April 25, 2019, the U.S. Environmental Protection Agency issued an Administrative Order (Order) directing you, referenced in the Order as the Respondent, as owner and operator of the Line Shack Lodge Public Water System, to comply with various drinking water regulations issued by the EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that you are in violation of the Order. Among other things, the Order included the following requirements (summarized from paragraphs 16 and 18 on page 3 of the Order), which have not been fulfilled:

- Within 30 days of receipt of this Order, Respondent shall complete the corrective action of the following significant deficiency and notify the EPA within 30 days after completion: Complete an Emergency Response Plan (ERP). Thereafter, Respondent shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2). Enclosed is an ERP form to fill out and return to the EPA to address this deficiency.
- Within 30 days after opening to the public in 2019, or by December 1, 2019, whichever occurs first, Respondent shall notify the public of the violations cited in paragraphs 8, 9 and 10. The public notice for the violation cited in paragraph 7 is due by December 31, 2019. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA. 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.

You must complete the following: Within 30 days of receipt of this Administrative Order Violation, notify the public of the significant deficiency violation and provide the EPA with a copy of the notice and certification; and repeat the notice every three months as long as the violation persists. By February 1, 2020, you must complete corrective action of the above mentioned significant deficiency. Finally, you must notify the EPA within 30 days after the completion of the corrective actions.

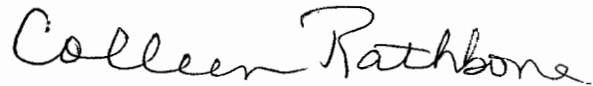
**The EPA is considering additional enforcement action as a result of non-compliance with the Order.** Violating the Order may lead to (1) a penalty of up to \$57,317 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions, please contact Steven Latino at (303) 312-6440 or (800) 227-8917 extension 6440. If you are represented by an attorney, please ask the attorney to direct any questions or comments to Mia Bearley, Senior Assistant Regional Counsel, at (303) 312-6554 or at the following address:

Mia Bearley, Senior Assistant Regional Counsel  
U.S. EPA, Region 8 (8ORC-R)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Colleen Rathbone, Chief  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division

cc: WY DEQ and DOH (via email)  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Fremont County Commissioners (travis.becker@fremontcountywy.gov)

**Emergency Response Plan for Transient Ground Water Systems**

All public water systems must have an Emergency Response Plan (ERP) that details emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions, and other emergency conditions. When a sanitary surveyor conducts a sanitary survey on your system they will ask if you have an ERP. Please fill this form out now, and keep it handy.

System Name: \_\_\_\_\_  
Public Water System (PWS) Number: WY56 \_\_\_\_\_  
Operator Name/Cell #: \_\_\_\_\_  
Back-up Operator Name/Cell #: \_\_\_\_\_  
Owner Name/Cell #: \_\_\_\_\_  
Population Served: \_\_\_\_\_ Number of Service Connections: \_\_\_\_\_  
Chemicals Used to Treat the Water: \_\_\_\_\_  
Name/# of Chemical Supplier: \_\_\_\_\_  
  
Life Threatening Emergency #: \_\_\_\_\_  
County Sheriff #: \_\_\_\_\_  
Critical/Vulnerable Customer Contact #s: \_\_\_\_\_

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EPA Emergency Contact (Monday - Friday 9-4 pm Mountain Time) #: 1-800-227-8917  
EPA After Hours Emergency Contact #: 1-800-424-8802 (Inform the operator you are a drinking water system operator in EPA Region 8)

Wyoming Association of Rural Water Systems #: 307-436-8636  
WY DEQ District Engineer Name and #: \_\_\_\_\_  
Alternate Sources of Drinking Water \_\_\_\_\_  
Power Company #: \_\_\_\_\_ Electrician #: \_\_\_\_\_  
Plumber #: \_\_\_\_\_ Parts Supplier #: \_\_\_\_\_  
Wyoming Water Agency Response Network #: 307-235-7535 Website: www.wyowarn.org

**LOSS OF PRESSURE/WATER OUTAGE ACTION PLAN\*\*\***

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**WATER CONTAMINATION ACTION PLAN\*\*\***

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Shut-off valve location and instructions: \_\_\_\_\_

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Location of spare or repair parts: \_\_\_\_\_

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Please see the following website for more detailed information on Emergency Response for Drinking Water and Wastewater Utilities: <https://www.epa.gov/waterutilityresponse>  
ALWAYS CALL THE EPA TOTAL COLIFORM RULE OR GROUND WATER RULE MANAGER  
IF YOU HAVE A TOTAL COLIFORM RULE (TCR) POSITIVE/UNSAFE SAMPLE AT 1-800-227-8917

\*\*\*Emergency preparedness assistance, Public Notices for Loss of Pressure, Boil Orders, Do Not Drink, etc., can be found at: <https://www.epa.gov/region8-waterops/emergency-preparedness-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>

# Instructions for GWR Failure to Take Corrective Action Within Required Time

## 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 additional 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

Send a copy to EPA Region 8 Drinking Water Unit (8WP-SDA), Attn: GWR Manager, 1595 Wynkoop Street, Denver, CO 80202 or email a copy of the PN and the certification to [R8DWU@epa.gov](mailto:R8DWU@epa.gov).

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  
Public Notice**

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

**\_\_\_\_\_ (PWS Name) 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 sanitary survey conducted on (provide survey date) \_\_\_\_\_ by the Environmental Protection Agency Region 8 (EPA) found (describe significant deficiency in our water system) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As required by 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 EPA.

**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) \_\_\_\_\_.  
For more information, please contact (name of system 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. 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 (system name) \_\_\_\_\_.  
Public Water System ID#: \_\_\_\_\_.  
Date distributed: \_\_\_\_\_.



## ***EPA Region 8 Drinking Water Unit - Tips for WY and Tribal Systems How to Stay in Compliance with Monitoring Requirements***

### **Check your Monitoring Schedule**

- Monitoring and Reporting Requirements (Schedules) are emailed to you in February of each year. This schedule notes all contaminants your water system must monitor for, along with the required number of samples, sampling point location(s), frequency and timeframe.
- For more detailed info on your Monitoring Schedule, please refer to “*What You Need to Do Next with Monitoring Requirements*” which can be found at: <https://www.epa.gov/region8-waterops/quick-guide-drinking-water-monitoring-requirements-wyoming-and-tribal-lands-epa>
- Suggestions: Post your Monitoring Schedule on your bulletin board. Note when you must sample on your desk or wall calendar. Use a scheduler on your computer (like Outlook) to identify sampling dates and set reminders.
- If you misplace your Monitoring Schedule, a copy can be found on Drinking Water Watch (DWW) or call EPA for a replacement copy.
- **Work with your Certified Lab** - Once you receive your Monitoring Schedule, share it with your lab(s).
- Schedule what bottles you will need for the sampling required for the year and ask for extra Total Coliform Rule (TCR) sample bottles just in case you have a total coliform (TC) positive and need to take repeats or source samples for the Ground Water Rule. It saves time!
- Check to see if your lab will copy EPA when they email you your results. This will save you a step! But ultimately, you are responsible for making sure that EPA receives your sample results.
- **Check your email for messages from EPA.** Every month EPA sends out a reminder to the administrative contact (and others who request to be opted-in) of what chemical (including radiological) samples remain to be collected for the monitoring period.
- Use DWW to print out your chemical sample collection form for the pending requirements. It will contain information to help your lab understand what to test your samples for.

**When to Sample and When to Report Results to EPA - ALWAYS sample as early in the month or monitoring period as you can – on a Monday if possible!** This way, if a sample is lost or exceeds a holding time, you will still have time to collect another sample before the weekend or end of the month. This is a super easy way to avoid a violation.

- If the lab is not copying EPA on your sample results, send them in to EPA as soon as you receive them. This way you can avoid getting a violation for Failure to Monitor. **Tip:** TCR results are due by the 10<sup>th</sup> of the month following the month you sampled. For all other samples, send results to EPA as soon as you receive them from the lab.
- Samples results can be emailed to: [r8dwu@epa.gov](mailto:r8dwu@epa.gov) or faxed to: 1-877-876-9101

**Where to Sample** – Take your samples according to your Monitoring Schedule during the correct time period and at the correct location(s). Some samples must be collected at the entry point while others must be collected in the distribution system. Use your approved sampling/monitoring plans for distribution system samples!

**Surface Water Treatment Rule** – For compliance guidance, please refer to the EPA Region 8 SWTR Fact Sheet located at: <https://www.epa.gov/region8-waterops/swtr-fact-sheet-epa-region-8-may-2018>

### **Total Coliform Rule**

- Anytime you have a *E.coli* (EC+) sample **you must call EPA IMMEDIATELY at 1-800-227-8917** and ask to speak with the RTCR Manager. Then take repeat TCR samples, as well as Ground Water Rule source sample(s) (if applicable).
- If you have a TC Positive but an E. Coli Negative, follow the 5 steps outlined in “*Follow-up to an Unsafe/Total Coliform Positive Sample Tech Tip*”, which can be found at: <https://www.epa.gov/region8-waterops/addressing-total-coliform-positive-or-ecoli-positive-sample-results-epa-region-8>
- Avoid sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters, or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection. The TCR samples must be taken at specified locations throughout the distribution system as designated by your sampling plans.

### **Disinfection Byproducts Rule (DBPR)**

- Sample according to your approved monitoring plan – you can also find what month(s) you are required to monitor and locations on your Monitoring Schedule.
- Submit your sample results and your LRAA forms (applicable to quarterly sampling) as a package as soon as you receive the results from your lab.
- Complete and submit the TTHM HAA5 OEL Calculator, which can be found on Drinking Water Online at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#dbpr2> , together with your compliance reports if the TTHM or HAA5 MCL is exceeded during any quarter.

**Nitrates – This is an acute contaminant.** If your nitrate sample result is over 10 mg/L you must take a confirmation sample within 24 hours and call EPA IMMEDIATELY at 303-312-6791.

### **Lead and Copper Rule**

- Be sure to check your Monitoring Schedule, as lead and copper samples must be collected during certain months. Also, be sure to follow your lead and copper sample siting plan when collecting samples. You must collect samples from approved locations. If you don't have to sample this year, your Monitoring Schedule will tell you that.
- **Always** collect a first-draw sample from a tap where the water has been standing in the pipes for at least 6 hours. Avoid sample locations that have been vacant for weeks or months. The goal is to sample at homes and taps in these homes that are routinely used. Always follow your monitoring plan.

**Other Rules** - Check your sample results as soon as you receive them from the lab. If you see any sample has exceeded an MCL or *E. coli* positive, contact EPA immediately.

**Drinking Water Online** - This is where you can find the link to DWW and general info, including: emergencies, what to do if you lose pressure in your system, sanitary survey info, certified lab info, sampling and treatment techniques, reporting forms and instructions, rules and guidance and much more: Be sure to check this very helpful website: <https://www.epa.gov/region8-waterops>

**Drinking Water Watch** - This online system allows you view data we maintain about your water system(s). The information includes the following:

- size and type of population served
- contact information
- water system facilities, such as wells, intakes, treatment plant, storage tanks, and distribution
- treatment used
- monitoring schedules
- sampling results reported to EPA
- violations
- plus, even more...

The Public Access Version of DWW (DWWPUB) allows anyone who is interested to view much of the available information for each regulated Public Water System (PWS) in Wyoming and within EPA R8 Tribal Lands, without the need to register or remember passwords. The Public Access Version of DWW can be found at: <https://sdwiser8.epa.gov/Region8DWWPUB/default.jsp>

**Emergencies (After Hours)** - If you need to report an emergency (flooding or loss of your water source, contamination in your drinking water, loss of pressure in the distribution system, or anything else that could require immediate public notice), after hours call the Region 8 Emergency Hotline at 303-293-1788. Inform the operator that you are a drinking water system in EPA Region 8.



## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources 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.

### **Office of Small and Disadvantaged Business Utilization (OSDBU)**

[www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu](http://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu)

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

### **EPA's Asbestos Small Business Ombudsman (ASBO)**

[www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman](http://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman) or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### **Small Business Environmental Assistance Program**

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

### **EPA's Compliance Assistance Homepage**

[www.epa.gov/compliance](http://www.epa.gov/compliance)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### **Compliance Assistance Centers**

[www.complianceassistance.net](http://www.complianceassistance.net)

EPA sponsored 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)

#### **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)

#### **Surface Finishing**

<http://www.sterc.org>

#### **Paints and Coatings**

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

#### **Printing**

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

#### **Ports**

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

### **Transportation**

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

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

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

### **EPA Hotlines and Clearinghouses**

[www.epa.gov/home/epa-hotlines](http://www.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

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

[www.epa.gov/catc](http://www.epa.gov/catc) or 1-919-541-0800

#### **Superfund, TRI, EPCRA, RMP, and Oil Information Center**

1-800-424-9346

#### **EPA Imported Vehicles and Engines Public Helpline**

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 1-734-214-4100

#### **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 - <http://nrc.uscg.mil> or 1-800-424-8802

#### **Pollution Prevention Information Clearinghouse (PPIC) -**

[www.epa.gov/p2/pollution-prevention-resources#ppic](http://www.epa.gov/p2/pollution-prevention-resources#ppic) or 1-202-566-0799

#### **Safe Drinking Water Hotline -**

[www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline](http://www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline) or 1-800-426-4791

#### **Toxic Substances Control Act (TSCA) Hotline**

[tsc hotline@epa.gov](mailto:tsc hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

[www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons](http://www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons)

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### 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)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### 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/enforcement/small-businesses-and-enforcement](http://www.epa.gov/enforcement/small-businesses-and-enforcement)

#### EPA's Audit Policy

[www.epa.gov/compliance/epas-audit-policy](http://www.epa.gov/compliance/epas-audit-policy)

### 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).

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.*