



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-L

FEB - 7 2012

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Mr. David Pourier
Director
Oglala Sioux Tribe Water and Sewer Company
P.O. Box 1054
Pine Ridge, South Dakota 57770

Re: Findings of Violation and Order for Compliance
Oglala Sioux Tribe Water and Sewer Company
Pine Ridge Wastewater Treatment Facility
Docket No. **CWA-08-2012-0006**

Dear Mr. Pourier:

Enclosed is a United States Environmental Protection Agency Region 8 (EPA) Findings of Violation and Order for Compliance (Order) issued to the Oglala Sioux Tribe Water and Sewer Company (OSTWS) for alleged violations of the Clean Water Act (Act) and National Pollutant Discharge Elimination System (NPDES) permit resulting from the sanitary sewer overflow at the tribally owned and operated Pine Ridge wastewater treatment facility beginning on or before July 13, 2011. The authority for EPA to issue this Order is provided under section 309(a)(3) of the Clean Water Act, 33 U.S.C. § 1319(a)(3).

The Order describes the actions necessary for OSTWS to return the facility to compliance with the Act and the NPDES permit. Specifically, the Order requires OSTWS to comply with the NPDES permit requirements for the facility; repair within 30 days the failed lift station and electrical circuitry; and clean and repair the collection system and surrounding surface areas where the sanitary sewer overflow occurred. The Order also requires OSTWS to develop and maintain a staffing and resource plan, as well as a management and operation plan for the facility.

The OSTWS may seek assistance in developing the required plans from consultants, contractors, and federal agencies other than EPA although OSTWS is solely responsible for complying with the Order. EPA has been assisting OSTWS and the Oglala Sioux Tribe with collection system repairs and remediating the acreage and White Clay Creek impacted by the unauthorized discharge of wastewater. Indian Health Service is making improvements to the facility, including the lift station and collection system, to help prevent future lift station failures from recurring. The requirements set forth in this Order focus on the operational and maintenance problems within the purview of OSTWS. This Order is

intended to focus necessary resources on OSTWS to improve its capability as a water and wastewater service provider to the community of Pine Ridge and throughout the Pine Ridge Indian Reservation.

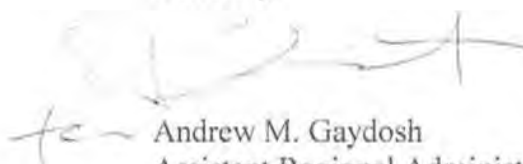
The Act requires the Administrator of EPA to take all appropriate enforcement actions necessary to secure prompt compliance with the statute and any regulations or permits issued thereunder. Section 309 of the Act provides a variety of possible enforcement actions, including the filing of a civil, criminal,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

The Order pertains specifically to last summer's sanitary sewer overflow and resulting violations of the Act and NPDES permit. The Compliance Assistance Plan (CAP) issued on May 12, 2011, by EPA to assist the OSTWS with noncompliance at 15 tribally owned and operated wastewater facilities remains in full force and effect. The action items and timeframes set forth in the CAP are separate from the Order's requirements. It is imperative that OSTWS staff are aware of and comply with both the CAP and the Order to prevent the Tribe's wastewater noncompliance from escalating. Our goal is to work with you to ensure that all your facilities are adequately operated and maintained.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet is enclosed for your review. The SBREFA sheet notifies small entities of their right to comment on regulatory enforcement activities and provides information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate OSTWS' responsibility to comply with the Act, the NPDES permit, or respond to this Order.

If you have any questions regarding this letter, the enclosed Order, or any other matters pertinent to OSTWS's compliance with the Act or NPDES permit, the most knowledgeable people on my staff regarding these matters for legal and technical issues, respectively, are Amy Swanson, Enforcement Attorney, at (303) 312-6906, and Monia Ben-Khaled, NPDES Enforcement Unit, at (303) 312-6209.

Sincerely,



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

Enclosures

cc: John Yellowbird Steele, Oglala Sioux Tribal Chairman
Suzy Mesteth, Oglala Sioux Tribe Acting Environmental Director
Justin McGaa, OSTWS Operator
Mike Boland, Pierre District Office, Indian Health Service
Anthony Kathol, Martin District Field Office, Indian Health Service
Tina Artemis, Regional Hearing Clerk

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 FEB -7 PM 3:20

In the Matter of)
)
Oglala Sioux Tribe Water and Sewer Company)
Pine Ridge, South Dakota)
NPDES Permit No. SDG589507)
)
Respondent)

Docket No. CWA-08-2012-0006 REGION VIII
FILED
RECORDED BY FRK

**FINDINGS OF VIOLATION AND
ORDER FOR COMPLIANCE**

Proceedings under Section 309(a) of the
Clean Water Act, 33 U.S.C. § 1319(a)

STATUTORY AUTHORITY

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

FINDINGS OF FACT AND LAW

1. The Oglala Sioux Tribe Water and Sewer Company ("Respondent" or "OSTWS") is a tribal organization authorized under the laws of the federally recognized Oglala Sioux Tribe (Tribe) to provide drinking water and wastewater treatment services to the communities located within the exterior boundaries of the Pine Ridge Indian Reservation.
2. Respondent is an authorized tribal organization and therefore a "municipality" as defined by section 502(4) of the Act, 33 U.S.C. § 1362(4), and 40 C.F.R. § 122.2.
3. Respondent is a municipality and therefore a "person" as that term is defined in section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

4. Section 402 of the Act, 33 U.S.C. § 1342, establishes a National Pollutant Discharge Elimination System (NPDES) program, under which the EPA may issue permits authorizing discharges into navigable waters, subject to specific terms and conditions.
5. Effective September 14, 2010, EPA issued a NPDES General Permit for Wastewater Lagoons in Indian Country, authorizing, in part, operators of wastewater treatment lagoons within the Pine Ridge Indian Reservation to discharge to waters of the U.S. in accordance with the conditions set forth in the Permit.
6. Effective May 19, 2011, EPA authorized the Pine Ridge Wastewater Facility under Permit no. SDG589507.
7. Respondent owns and/or operates a Category 2 (permission required to discharge) wastewater treatment facility (facility) that includes a sewer collection and conveyance system, a lift station, and a three-cell wastewater treatment lagoon.
8. The facility serves the community of Pine Ridge, including approximately 900 homes, Tribal offices, Bureau of Indian Affairs offices, an Indian Health Service (IHS) hospital, a Tribal college, and a number of other businesses and private enterprises.
9. Respondent on behalf of the Tribe owns, manages, and/or controls the facility.
10. The facility is a “point source” within the meaning of section 502(14) of the Act, 33 U.S.C. § 1362(14).
11. The facility discharges into White Clay Creek, which flows north into the Moreau River before entering the Missouri River. The Missouri River and its tributaries constitute “waters of the United States” within the meaning of 40 C.F.R. § 122.2 and, therefore, navigable waters within the meaning of section 502(7) of the Act, 33 U.S.C. § 1362(7).

12. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits, among other things, the discharge of any pollutant by any person into navigable waters, unless authorized by certain other provisions of the Act, including section 402 of the Act, 33 U.S.C. § 1342.
13. Wastewater is a “pollutant” within the meaning of section 502(6) of the Act, 33 U.S.C. § 1362(6).
14. Respondent is subject to the requirements of the Act, the Permit, and EPA’s regulations implementing the Act.
15. Part 5.1 of the Permit states there shall be no discharge except in accordance with the Permit’s bypass provisions. If an unauthorized release is discovered or expected to occur, the permittee shall take the appropriate measures to minimize the discharge of pollutants.
16. Part 6.8.1 of the Permit requires Respondent to report any noncompliance which may endanger health or the environment to EPA and the Tribe within 24 hours of becoming aware of the circumstance.
17. Part 6.8.2 of the Permit requires Respondent to report, in part, any unauthorized discharge by telephone to EPA and the Tribe the first workday following the day of becoming aware of the circumstance.
18. Part 6.8.3 of the Permit requires Respondent within five days of becoming aware of the circumstances to provide EPA and the Tribe with a written submission containing (1) a description of the noncompliance and its cause; (2) the period of noncompliance, including exact dates and times; (3) the estimated time noncompliance is expected to continue if it has not been corrected; and (4) the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

19. Part 7.5 of the Permit requires Respondent to properly operate and maintain at all times all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. The Permit extends the operation and maintenance requirement to back-up or auxiliary facilities or similar systems when necessary to achieve compliance with the permit's conditions. At a minimum, Respondent is required to operate one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

FINDINGS OF VIOLATION

20. On July 13, 2011, EPA was informed by the OST Environmental Program that the facility was experiencing a sanitary sewer overflow (SSO) from the manhole next to the lift station, resulting in surface contamination of untreated sanitary sewage. The discharge resulted from a lift station failure in April 2011 and subsequent actions by Respondent between April and July 2011 to operate the lift station using a temporary trash pump. Photos of the discharge from this manhole were provided.
21. The SSO occurred when the existing surge pond, used to retain overflows, reached capacity and liquids in the piping overflowed the manhole. Because the surge pond is unfenced and unmarked, the Tribe was concerned that children might use the pond for swimming.
22. According to IHS on July 14, 2011, the continuing SSO was caused by the Respondent's inadequate staffing and other resource constraints that prevented OSTWS from properly monitoring and otherwise maintaining the temporary pump that ultimately was unable to meet demand and failed.

23. As of August 24, 2011, EPA was notified that the SSO was overflowing another manhole, entering wetlands and discharging directly into White Clay Creek. Photos and a video of the SSO from this manhole were provided.
24. The SSO posed a significant threat to human health by potentially exposing nearby residents, users of White Clay Creek, and swimmers in the surge pond to harmful fecal coliform bacteria and other pathogens present in feces.
25. EPA deployed an On Scene Coordinator and contractors on August 25, 2011, at the Tribe's request to assist with repairs to the lift station pumping system, removal or treatment of contaminated soils around the overflowing manhole(s), and water quality sampling in White Clay Creek.
26. The facility discharged untreated wastewater from unauthorized outfalls in violation of Part 5.1 of the Permit beginning on or before July 13 to August 31, 2011.
27. Respondent failed to report the unauthorized discharge to the EPA and the Tribe within 24 hours of becoming aware of the circumstances, in violation of Part 6.8.1 of the Permit.
28. Respondent failed to report the unauthorized discharge to the EPA and the Tribe by the first workday following the day of becoming aware of the circumstance, in violation of Part 6.8.2 of the Permit.
29. A noncompliance report was not received within five days of becoming aware of the SSO, in violation of Part 6.8.3 of the Permit.
30. Respondent failed to regularly operate and maintain the facility, and operate properly the temporary back-up pump, in violation of Part 7.5 of the Permit.

ORDER

31. Within 10 days of receipt of this Order, Respondent shall submit a written notice to EPA of intent to comply with the requirements of this Order.
32. Respondent shall comply with all requirements of the Permit including, but not limited to, Parts 5.1 (discharge only in accordance with Permit bypass provisions); 5.3.1 (conduct weekly self-inspections); 5.3.2 (properly document weekly self-inspection reports); 6.8.1 (report noncompliance which may endanger health or the environment within 24 hours to EPA and Tribe); 6.8.2 (report any unauthorized discharge by telephone the first workday following the incident to EPA and the Tribe); 6.8.3 (submit a written description of the unauthorized discharge within five days to EPA and the Tribe); and 7.5 (properly operate and maintain all facilities and systems of control).
33. No later than 30 days after receiving this Order, Respondent shall submit to EPA and the Tribe written verification that the SSO has been permanently repaired; repairs completed to the lift station, including pumps and electric motors; and contaminated soils, wetlands, or White Clay Creek remediated. The written verification shall be accompanied by invoices, photographs and other information documenting that the work has been successfully completed.
34. No later than 30 days after receiving this Order, Respondent shall submit to EPA a staffing and resource plan to address both the facility's regular operational and emergency needs, including backup or auxiliary facilities, in the event of future lift station failures.
35. No later than 60 days after receiving this Order, Respondent shall develop and submit to EPA for review and approval a draft management and operation plan for the facility. The

Respondent may seek assistance from a contractor, consultant, or federal agency other than EPA to draft the plan but remains solely liable for complying with this requirement.

The plan, at a minimum, shall include the following elements to prevent SSOs in the future:

(1) Overflow Emergency Response Plan. An overflow emergency response plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in the permit. At a minimum the emergency response plan must include mechanisms to:

- (a) Ensure that Respondent is aware (to the greatest extent possible) of all overflows from portions of the collection system and any unanticipated bypass or upset that exceeds any effluent limitation in the permit;
- (b) Ensure appropriate responses including assurance that reports of an overflow or of an unanticipated bypass or upset that exceeds any effluent limitation in the permit are immediately dispatched to appropriate personnel for investigation and response and, further, that all potentially impacted surface water users and groundwater under the direct influence of surface water users are notified;
- (c) Ensure that Respondent has appropriate back-up equipment, staff, and resources to respond to future situations where the primary system at the lift station fails;
- (d) Ensure appropriate personnel are aware of and follow the plan and are appropriately trained and have access to the information they need to operate the system.

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

- (a) Provide adequate maintenance facilities and equipment;
- (b) Maintain a map of the collection system;
- (c) Conduct routine preventive operation and maintenance activities;
- (d) Assess the current dry and wet weather capacities of the collection system and treatment facilities;
- (e) Identify and prioritize structural deficiencies, and identify and implement short-term and long-term rehabilitation actions to address each deficiency;
- (f) Provide appropriate facility training on a regular basis;
- (g) Maintain equipment and replacement parts inventories including identification of critical replacement parts;
- (h) Develop a public education program or materials to present at local schools concerning what can and cannot be put in toilets.

(3) Design and Performance Provisions. Respondent must establish:

- (a) Requirements and standards for the installation of new sewers, pumps and other appurtenances; and rehabilitation and repair projects;

- (b) Procedures and specifications for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects;
- (c) List of all changes made or proposed to the facility to respond to future lift station failures.

- (4) Monitoring, Measurement, and Program Modifications. Respondent must:
- (a) Monitor the implementation and effectiveness of each element of its management and operation plan;
 - (b) Update program elements as appropriate based on monitoring or performance evaluations.

36. Within 30 days of receiving plan approval from EPA, with or without changes, Respondent shall submit a final management and operation plan to EPA and the Tribe, addressing EPA's changes and/or comments, if any.

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

Monia Ben-Khaled (8ENF-W-NP)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

38. All notices and reports to the Tribe required by this Order shall be given to:

Suzy Mesteth, Acting Director
Ogala Sioux Tribe Environmental Program
P.O. Box 2008
Pine Ridge, SD 57770

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

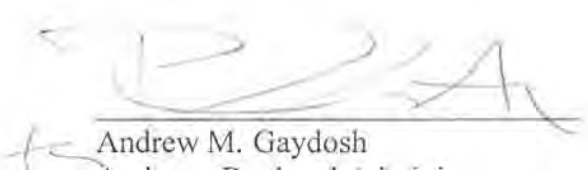
I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons responsible for

gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.


40. Any failure to comply with the requirements of this Order shall constitute a violation of said Order and may subject Respondent to penalties as provided under section 309 of the Act, 33 U.S.C. § 1319.
41. This Order does not constitute a waiver or election by the EPA to forego any civil or criminal action to seek penalties, fines or other relief as it may deem appropriate under the Act. Section 309(d) of the Act, 33 U.S.C. § 1319(d), authorizes the imposition of civil penalties of up to \$37,500 per day for each violation of the Act. Section 309(c) of the Act, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations of the Act.
42. Nothing in this Order shall be construed to preclude further action under section 309 of the Act for those violations cited herein or relieve Respondent from responsibilities, liabilities, or penalties established pursuant to any applicable Federal law or regulation.
43. This Order shall be effective upon receipt by Respondent.

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

Date: 2/7/10


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

Date: 2-7-2012


Amy Swanson, Enforcement Attorney
U.S. EPA, Region 8
1595 Wynkoop Street (8ENF-L)
Denver, CO 80202-1149
Colorado Atty. Reg. No. 26488
Telephone: 303/312-6906
Facsimile: 303/312-6953

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the preceding Administrative Order for Compliance were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202, and that a true copy of the same was sent to the following by CERTIFIED MAIL/RETURN RECEIPT REQUESTED:

David Pourier, Director
OST Water and Sewer Company
P.O. Box 1054
Pine Ridge, SD 57770

Date: 2/7/2012

By: Judith M. McTernan

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

www.epa.gov/compliance/assistance/business.html

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

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or 1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/cate or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

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 or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline

www.epa.gov/safewater/hotline/index.html or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.