



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

January 19, 2017

REPLY TO THE ATTENTION OF  
SE-5J

**VIA UPS**  
**RETURN RECEIPT REQUESTED**

Electro-Plating Services, Inc.  
c/o Mr. Gary Sayers  
945 East 10 Mile Road  
Madison Heights, Michigan 48071

Re: Electro Plating Services Site  
945 East 10 Mile Road  
Madison Heights, Oakland County, Michigan  
Site Spill Identification Number: C5ZC  
General Notice of Potential Liability and Request for Information

Dear Mr. Sayers:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Electro Plating Services Site (Site), and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675, unless EPA determines that such action will be done properly by a responsible party or parties.

EPA believes that Electro-Plating Services, Inc. (EPS) may be a potentially responsible party (PRP) regarding the Site. Responsible parties under CERCLA include the current and former owners and operators of the Site and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the Site:

1. Develop and implement a Site-Specific Health and Safety Plan, including an Air Monitoring Plan, and a Site Emergency Contingency Plan;
2. Develop and implement a Site Work Plan and Site Security Plan;

3. Inventory and perform hazard characterization, in compliance with a Site-Specific QA/QC Plan, on all substances contained in containers, drums, and tanks and spilled material on the floor and in pits;
4. Investigate the potential for soil contamination on the property;
5. Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;
6. Dismantle and decontaminate process equipment, tanks and building components associated with the product process area;
7. Remove from Site and recycle or dispose of vats and waste containers and contaminated process equipment; and
8. Consolidate and package hazardous substances, pollutants and contaminants for transportation and off-site disposal in accordance with the EPA Off-Site Rule, 40 C.F.R. §300.440.

EPA has received information that EPS currently owns the Site and/or may have owned or operated the Site at the time of disposal of hazardous substances, or generated or transported hazardous substances that were disposed of at the Site. By this letter, EPA notifies EPS of its potential liability with regard to this matter and encourages EPS, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which EPS would perform or finance response activities and reimburse EPA for its costs. If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring EPS to perform specified work. Under Sections 106 and 107 of CERCLA, EPS may be liable for reimbursement of EPA's costs, for statutory penalties and for treble damages for noncompliance with such an order. If EPS is a qualified small business, enclosed is a *U.S. EPA Small Business Resources Information Sheet*, which may be helpful if EPS is subject to an EPA enforcement action.

Because of the conditions described above, EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, EPS should notify EPA in writing within three (3) business days of receipt of this letter of its willingness to perform or finance the activities described above and to reimburse EPA for its costs. If EPA does not receive a timely response, EPA will assume that EPS does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that it has declined any involvement in performing the response activities.

The response should indicate the appropriate name, address, e-mail address and telephone number for further contact with EPS. If EPS is already involved in discussions with state or local authorities, engaged in a voluntary cleanup action or involved in a lawsuit regarding the Site, EPS should continue such activities as it sees fit. This letter is not intended to advise EPS or direct EPS to restrict or discontinue any activities already underway; however, EPS is advised to report the status of those discussions or actions in its response to this letter and to provide a copy of its response to any other parties involved in those discussions or actions.

In addition, EPA is seeking to obtain certain other information from EPS pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of EPA has the authority to require any person who has or may have information relevant to any of the following to furnish EPA with such information: (a) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (b) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (c) the ability of a person to pay for or perform a cleanup. Pursuant to Section 104(e) of CERCLA, EPS is hereby requested to submit the following information concerning the Site:

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined or referred to in the preparation of the answers to these Information Requests, and provide copies of all such documents.
3. If there is reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.
4. Provide copies of all documentation regarding releases of hazardous substances at the Site. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
5. Identify all leaks, spills or releases into the environment of any hazardous substances, pollutants or contaminants that have occurred at or from the Site. In addition, identify:
  - a. When such releases occurred;
  - b. How the releases occurred;
  - c. The amount of each hazardous substance, pollutant or contaminant so released;

- d. Where such releases occurred;
  - e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
  - f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface) or air testing undertaken; and
  - g. All persons with information relating to these releases.
6. Describe the history of the operations at the Site. Include the following information:
- a. The year in which EPS began business, the nature of the business, who started the business, and where the business was located at the Site; and
  - b. All names under which EPS operated, the business organization (e.g., general partnership, limited partnership, corporation, etc.), and the dates it operated under that particular organization.
7. Identify the past and current owners and/or operators of the Site. State the dates during which each owner and/or operator owned, operated or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease including, but not limited to, purchase and sale agreements, deeds, leases, transfers, etc.
8. For each owner or operator, further identify:
- a. The dates of ownership and/or operation;
  - b. All evidence showing that each controlled access to the Site;
  - c. All evidence that a hazardous substance, pollutant, or contaminant was released, or threatened to be released, at the Site during the period that each owned or operated at the Site;
  - d. The nature of operations each conducted at the Site;
  - e. The nature of operations that occurred at the Site during the period each owned or operated at the Site; and
  - f. Any persons who concurrently with the owner/operator exercised actual control or who held significant authority to control activities at the Site.
9. Describe all activities EPS conducted at the Site that may have released hazardous substances. Identify the hazardous substance, the timeframes of such activities, and the quantities of the hazardous substance involved, and provide any documentation EPS has regarding such activities (e.g. manifests, notices, permits, invoices).
10. Describe the nature of EPS's activities or business at the Site, with respect to purchasing, receiving, processing, manufacturing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

11. Did EPS ever use, purchase, generate, store, treat, dispose, or otherwise handle any hazardous substances at the Site? If the answer to the preceding question is anything but an unqualified "no," identify:
  - a. In general terms, the nature and quantity of the hazardous substances;
  - b. Its chemical composition, characteristics, physical state (e.g., solid, liquid, friable);
  - c. The source of each such hazardous substance (e.g., the person who supplied it, the structure in the building that it came from);
  - d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by EPS;
  - e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by EPS;
  - f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by EPS;
  - g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by EPS.
12. For each hazardous substance please give the location where it was disposed of on the Site. Please include a map of the Site with disposal locations on it.
13. Identify all federal, state and local authorities that regulated the Site operator and/or that interacted with the Site operator. Your response is to address all interactions and, in particular, all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.
14. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Site. Provide copies of all documents associated with each such occurrence.
15. Provide a list of all local, state and federal environmental permits or notifications ever granted or submitted for EPS or for the Site property or any part thereof (e.g., under the Resource Conservation and Recovery Act, the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act, the Asbestos Hazard Emergency Response Act, etc.).
16. Provide information about the Site, including but not limited to the following:
  - a. Property boundaries, including a written legal description;
  - b. Location of underground utilities (telephone, electrical, sewer, water main, etc.);
  - c. Surface structures (e.g., buildings, tanks);
  - d. Groundwater wells, including drilling logs;
  - e. Storm water drainage system and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;

- f. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and
  - g. All maps and drawings of the Site in EPS's possession.
17. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
18. Describe the acts or omissions of any persons other than EPS employees, agents or those persons with whom it had a contractual relationship that may have caused the release, or threat of release, of hazardous substances at the Site and damages relating therefrom. In addition:
- a. Identify each person;
  - b. Describe all precautions that were taken against foreseeable acts or omissions of any such third parties (including, but not limited to prior owners, operators, etc. and names if known) and the consequences that could foreseeably result from such acts or omissions; and
  - c. Describe the care that was exercised with respect to the hazardous substances found at the Site.
19. Describe the conditions of the building at the Site during the years EPS owned or operated at the Site. This response should include, but not be limited to, the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected).
20. Provide copies of all shipping documents or other business documents relating to the generation, handling, treatment, transportation, storage and/or disposal of waste materials at the Site. For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills, and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through or from the Site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, including reclaimed and off-specification material of any kind.
21. Provide a detailed description of the generic common and/or trade name and the chemical composition and character (i.e., liquid, solid, sludge) of the waste materials EPS produced at the Site by milling, manufacturing, reclamation, or other processing.
22. For each hazardous substance above, please give the total volume in gallons for liquids and in cubic meters for solids.

23. What arrangements were made to transport the hazardous substances that were taken from the Site? What type of transportation was used (e.g. tankers, dump trucks, drums)?
24. Who were the generators and transporters of the hazardous substances at the Site? Please provide their current addresses.
25. Provide copies of all records, including analytical results and material safety data sheets, which indicate the identity, amounts, chemical composition and/or chemical character of the waste material(s) generated, handled, treated, transported to, stored at, or disposed of at the Site, or that were offered for transportation to the Site for storage or disposal.
26. List and describe all casualty, liability and/or pollution insurance coverage that is and was carried by EPS and/or for the Site property. This response should include coverage carried by all predecessors and/or successors, including any self-insurance provisions, that relates to hazardous substances at the EPS facility or on the Site property. Please provide copies of all of these insurance policies.
27. To the extent not provided in Question 26 above, provide copies of all insurance policies that may potentially provide EPS with insurance for bodily injury, property damage and/or environmental contamination in connection with the Site and/or its business operations. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.
28. To the extent not identified in Questions 26 or 27 above, provide all other evidence of casualty, liability and/or pollution insurance issued to EPS or to other owners of the Site.
29. If there are any such policies from Questions 26, 27, or 28 above which any representative of EPS is aware of but neither possess copies, nor are able to obtain copies, identify each such policy by identifying:
  - a. The name and address of each insurer and of the insured;
  - b. The type of policy and policy numbers;
  - c. The per occurrence policy limits of each policy; and
  - d. The effective dates for each policy.
30. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of EPS under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.
31. Identify any previous settlements with any insurer in connection with the Site or for any claims for environmental liabilities in connection with EPS's operations at the Site. Include any policies surrendered or cancelled by EPS or the insurer.

32. Identify any and all insurance, accounts paid, or accounting files that identify EPS's insurance policies.
33. Identify EPS's policy with respect to document retention. Provide a copy of this policy.
34. Provide any and all documents concerning the demolition/removal/relocation/renovation of structures on the Site, including dates of demolition, the structures demolished/removed/relocated/renovated at each event, any analytical results for environmental samples collected before, during, or after each event, and where and how the materials were disposed of and/or transported for disposal.
35. If EPS claims it will be unable to pay the costs of the clean-up because of financial reasons, or if it claims that there are financial facts and information that bear on EPS's ability to pay the costs of the clean-up, please submit in the response to EPA the following information for the past five years:
  - a. True, accurate and complete copies of the signed and filed federal income tax returns for the corporation and any business associated with the Site, and for yourself and other officers and directors, including all schedules, forms and other attachments. If an amended return was filed, provide a copy of the amended return with its supporting schedules and any correspondence with the United States Internal Revenue Service;
  - b. True, accurate and complete copies of EPS's certified financial statements, preferably audited, including balance sheets, income statements, statements of cash flow, supplemental notes and auditor's opinions for the past five years. If audited financial statements are not available, please state the reasons they are not available, and provide the financial statements that management would review at the conclusion of each fiscal year;
  - c. True, accurate, and complete copies of all company asset depreciation schedules.
  - d. True, accurate, and complete copies of the Corporate Minutes Book for EPS and any related corporations;
  - e. Supply financial records which clearly show EPS's financial position and the financial status of businesses which it owns privately or in partnership; and
  - f. List and provide documentation of your current personal assets, including but not limited to real estate holdings, cash, bank accounts, mutual funds, stocks, bonds, trusts, annuities, and the like.

Please note that this financial information is only required if you intend to assert that EPS cannot afford to conduct the cleanup.

This request is directed to Electro-Plating Services, Inc., its officers, directors and employees and to its subsidiaries, divisions, facilities and its officers, directors and employees. To assist in answering this request, the information sought pertains to any and all information in EPS's possession, custody or control relating to the operation of the Site and to the handling, treatment, transportation, storage and/or disposal of hazardous substances or the generation of hazardous substances that were ultimately disposed of or offered for disposal at the Site. The information sought herein must be sent to EPA within thirty (30) calendar days of EPS's receipt of this letter. Failure to respond fully and truthfully to

this request, or to adequately justify any failure to respond, may result in an enforcement action against EPS by EPA under Section 104 of CERCLA, as amended.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. EPS may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by EPA. Information claimed as confidential will be handled in accordance with the provisions of Section 104(e) of CERCLA, Section 3007(b) of the Resource Conservation and Recovery Act or 40 C.F.R. Section 2.203(b).

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. § 1001. EPA has the authority to use the information requested herein in any administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

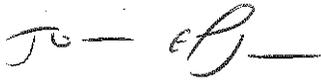
Please send the responses to the notice of potential liability within three (3) business days and the information requests within thirty (30) calendar days to:

Debbie Keating, Enforcement Specialist  
U.S. Environmental Protection Agency, Region 5  
Superfund Division – Emergency Response Branch 2  
Enforcement Services Section, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

If further information is needed regarding this letter, please contact Debbie Keating of the Enforcement Services Section at (312)-353-7632, or at ([keating.debbie@epa.gov](mailto:keating.debbie@epa.gov)). Direct any legal questions to Maria Gonzalez of the Office of Regional Counsel at (312) 886-6630, or at ([gonzalez.maria@epa.gov](mailto:gonzalez.maria@epa.gov)).

Due to the nature of the problem at the Site and the attendant legal ramifications, EPA strongly encourages EPS to submit a written response within the time frames specified herein. We hope EPS will give this matter its immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "JH El-Zein", with a horizontal line extending to the right.

Jason H. El-Zein, Chief  
Emergency Response Branch 1

Enclosure

cc: Gary Reeves, Esq.  
Flood Law PLLC  
401 North Main Street  
Royal Oak, Michigan 48067

**ELECTRO PLATING SERVICES SITE**

List of Potentially Responsible Parties  
Sent General Notice & Request for Information Letter

Electro-Plating Services, Inc.  
c/o Mr. Gary Sayers  
945 East 10 Mile Road  
Madison Heights, Michigan 48071



## 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.

### Small Business Programs

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

### EPA's Asbestos Small Business Ombudsman

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### EPA's Compliance Assistance Homepage

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway 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

[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

### Chemical Manufacturing

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

### Construction

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

### Education

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

### Food Processing

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

### Healthcare

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

### Local Government

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

### Metal Finishing

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

### Paints and Coatings

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

### 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, Helplines and Clearinghouses

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)

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

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

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

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

[www.epa.gov/superfund/contacts/infocenter/index.htm](http://www.epa.gov/superfund/contacts/infocenter/index.htm) or 1-800-424-9346

### EPA Imported Vehicles and Engines Public Helpline

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

### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### National Response Center

**Hotline** to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC) - [www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic)

### Safe Drinking Water Hotline -

[www.epa.gov/drink/hotline/index.cfm](http://www.epa.gov/drink/hotline/index.cfm) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

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

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

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

<http://www.epa.gov/sbo/rsbl.htm>

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)

[www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)

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 provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### 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

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)

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

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)

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).

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.*

bcc: Maria Gonzalez, ORC (C-14J)  
Jeff Lippert, OSC (SE-GI)  
Debbie Keating, ESS (SE-5J)  
Carol Ropski (SE-5J)  
John Maritote, ERS 4 (SE-5J)  
Richard Hackley, PAAS (MF-10J)  
Records Center (SRC-7J)

Mr. Lindy Nelson  
U.S. Department of the Interior  
Office of Environmental Policy and Compliance  
U.S. Custom House, Room 244  
200 Chestnut Street  
Philadelphia, PA 19106