UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 31 2016

CERTIFIED MAIL NO. 7015 1520 0000 9141 9108
RETURN RECEIPT REQUESTED

Mr. Andy Koczwara
President
American Highway, Inc.
1401 Harvester Road
West Chicago, Illinois 60185

Dear Mr. Koczwara:

Region IX of the U.S. Environmental Protection Agency (EPA) is issuing this letter to determine the Clean Air Act, 42 U.S.C. §§ 7401-7671q ("Act"), compliance status of American Highway Inc. ("American Highway") with respect to Sections 2025 and 2027 of the California Code of Regulations, Title 13, Article 4.5, Chapter 1, which are respectively the California Air Resources Board's (CARB) "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles" ("Truck and Bus Regulation") and "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Drayage Trucks" ("Drayage Truck Regulation"). The Truck and Bus Regulation[1] and the Drayage Truck Regulation[2] are included in the Federally-approved and Federally-enforceable State Implementation Plan for the State of California.

Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, American Highway is hereby required to provide the following information requested in this letter within forty-five (45) calendar days after receipt of this letter. In responding to this request, American Highway shall use the instructions provided in Enclosure 1.[3]

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[1] The full text of the Federally-approved Truck and Bus Regulation is available at https://yosemite.epa.gov/r9/r9sips.nsf/AgencyProvision/AE8A460DFFEECD8F8825785D007A7539/$file/Section+2025.pdf.

[2] The full text of the Federally-approved Drayage Truck Regulation is available at https://yosemite.epa.gov/r9/r9sips.nsf/AgencyProvision/FC47653EC14BF34A88257F3800766FCA/$file/25648985.pdf.

[3] Enclosure 1, Instruction 5, identifies which responses to this request should be entered into the provided workbook on the attached CD called TRUCKINFO.xlsx.

TRUCK AND BUS REGULATION

*[Except where noted otherwise, in responding to requests under this heading, please refer to the definitions and provisions set out in the Truck and Bus Regulation, 13 C.C.R. § 2025.]*

1) For each diesel-fueled vehicle in American Highway's fleet[4] driven in California at any time from May 4, 2012, to the date of this letter, with a Gross Vehicle Weight Rating (GVWR)[5] greater than 26,000 pounds, and an engine model year prior to 2007, and excluding drayage trucks,[6] provide the following:

    a) state of vehicle registration;
    b) license plate number;
    c) vehicle identification number (VIN);
    d) engine model year;
    e) engine family; and
    f) indication of whether such vehicle has been retired or sold.

2) For vehicles with engine model years 1996-2006 identified in response to request 1, indicate "yes" or "no" whether the vehicle has been equipped with a diesel particulate filter (DPF).[7] If the answer to this request is "no," skip requests 3, 4, 5 and 6 below.

3) For each vehicle for which the response to request 2 is "yes," provide the following information about the DPF on the vehicle:

    a) DPF manufacturer;
    b) DPF family name;
    c) DPF serial number;
    d) date of purchase; and
    e) date of installation.

4) For each vehicle for which the response to request 2 is "yes," produce a copy of the installation and purchase order documents for each DPF installed.

5) For each vehicle for which the response to request 2 is "yes," indicate with a "yes" or "no" whether the vehicle has operated continuously with a DPF as it was designed since installation.

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[4] As defined in Section 2025(d)(28) of the Truck and Bus Regulation. See also Section 2025(d)(29) (defining "Fleet Owner").
[5] As defined in Section 2025(d)(33) of the Truck and Bus Regulation.
[6] As defined in Section 2025(d)(19) of the Truck and Bus Regulation and Section 2027(c)(15) of the Drayage Truck Regulation.
[7] As defined in Section 2025(d)(17) of the Truck and Bus Regulation.

6) For each vehicle for which the response to request 5 is "no," describe the reason(s) it did not operate continuously with a DPF as it was designed since installation and produce a copy of any records supporting the reason(s).

7) For each diesel-fueled vehicle in American Highway's fleet driven in California at any time from January 1, 2014, to the date of this letter, that is not equipped with PM BACT;[8] has a GVWR greater than 26,000 pounds; and has an engine model year of 2007, 2008, or 2009; and excluding drayage trucks; provide the following:

    a) state of vehicle registration;
    b) license plate number;
    c) VIN;
    d) engine model year;
    e) engine family; and
    f) indication of whether such vehicle has been retired or sold.

8) For each vehicle identified in response to request 1 or 7,[9] specify the total miles traveled in California for the specified calendar year (CY) and engine model year categories:

    a) CY 2012: engine model years 1996-1999;
    b) CY 2013: engine model years 1996-2004;
    c) CY 2014: engine model years 1996-2009;
    d) CY 2015: engine model years, except 1994-1995; and
    e) January 1, 2016, to the date of this letter: all engine model years.

9) For each diesel-fueled vehicle in American Highway's fleet driven in California at any time from January 1, 2015, to the date of this letter, with a GVWR between 14,001 and 26,000 pounds, and an engine model year prior to 1997, and excluding drayage trucks, provide the following:

    a) state of vehicle registration;
    b) license plate number;
    c) VIN;
    d) engine model year;
    e) engine family; and
    f) indication of whether such vehicle has been retired or sold.

10) For each vehicle identified in response to request 9, specify the total miles traveled in California for the specified CY and engine model year categories:

    a) CY 2015: engine model years up to 1995; and
    b) January 1, 2016, to the date of this letter: engine model years up to 1996.

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[8] As defined in Section 2025(d)(48) of the Truck and Bus Regulation.

[9] Note that responses to requests 8(a) and 8(b) do not apply to vehicles identified in response to request 7.

11) For each vehicle identified in response to request 1, 7 or 9, provide a copy of fleet mileage summary documents submitted to the International Registration Plan[10] from May 4, 2012, to the date of this letter. These fleet summary documents could include monthly, quarterly, or annual mileage for each vehicle driven in California and other states.

12) For each vehicle identified in response to request 1(f), 7(f) or 9(f) that has been sold in California, indicate whether a Disclosure of Regulation Applicability[11] was provided to the buyer.

13) For each diesel-fueled vehicle that American Highway hired or dispatched[12] to drive in California at any time from May 4, 2012, to the date of this letter, with a GVWR greater than 14,000 pounds, provide the following:

    a) the owner of the vehicle (i.e., fleet owner[13]);
    b) the contact person(s) for the fleet owner identified in response to request 13(a);
    c) the phone number(s) and address(es) for the contact person(s) identified in response to request 13(b); and
    d) the date the vehicle was initially hired or dispatched.

14) For each hired or dispatched vehicle identified in response to requests 13:

    a) state the total number of vehicles that were hired or dispatched during:

        (1) CY 2012 (only from May 4, 2012, through December 31, 2012);
        (2) CY 2013;
        (3) CY 2014;
        (4) CY 2015; and
        (5) January 1, 2016, to the date of this letter; and

    b) provide copies of documents establishing vehicle compliance with the Truck and Bus Regulation for each of the reported calendar years in request 14(a), such as a Certificate of Reported Compliance[14] or other documentation demonstrating compliance.[15]

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[10] As defined in Section 2025(d)(38) of the Truck and Bus Regulation.
[11] See Section 2025(w) of the Truck and Bus Regulation.
[12] See Section 2025(x)(2) of the Truck and Bus Regulation.
[13] As defined in Section 2025(d)(29) of the Truck and Bus Regulation.
[14] As described in Section 2025(y) of the Truck and Bus Regulation.
[15] See CARB Frequently Asked Questions document titled "How to Verify if Hired Fleets Comply" available at http://www.arb.ca.gov/msprog/onrdiesel/documents.php.

15) Please briefly describe any flexibility options, such as alternative compliance schedules, credits, extensions, or exemptions, exercised by American Highway. For flexibility options that require reporting to CARB,[16] provide documentation of timely reporting.

16) Describe in detail the actions American Highway has taken to comply with the Truck and Bus Regulation, including but not limited to the 2025(f) and (g) engine model year compliance schedules, the 2025(w) sales disclosure requirement, and the 2025(x)(2) verification requirement for hired or dispatched vehicles.

DRAYAGE TRUCK REGULATION

*[In responding to requests under this heading, please refer to the definitions and provisions set out in the Drayage Truck Regulation, 13 C.C.R. § 2027.]*

17) For each diesel-fueled[17] drayage truck[18] owned[19] by American Highway that was operated in California at any time from May 4, 2012, to the date of this letter, provide the following:

a) state of vehicle registration;
b) license plate number;
c) VIN;
d) GVWR;
e) Drayage Truck Registry (DTR) number;[20]
f) date vehicle was registered with the DTR;
g) engine model year;
h) engine family;
i) whether the vehicle was operated as a drayage truck during:

(1) CY 2012 (only from May 4, 2012 through December 31, 2012);
(2) CY 2013;
(3) CY 2014;
(4) CY 2015; and
(5) January 1, 2016, to the date of this letter; and

j) whether such truck has been retired or sold.

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[16] See Section 2025(r) of the Truck and Bus Regulation.
[17] As defined in Section 2027(c)(13) of the Drayage Truck Regulation.
[18] As defined in Section 2027(c)(15) of the Drayage Truck Regulation.
[19] See definition of "drayage truck owner" at Section 2027(c)(16) of the Drayage Truck Regulation.
[20] As defined in Section 2027(c)(19) of the Drayage Truck Regulation. See also definition of "Drayage Truck Registry" at Section 2027(d)(18) of the Drayage Truck Regulation.

18) For vehicles with engine model years 1996-2006 identified in response to request 17, indicate "yes" or "no" whether the vehicle has been equipped with a level 3 verified diesel emission control strategy (VDECS).[21]

19) For each vehicle for which the response to request 18 is "yes," provide the following:

a) make and model of the VDECS;
b) date the VDECS was installed;
c) who installed the VDECS; and
d) documentation that CARB has verified the VDECS for use with the engine and vehicle.

20) For each diesel-fueled drayage truck owned by another drayage truck owner that was dispatched[22] by American Highway at any time from May 4, 2012, to the date of this letter, provide the following:

a) state of vehicle registration;
b) license plate number;
c) DTR number;
d) the owner of the vehicle;
e) the contact person(s) for the owner identified in response to request 20(d);
f) the phone number(s) and address(es) for the contact person(s) identified in response to request 20(e);
g) the date the vehicle was initially dispatched; and
h) whether the vehicle was dispatched during:

(1) CY 2012 (only from May 4, 2012 through December 31, 2012);
(2) CY 2013;
(3) CY 2014;
(4) CY 2015; and
(5) January 1, 2016, to the date of this letter.

21) For each vehicle identified in response to request 20:

a) indicate whether the vehicle was in compliance with applicable emissions standards and compliance deadlines;[23]
b) indicate whether the vehicle was registered and in good standing with the DTR and DTR compliant at the time of dispatch; and
c) indicate whether American Highway provided a copy or approved summary of the Drayage Truck Regulation to each company identified in response to request 20(d).

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[21] As defined in Section 2027(c)(44) of the Drayage Truck Regulation.
[22] As used in Section 2027(d)(5) of the Drayage Truck Regulation.
[23] See section 2027(d)(5)(A)(2) of the Drayage Truck Regulation.

22) Please briefly describe any extensions or exemptions exercised by American Highway. For extensions, provide documentation of timely reporting to CARB.

23) Describe in detail the actions American Highway has taken to comply with the Drayage Truck Regulation, including but not limited to the 2027(d)(3) compliance deadline and VDECS requirements for owned vehicles, and 2027(d)(5) requirements for dispatched vehicles.

If American Highway seeks to withhold any document(s) based on a claim of attorney-client communications privilege or the attorney work product doctrine in its response to this information request, American Highway shall provide with its response a privilege log for each document containing the following information: (i) the date, author(s), every individual to whom the document was originally sent, every individual who subsequently acquired the document, the purpose for which the document was sent to or obtained by those individuals, and the employment titles of the authors and recipients; (ii) the subject matter of the document; (iii) the privilege claimed for the document and all facts supporting the claim of privilege; (iv) the primary purpose(s), including the business purposes, for which the document was made; (v) the question(s) in this information request to which the document is responsive to; and (vi) all facts contained in the document that are responsive to a question in this information request.

The responsive information shall be accompanied by a cover letter sent via certified mail with return receipt requested to the following address:

Ms. Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Attn: Nathan Dancher (ENF-2-1)

Please be advised that under Section 113(a) of the Act, 42 U.S.C. § 7413(a), failure to provide the information and documents required by this letter may result in an order requiring compliance, an order assessing an administrative penalty, or a civil action for appropriate relief. Section 113(b) of the Act, 42 U.S.C. § 7413(b), provides for the assessment of a civil penalty, which has been adjusted for inflation to $37,500 per day, for each violation of the Act. See 40 C.F.R. § 19.4 (for penalties effective after January 12, 2009). See also Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, Sec. 701 (increasing penalties assessed after August 1, 2016). In addition, Section 113(c) of the Act, 42 U.S.C. § 7413(c), provides criminal penalties for knowingly making any false material statement in, or omitting material information from, any report required under the Act. The information provided by American Highway may be used by the United States in administrative, civil, or criminal proceedings.

You may, if you desire, assert a confidential business information ("CBI") claim on behalf of American Highway covering part or all of the information provided to EPA in response to this

letter. Any such CBI claim must conform to the requirements set forth in 40 C.F.R. Part 2, particularly 40 C.F.R. § 2.203, and contain supporting documentary evidence. See also 41 Fed. Reg. 36,902, 36,907 (Sep. 1, 1976). In addition, any such claim must be substantiated in accordance with 40 C.F.R. § 2.204(e)(4).

Specify by page, paragraph and sentence when identifying information from a document where you make a CBI claim. Where your claim does not include all information on a page, please attach a copy of each such page with brackets around the text you claim to be CBI. If a page, document, or group or class of documents claimed by you to be CBI contains a significant amount of information which our Regional Counsel determines is not CBI, your CBI claim regarding that page, document, or group or class of documents may be denied.

You are advised that certain information may be made available to the public pursuant to Section 114(c) of the Act, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.301, notwithstanding a claim that such information is entitled to confidential treatment. Please note that emission data provided pursuant to Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. Emission data is defined at 40 C.F.R. § 2.301(a)(2). If no claim of confidentiality is received with your reply, the information may be made available to the public without notice to American Highway.

This information request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not the "collection of information" within the meaning of 44 U.S.C §§ 3502(3) and 3518(c)(1), since it is being issued during the conduct of an investigation involving the EPA against specific individuals or entities. See also 5 C.F.R. § 1320.4.

We would also like to take this opportunity to advise you that American Highway may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). Please review the enclosed SBREFA Information Sheet, which is designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA's enforcement activities. Please be aware that SBREFA does not eliminate American Highway's responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman.

American Highway shall submit its response to this request postmarked no later than forty-five (45) calendar days after receipt of this letter. All information submitted in response to this request must be certified in a signed, separate statement as true, correct, accurate, and complete, to the best of his/her knowledge, by an individual with sufficient knowledge and authority to make such representations on behalf of American Highway. On the last page of your response to this information request, include the certification contained in Enclosure 2.

If American Highway anticipates that it will not be able to respond fully to this request within the time period specified, American Highway must submit a sworn declaration by a responsible corporate official within ten (10) calendar days after receipt of this letter specifying what

information will be provided by the allotted deadline, describing the efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based upon such declaration, EPA may extend the time in which to respond to this information request. Also, please contact EPA if American Highway determines that a full response to a particular request for information would require the submission of an extremely large number of documents or data files. Based upon such notification, EPA may modify the scope of the documents required to be produced.

If you have any questions regarding this request, please contact Nathan Dancher of my staff at (415) 972-3482; or your attorney can contact Jesse Lueders, Office of Regional Counsel at (415) 972-3174. Thank you for your cooperation in this matter.

Sincerely,

Kathleen H. Johnson

Kathleen H. Johnson
Director, Enforcement Division

Enclosures

cc: Todd Sax, California Air Resources Board

ENCLOSURE 1: Instructions

1. Prepare a cover letter that includes a written response to all requests referencing the request number to which each answer or document pertains. In addition, attach to the cover letter the signed certification by a corporate official with authority to make such representations for American Highway, Inc. ("American Highway"), described in the body of the above information request letter.
2. To the extent that American Highway has no responsive information or documents for any particular request, this must be explicitly stated in the response.
3. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
4. To the extent that a document is responsive to more than one request, this must be so indicated and only one copy of the document need be provided.
5. Please include data in the provided workbook called TRUCKINFO.xlsx, located on the attached CD, in an electronic format. Follow the instruction in TRUCKINFO.xlxs under the "Instructions" tab.
6. All data not submitted in TRUCKINFO.xlxs must be provided in spreadsheet format (e.g., Excel format) rather than as images.
7. All responsive documents must be:
    a. provided as an accurate and legible copy in a searchable PDF file format;
    b. submitted on a disk (CD or DVD media); and
    c. number stamped in sequential order (e.g. BATES stamped).

ENCLOSURE 2: Statement of Certification

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

American Highway, Inc. ("American Highway") is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's (EPA) request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act, including with the Federally-approved California Truck and Bus Regulation.

I certify that I am fully authorized by American Highway to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

Office of Enforcement and Compliance Assurance (2201A)
EPA-300-B-15-001 May 2015

# 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
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 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
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
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**
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

**Printing**
www.pneac.org

**Ports**
www.portcompliance.org

**Transportation**
www.tercenter.org

**U.S. Border Compliance and Import/Export Issues**
www.bordercenter.org

**EPA Hotlines, Helplines and Clearinghouses**
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 or 1-919-541-0800

**Superfund, TRI, EPCRA, RMP and Oil Information Center**
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 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/drink/hotline/index.cfm or 1-800-426-4791

**Stratospheric Ozone Protection Hotline**
www.epa.gov/ozone/comments.htm or 1-800-296-1996

**Toxic Substances Control Act (TSCA) Hotline**
tsca-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
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
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/
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
This Policy offers small businesses special incentives to come into compliance voluntarily.

**EPA's Audit Policy**
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.***