UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

MAR 26 2015

8ENF-UFO

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

H.A. True, III, Manager
Bridger Pipeline, LLC
455 N. Poplar St.
Casper, WY 82601

H.A. True, III, Manager
Bridger Pipeline, LLC
P.O. Box 2360
Casper, Wyo. 82602

Re: **Request for Information Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318(a); NRC Report #: 1105969**

Dear Mr. True:

The Environmental Protection Agency (EPA) is investigating a discharge of oil that occurred on or about January 17, 2015, near Glendive, Montana. The information we have received indicates that crude oil was discharged from a pipeline which is owned and/or operated by Bridger Pipeline, LLC. Pursuant to Section 308 of the Clean Water Act (Act), 33 U.S.C. § 1318, the EPA has the authority to request information pertinent to carrying out its responsibilities under the Act.

Our purpose in sending this information request is to require Bridger Pipeline LLC to provide information regarding the discharge, pipeline and related facilities. The EPA is requesting, pursuant to the above-referenced statutory authority, that you respond to the enclosed Request for Information (RFI). Please answer each question on the enclosure, including subparts of questions. The *RFI Statement of Certification* must be signed by a duly authorized official of your company.

Although your response to the information request is mandatory, you may be entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Section 309 of the Act, 33 U.S.C. § 1319, provides for administrative and civil penalties of up to $37,500 per day of violation for failure to comply with this RFI. Please be further advised that the submission of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This RFI is exempt from the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

A Small Business Regulatory Enforcement Fairness Act (SBREFA) information sheet setting forth resources and tools available to small businesses, is enclosed with this letter. SBREFA does not eliminate your responsibility to comply with the Clean Water Act or respond to this RFI, nor does it create any new rights or defenses under law.

Your response to the RFI must be submitted within thirty (30) days of receipt of this letter to:

U.S. Environmental Protection Agency Region 8
Darla Hohman (8ENF-UFO)
1595 Wynkoop Street
Denver, CO 80202-1129

Ms. Hohman can assist you with any questions regarding this RFI; she may be reached at (303) 312-6263 or (800) 227-9441, ext. 6263. When calling, please refer to your company name and the NRC Report number. An electronic version of the RFI is available upon request. Inquiries of a legal nature should be directed to Sheldon Muller, Senior Attorney, at (303) 312-6916.

Sincerely,

James H. Eppers, Supervisory Attorney
Legal Enforcement Program

Sincerely,

Gwenette C. Campbell, Supervisor
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

1. Request for Information
2. Statement of Certification Form
3. Instructions and Definitions
4. Small Business Resources Information Sheet

REQUEST FOR INFORMATION

This information is requested pursuant to Section 308 of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1318(a). This Request for Information (RFI) is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

Instructions: Instructions are included in the instructions portion of this RFI. Terms in boldface are defined in the definitions portion of this RFI the first time they are used in the questions; please refer to the definitions portion of this RFI when terms are used subsequently in this document.

1. **Describe** the operations at the control center that first detected the drop in pressure in the **pipeline** on or about January 17, 2015, and the subsequent **January 2015 discharge** and, if there are any other control centers for the pipeline, the operations for those control centers, and describe which control centers can detect pressure drops or other indicia of a **discharge** at the location of the January 2015 discharge. Describe the daily activities of the individuals working at the control centers. Describe the procedures for when a discharge is suspected, and provide all **documents** regarding such procedures. **Identify** the persons who work at the control centers, and specifically identify those individuals who were working at the control centers during the 12-hour period before the drop in pressure in the pipeline was detected in conjunction with the January 2015 discharge, and those individuals who were working there during the 48 hours after the drop in pressure in the pipeline was detected in conjunction with the January 2015 discharge.

2. Identify the current **owner(s)** of the pipeline, and provide the current owner(s) Dun & Bradstreet number. Also, identify the parent corporation or other entity (if any) of the current owner(s) and all owners of the pipeline for the last two years.

3. State what type of business unit (i.e., corporation, partnership, limited liability company, etc.) is the owner and/or **operator** of the pipeline.

    a. When was the business incorporated or organized? When did the business first begin operating the pipeline?

    b. In what state was the business first incorporated or organized, and in what state(s) is it authorized to do business? Provide copies of all documents filed with the state where the business was incorporated or organized since the time of incorporation or organization until today, and all documents filed for that same time period with the Montana Secretary of State's Office.

    c. If the business is a corporation, identify all corporate officials listed with the state in which the company was incorporated, and with the State of Montana. If the business is a limited liability company, identify all members and managing members/mangers listed with the state in which the limited liability company was organized, and with the State of Montana.

4. Identify the operator of the pipeline if different from the owner at the time of the January 2015 discharge. Describe the relationship between the owner and operator (i.e. employee, contractor, subcontractor, lessee, etc.).

5. State the time and date of the January 2015 discharge and how this was determined.

   a. When was the January 2015 discharge discovered (time and date)?

   b. Identify the individual who first discovered the January 2015 discharge and how that individual discovered it.

   c. Describe how long the January 2015 discharge continued.

   d. State the weather conditions, including temperature, precipitation, cloud cover, etc., during the duration of the January 2015 discharge.

   e. Provide all documents that relate in any way to your responses to this question 5 and its subparts.

6. State the type of all substances discharged during the January 2015 discharge, including the chemical name, formula, and specific gravity. If the material discharged was a mixture, give the percentages of substances in the mixture or solution. Provide copies of the Material Safety Data Sheets, if available.

   a. List those substances that were discharged which are specifically listed or designated as hazardous substances in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, Section 101(14), and the regulations promulgated thereto.

7. Describe the quantity of each substance that was discharged during the January 2015 discharge, the quantity of each substance that entered the Yellowstone River or its adjoining shorelines, and how those quantities were determined. Provide all documents that relate in any way to your determination of such quantities.

   a. Describe the age, thickness, type, total capacity, diameter, length, daily throughput, and purpose of the pipeline from which the substance was discharged.

   b. Describe the source of the pipeline and the destination, the points where flow through the pipeline can be halted, etc.

8. Provide copies of the analyses of any samples of the discharged substance(s) collected and analyzed, and any other analyses that were conducted as part of the response to the January 2015 discharge. Describe the locations from which the samples were collected and the time the samples were collected, and identify who collected the samples and the laboratory that conducted the analyses.

9. Provide details of the specific location of the January 2015 discharge, including:

   a. The latitude, longitude, datum, county and state.

   b. The street address and city, if applicable.

   c. The township, range, quarter-sections and fractions for rural areas.

   d. Whether the January 2015 discharge was on Indian lands. If so, state which ones. This includes not only reservations, but any type of Indian lands.

10. State whether there was any flow monitoring equipment located at any point along the pipeline at the time of the January 2015 discharge? If so, describe the flow monitoring equipment and its location (including the location relative to the point of discharge), and provide all documents relating in any way to the flow measured by such flow monitoring equipment for the 30-day period prior to the January 2015 discharge. If you believe that the flow on the day of the January 2015 discharge was uncharacteristic of the flow for the prior 30-day period, please describe why and provide all documents in support thereof.

11. Describe the pathway(s) of migration of the January 2015 discharge from the specific source within the pipeline. Include diagrams and topographic or other maps.

12. Did the substance that was discharged during the January 2015 discharge reach or threaten any water (i.e., river, creek, intermittent stream, ditch, pond, lake, gully, mudflat etc.), including any wetlands, marshes or sewers, or the adjoining shoreline of any water (Yes or No).

    a. If yes, describe the waterways reached or threatened, include their width and depth, whether water was present, the flow direction, the quantity of flow, and the condition (i.e., low, flooded, quiet, turbulent, etc.), at the time of and since the January 2015 discharge.

    b. Describe the uses of the waterway (i.e., drinking water, agriculture, ranching, recreation, commerce, etc.).

    c. Describe the direction and elevation of the segment of the pipeline within one mile in each direction of the location of the January 2015 discharge.

    d. Describe any film, **sheen**, discoloration, or iridescent appearance on the surface of any water or adjoining shorelines caused by the January 2015 discharge. Identify the individual(s) making the observation, describe the time and location of the observation, and identify other individuals who were with the individual making the observation at the time of the observation.

    e. Describe any **sludge** or emulsion deposited on the adjoining shorelines or beneath the surface of the waters described above.

13. Describe any damage as a result of the January 2015 discharge and provide all documents that relate in any way to such damage:

    a. to animal life – provide the number and species of injured or dead fish, birds, animals, insects, etc.

    b. to vegetation – describe how many feet, acres, or miles of land were affected, type of vegetation, crops, timber, forest, prairie grasses, scrub, etc.

14. List and describe any sensitive environments, wildlife habitats or refuges, endangered species, water wells, or drinking water intakes within 100 miles downstream of the location of the January 2015 discharge. Describe the location and distance of each from the point of the January 2015 discharge. With respect to drinking water intakes in the area, provide the following information:

a. When did you notify the operator of those drinking water intakes of the January 2015 discharge? Identify the individual that was notified and how the notification was provided. Provide all documents that relate in any way to such notification.

b. If your notification to the operator of those drinking water intakes was not provided immediately after it was first suspected that the January 2015 discharge may have occurred, describe the reason for the delay, and provide all documents related in any way to such delay.

15. Provide the date and time the January 2015 discharge was controlled.

a. Describe the steps taken to control and clean up the January 2015 discharge, including dates and times of each measure.

b. Describe steps taken to mitigate any environmental damage.

c. Provide all documents that relate in any way to your response to this question 15 and its subparts.

16. Describe the cause (i.e., equipment failure, operator error, inadequate procedures or maintenance, etc.) of the January 2015 discharge.

a. Describe events leading up to the January 2015 discharge. This response should include a discussion of the following:

1) The date and time when anyone working for **you** or on **your** behalf first had any indication that there may have been a discharge or problem that could lead to a discharge. Your response to this request must identify the persons involved and state their relationship to you.

2) All actions taken by anyone working for you or on your behalf, after there was any indication that there may have been a discharge or problem that could lead to a discharge, to stop the flow of **oil** to the location of the discharge. Your response to this request must:

a) Describe each step taken by each individual in the control center(s) from the time of the first indication that there was a drop in pressure in the pipeline or any other indication that there might be a potential discharge form the pipeline until the time when flow in the pipeline to the point of discharge was stopped;

b) Identify the **persons** involved;

c) State their relationship to you; and

d) State the date and time of each action or step taken by each person. Provide any documents prepared by those persons, or prepared with input from, or information supplied by, those persons, regarding such actions taken, and any logs that were generated from the first indication that there was a drop in pressure in the pipeline or any other indication that there might be a potential discharge from the pipeline until the time when flow in the pipeline to the point of discharge was stopped.

3) Your estimate or calculation, including a detailed description of the basis for that estimate or calculation, of the amount of oil that continued to flow through the pipeline at the location of the January 2015 discharge from the time anyone working for you or on your behalf first had any indication that there may have been a discharge or problem that could lead to a discharge until the time when the flow of oil through the pipeline at the location of the January 2015 discharge had ceased.

b. Describe any measures taken, or planned to be taken, to prevent any future discharges from this location of the pipeline and any other location where the pipeline crosses a river or other water.

c. Provide all documents that relate in any way to your response to this question 16 and its subparts.

17. Describe all inspections or other investigations you conducted, or considered conducting, since the beginning of 2011, of the Yellowstone River at the location of the January 2015 discharge, to determine whether the section of the pipeline that crosses the river at that location might be susceptible to being exposed, i.e., no longer covered by the bed of the river, or compromised in any way. Provide all documents that relate in any way to such actual or contemplated inspections or investigations. If you have not conducted, since 2011, any inspections or other investigations of the Yellowstone River at the location of the January 2015 discharge to determine whether the section of the pipeline that crosses the river at that location might be susceptible to being exposed, i.e., no longer covered by the bed of the river, or compromised in any way, describe why you determined that no such inspections or other investigations were necessary, and provide all documents that relate in any way to such determination. Describe the previous inspections or other investigations you conducted, or considered conducting, for the ten year period prior to the 2011 inspection, of the Yellowstone River at the location of the January 2015 discharge, to determine whether the section of the pipeline that crosses the river at that location might be susceptible to being exposed, i.e., no longer covered by the bed of the river, or compromised in any way. Provide all documents that relate in any way to such actual or contemplated inspections or investigations.

18. List the federal, state, tribal, and/or local agencies to which the January 2015 discharge was reported. State the date and time of the notification and identify the official contacted. For any notifications that were not provided immediately after the time you had knowledge of the January 2015 discharge, describe why such notifications were delayed.

a. Identify all persons from the above-mentioned agencies, and those who wore working for you, or on your behalf, who were present at or near the location of the January 2015 discharge at the time of the January 2015 discharge or during the response thereto.

19. Describe any fines assessed in conjunction with the January 2015 discharge by any government entity. Identify the agency(ies), amount of the fines, and the dates assessed, and provide all documents related to such assessment.

20. Describe any previous discharges from the pipeline within the past five years.

a. State the type of all substances discharged, including the chemical name, formula, and specific gravity. If the material discharged was a mixture, please give the percentages of substances in the mixture or solution. Use the following format:

Date	Substance	Source Quantity	Waterway Affected/Threatened	Cause

b. Describe any measures taken to prevent or mitigate future discharges from the pipeline following the discharges listed above, and provide all documents related to such measures.

21. List any applicable EPA, State, County or local governmental identification number for the pipeline or permit numbers (i.e., NPDES, RCRA, Oil and Gas Commission, etc.), using the following format.

Number	Facility/Unit Assigned To	Issuing Agency	Date Issued

22. Provide any additional pertinent information and documents that you have related to the January 2015 discharge. Please submit color photographs, or color photocopies, of photos. If you have any of the following documents in your possession, submit copies of those documents.

    a. USGS topographic maps (of the facility and of the January 2015 discharge),

    b. Geographic Information System (GIS) maps or data,

    c. Aerial photography, both current and historical,

    d. Hydrologic flow and fate or transport models,

    e. Wetland and stream functional models,

    f. Stream profiles and culvert sizes,

    g. Stream gauge data,

    h. Precipitation records.

23. Identify the persons that were consulted regarding the response to this RFI and provide their relationships to the owner or operator of the pipeline that was the source of the January 2015 discharge.

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

_____	_____
Signature	Date
_____	_____
Printed Name	Title and Name of Company

Instructions

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Request for Information (RFI).

2. Precede each answer with the number of the question to which it corresponds.

3. If the question is not applicable to the incident, please indicate N/A and state why the question is not applicable.

4. If information or documents not known or not available to you as of the date of submission of a response to this RFI should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

5. For each document produced in response to this RFI, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.

6. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this RFI any information which might otherwise be construed to be outside its scope.

7. All questions asked in the past tense should be interpreted to apply to the present as well as the past.

8. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.

9. The Statement of Certification must be signed by a responsible official of the owner or operator.

10. If you wish to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2 covering any portion of the information submitted, you must assert such claim at the time you submit your response. You may assert such claim by including a stamped or typed notice employing language such as "Company Confidential," "Trade Secret," "Proprietary," etc. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

Definitions

The following definitions shall apply to the following words as they appear in the questions:

1. The terms "**you**," "**your**" or "**Respondent**" shall mean the addressee of this RFI, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

2. The term "**describe**" shall mean provide in detail all information you are aware of that may relate in any way to the information, person, or document referenced.

3. The terms "**document**" and "**documents**" shall mean any writing, recording, or stored information, and includes, but is not limited to, writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration, and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, fax, email, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and, (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

4. The term "**discharge**" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes discharges in compliance with a permit under section 402 of the Clean Water Act (Act).

5. The term "**identify**" means, **with respect to a natural person**, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

6. The term "**identify**" means, **with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship)**, to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

7. The term "**identify**" means, **with respect to a document**, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the author and recipient(s), and to **describe** the substance or the subject matter.

8. The term "**January 2015 discharge**" means the **discharge** from the **pipeline** commencing on or about January 17, 2015, of **oil**, a pollutant, or other contaminant, into the Yellowstone River at a location approximately 6.25 river miles upstream of Glendive, Montana.

9. The term "**oil**" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, **sludge**, oil refuse, and oil mixed with wastes other than dredged spoil.

10. The terms "**owner**" and "**operator**" mean any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

11. The term "**person**" includes an individual, firm, corporation, association, or partnership.

12. The term "**pipeline**" means the pipeline that was the source of the **discharge**, commencing on or about January 17, 2015, of **oil**, a pollutant, or other contaminant, into the Yellowstone River at a location approximately 6.25 river miles upstream of Glendive, Montana, and includes the entire length of the pipeline from the eastern Williston Basin south to Baker.

13. The term "**sheen**" means an iridescent appearance on the surface of water.

14. The term "**sludge**" means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Act, 33 U.S.C. §§ 1321, et seq or the regulations found at 40 C.F.R. Part 110, in which case the statutory or regulatory definitions shall apply.

United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA-300-F-11-006 June 2011

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/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act
www.epa.gov/superfund/resources/infocenter/epcra.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
tsca-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.