

US EPA ARCHIVE DOCUMENT

Superfund Records Center
SITE: Centredale
BREAK: 11-9
OTHER: 285168



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MA 02114-2023



SDMS DocID 285168

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

August 7, 2007

Alexandra K. Callam, Esq.
Hinckley, Allen & Snyder LLP
50 Kennedy Plaza
Suite 1500
Providence, RI 02903-2393

Re: Notice of Potential Liability for Centredale Manor Restoration Project Superfund Site,
North Providence, Rhode Island

Dear Ms. Callam:

This letter serves to formally notify Northeast Products Company, Inc. of the potential liability which it has or may have incurred with respect to the Centredale Manor Restoration Project Superfund Site in North Providence, Rhode Island ("Site"). In addition, this letter requests that you pay certain costs related to the Site and that you prepare to participate in the conduct or financing of certain clean-up activities at the Site.

NOTICE OF POTENTIAL LIABILITY

The U.S. Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants or contaminants at the Site. EPA has spent and is considering spending additional public funds on actions to investigate and control such releases or threatened releases. Unless EPA reaches an agreement under which a responsible party or parties such as yourself will properly perform or finance such actions, EPA may itself perform these actions or order responsible parties to perform these actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* ("CERCLA").

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), and other laws, responsible parties may be obligated to undertake actions deemed necessary by EPA to protect the public health, welfare or environment. Responsible parties may also be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, clean-up response and enforcement activities. In addition, responsible parties may be required to pay

damages for injury to, destruction of, or loss of natural resources, including the costs to assess such damages.

Responsible parties under CERCLA include persons who are current or former owners and/or operators of a site, persons who arranged for disposal of hazardous substances at a site, or persons who accepted hazardous substances for transport to a site selected by such persons.

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including witness interviews; written statements and depositions from persons familiar with activities at the former chemical and drum refurbishing companies that operated at the Site; and responses to CERCLA Section 104(e) information requests. Based on this evidence, EPA has information indicating that you are a potentially responsible party ("PRP") with respect to this Site. Specifically, EPA has reason to believe that you are the legal successor to U.S. Oil Company which arranged by contract, agreement or otherwise for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of hazardous substances found at the Site.

By this letter, EPA notifies you of your potential liability with regard to this matter. EPA also encourages you, as a PRP, to reimburse EPA for the costs incurred to date as set out below, and to prepare to voluntarily perform or finance future response activities which EPA determines are necessary to address the contamination at the Site.

DEMAND FOR PAYMENT OF COSTS

In accordance with CERCLA and other authorities, EPA has undertaken certain actions and incurred costs in response to conditions at the Site. These response actions are described below. The costs to date associated with these actions are approximately \$17.5 million, excluding interest. EPA anticipates that it will expend additional funds for response activities at the Site under the authority of CERCLA and other laws, including those response activities described below.

In accordance with Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), demand is hereby made for payment of the above amount, and all interest authorized to be recovered under that Section or under any other provisions of law. Demand is also hereby made under these authorities for payment of all future costs, and interest thereon, that EPA may accrue in regard to the Site.

In the event the addressee of this notice intends or has already filed for dissolution or reorganization under bankruptcy laws, you are hereby requested to include EPA-Region 1 and the United States Department of Justice on any mailing or notice lists used in that proceeding. The United States reserves the right to file a proof of claim or application for reimbursement of administrative expenses in such a proceeding.

RESPONSE ACTIVITIES AT THE SITE

EPA has conducted or is planning in the future to conduct the following activities at the Site:

1. Previous Site activities:

Previous activities by EPA

- established site security;
- restricted access to contaminated soils;
- conducted certain characterization activities to assist in determining the extent of contamination at the Site;
- installed one and partially installed a second interim cap over two contaminated soil areas at the Site;
- conducted an Engineering Evaluation/Cost Analysis for addressing the breached Allendale Dam and contaminated soil and sediment on residential-use properties; and
- conducted a remedial investigation to identify the characteristics of the Site, to define the nature and extent of soil, sediment, air, surface water and ground water contamination at the Site, and to characterize the risk posed by the Site.

Previous activities by PRPs

- completed installation of a second interim cap over a contaminated soil area at the Site;
- completed the restoration of the Allendale Dam;
- sampled, analyzed, excavated and disposed of contaminated soils and sediments located in areas accessible by residential and recreational users; and
- completed the reconstruction of the tail-race, including the construction of a cap over contaminated soil and sediment and construction of a drainage swale to prevent migration.

2. Current Site activities:

Current activities by EPA

- a feasibility study to evaluate a number of different means for addressing the contamination at the Site and the risk posed by that contamination.

Current activities by PRPs

- performance of studies and investigations to assist EPA in its analysis of the conditions that would potentially result from the removal of the Allendale and Lyman Mill Dams.

3. Future Site activities:

Future work at the Site may include removal actions to address any remaining sources of contamination. Future work shall also include the design and implementation of the remedial action to be selected and approved by EPA for the Site and any operation, maintenance and monitoring activities necessary at the Site.

In addition to those activities enumerated above, EPA may, pursuant to its authorities under CERCLA and other laws, decide that other studies or clean-up activities are necessary to protect public health, welfare or the environment.

FUTURE SPECIAL NOTICE AND NEGOTIATION MORATORIUM

At an appropriate point in the future, EPA will send to you, or a person you designate to represent you, a notice informing you that one or more of the above activities is pending and that your cooperation is being requested to negotiate an agreement to perform or finance those activities.

This forthcoming notice will tell you whether EPA has decided to use the "Special Notice" procedures pursuant to CERCLA Section 122(e), 42 U.S.C. § 9622(e), to formally negotiate the terms of a consent order or consent decree to conduct or finance response activities at the Site. If EPA does not use Section 122(e) Special Notice procedures, the notice will explain to you why EPA has determined that those procedures are not appropriate for this Site.

If EPA chooses to employ the Special Notice procedures under Section 122(e) of CERCLA, that notice will commence formal negotiations between EPA and the PRPs. This notice will also trigger a moratorium on certain EPA activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may negotiate a settlement.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

SITE INFORMATION

In order to encourage you to meet with other PRPs, the following information has been enclosed with this letter:

1. A list of contacts for PRPs previously identified for this Site (Enclosure A).
2. An evidentiary summary which sets forth the documentary evidence which indicates, along with other investigatory information gathered by EPA, that you are a PRP for this Site (Enclosure B).
3. A compact disk set (with user manual) that contains evidentiary documents including responses to EPA's information requests; deposition transcripts; and summaries of interviews or written statements from former employees of the companies that previously operated at the Site (Enclosure C). EPA is in the process of updating the disk with documents issued or received since June 2003 and will provide copies to all of the PRPs upon completion.
4. A compact disk set that contains that portion of the ongoing administrative record file that is not available on EPA's website (Enclosure D).

ADMINISTRATIVE RECORD

In accordance with Section 113(k) of CERCLA, EPA must establish an administrative record containing the documents used by EPA to select the appropriate response actions for the Site.

The administrative record file for past response actions is available to the public for inspection at:

EPA Records Center
1 Congress Street
Boston, MA 02114-2023
Telephone No. 617-918-1440.

Please call the EPA Records Center at (617) 918-1440 for current hours and directions.

This administrative record file is also available at North Providence Union Free Library, 1810 Mineral Springs Ave., North Providence RI 02911 and Marion J. Mohr Memorial Library, 1 Memorial Avenue, Johnston, RI 02919.

In addition, this administrative record file is available at
<http://www.epa.gov/region01/superfund/resource/centredale.htm>.

In most cases, EPA seeks an active dialogue with PRPs regarding the search for additional PRPs. If you have evidence regarding the liability of any party for response actions at the Site which has not already been provided to EPA, you should provide that information no later than thirty (30) days from the date of this letter. In addition, if you are interested in participating in the search for additional PRPs, you should contact members of the EPA case team, listed below, for guidance on how you can best target your efforts. You should note that any evidence which you gather and offer to EPA regarding other PRPs will be subject to independent evaluation by EPA. Therefore, this evidence must be reliable and sufficiently detailed to be verified by EPA.

ORPHAN SHARE INFORMATION

Pursuant to the Superfund Reforms, when EPA enters into certain settlements, EPA may compensate settlors for a portion of the shares specifically attributable to insolvent and defunct PRPs ("orphan share"), if any. EPA believes that there may be PRPs at this site who are insolvent or defunct. If in the future you, either individually or with other PRPs, enter into a cost recovery or RD/RA settlement with EPA and provide sufficient information about the existence, liability, and relative shares of responsibility of insolvent and defunct PRPs, EPA will analyze the information and determine whether to consider the shares of these parties in the amount of past costs and future oversight costs which EPA will seek to recover in such settlement.

STEERING COMMITTEE

EPA recommends that all PRPs form a steering committee to negotiate on behalf of the entire group of PRPs, and to otherwise pursue the interests of the PRPs. Establishing an effective steering committee, which represents the different interests of the PRPs at the Site, is a critical component of the negotiation process.

EPA recognizes that the organization of a steering committee and the allocation of responsibility among PRPs may be difficult. If PRPs are unable to organize an effective steering committee or to reach consensus among themselves, we encourage the use of the services of a neutral third party to facilitate negotiations. If requested, EPA can provide a list of experienced third-party neutrals and help arrange for the PRPs to meet with such a neutral.

TIMING AND FORM OF RESPONSE TO THIS LETTER

As a PRP, you should notify EPA in writing within 30 days from the date of this letter of your receipt of this letter, and your willingness to join the other PRPs in addressing the contamination at the Site, and in paying EPA's outstanding response costs set out in this letter. Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary clean-up action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you with respect to any such activities. EPA requests that you report the status of such Site-related activities in your response to this letter.

Your response letter should be sent to:

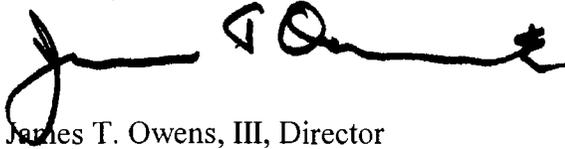
Anna Krasko
U.S. Environmental Protection Agency
Office of Site Remediation and Restoration
1 Congress Street, Suite 1100 (HBO)
Boston, MA 02114-2023

If EPA does not receive a timely response to this letter, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the Site and that you have declined any involvement in performing the response activities, and paying outstanding costs.

If you have questions regarding the Site or this notice letter, please contact Anna Krasko at (617) 918-1232. If you have an attorney representing you in this matter, please direct his or her questions to Eve Vaudo of the EPA Office of Environmental Stewardship at (617) 918-1089.

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final agency position on any matter set forth herein. Due to the seriousness of the environmental and legal problems posed by conditions at the Site, EPA urges that immediate attention and a prompt response be given to this letter.

Sincerely,



James T. Owens, III, Director
Office of Site Remediation and Restoration

Enclosures

- cc: Scott Schachter, USDOJ
Patty Fairweather, RIDEM Legal Services
Louis Maccarone, RIDEM Remedial Project Manager
Eve Vaudo, EPA Office of Environmental Stewardship
Anna Krasko, EPA Remedial Project Manager
Jim Murphy, EPA Community Involvement Coordinator
Bruce Marshall, Chief, Search & Cost Recovery Section

July 2007

CENTREDALE MANOR RESTORATION PROJECT SUPERFUND SITE

1. American Mineral Spirits Company

Richard T. Hughes
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1500 Louisiana Street
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Houston, TX 77002
(P): (832) 854-6449
(F): (832) 854-6496
RHughes@chevron.com

2. Ciba Specialty Chemicals Corporation

Rachel E. Deming, Esq.
Scarola Ellis LLP
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(F): (212) 757-0469
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R. Howard Grubbs, Esq.
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 10208
Greenville, SC 29603-0208
hgrubbs@wcsr.com

3. CNA Holdings, Inc.

David B. Graham, Esq.
Kaufman & Canoles, P.C.
4801 Courthouse Street, Suite 300
Williamsburg, VA 23188
(P): (757) 259-3855
(F): (757) 259-3838
dbgraham@kaufcan.com

4. ConocoPhillips Company

Stephen P. Chung, Esq.
Counsel
ConocoPhillips Company
Legal - ML 1112
600 North Dairy Ashford
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Ms. Willette A. DuBose
Senior Legal Assistant
ConocoPhillips Company
Legal-ML 1116
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(F): (281) 293-1987

5. Cranston Print Works Company

Steven M. McInnis, Esq.
38 Bellevue Avenue
Newport, Rhode Island 02840
(P): (401) 841-8480
(F): (401) 841-8555
steve@mcinnislaw.com

6. Crown-Metro, Inc.

Knox L. Haynsworth, III, Esq.
Brown, Massey, Evans, McLeod & Haynsworth, LLC
P.O. Box 2464
Greenville, SC 29602
(P): 864-271-7424
(F): 864-242-6469

7. Eastern Color & Chemical Company

Gregory L. Benik, Esq.
Nixon and Peabody
1 Citizens Plaza
Providence, RI 02903
(P) 401-454-1025
(F)
gbenik@nixonpeabody.com

Mr. Barry S. Shepard
President
Eastern Color & Chemical Company
35 Livingston Street
Providence, RI 02904
(P): (401) 331-9000
(F): (401) 331-2155

8. Eli Lilly and Company

Jerome I. Maynard, Esq.
Dykema Gossett Rooks Pitts PLLC
10 S. Wacker, Suite 2300
Chicago, IL 60606
(P): (312) 627-2185
(F): (312) 627-2302
jmaynard@dykema.com

9. Emhart Industries, Inc.

Jerome C. Muys, Jr., Esq.
Sullivan & Worcester
1666 K Street, N.W.
Washington, DC 20006
(P): 202-370-3920
(F): 202-293-2275
jcmuys@sandw.com

10. New England Container Company, Inc.

James Ray, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(P): 860-275-8257
(F): 860-275-8299

11. Organic Dyestuffs Corporation

Greg Gormley
Organic Dyestuffs
P.O. Box 14258
East Providence, RI 02914
(P): 401-434-3300
(F):
greg@organicdye.com

12. Refinity Corporation

Mark Kalpin, Esq.
Hale and Dorr
60 State Street
Boston, MA 02109
(P): 617-526-6176
(F): 617-526-5000

13. Sequa Corporation

Gary Donner, Esq.
Robertson, Freilich, Bruno & Cohen, LLC
The Legal Center
1 Riverfront Plaza
Newark, NJ 07102
(973) 848-2100

14. The Original Bradford Soap Works, Inc.

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2800 Financial Plaza
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15. Teknor Apex Company

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Mr. David F. Yopak
Director of Environmental, Health and Safety
Teknor Apex Company
505 Central Avenue
Pawtucket, RI 02861-1900
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(F) 401-725-0978
dyopak@teknorapex.com

16. THBC, Inc.

Mr. Charles E. Bradley
President
THBC, Inc.
c/o Stanwich Partners, Inc.
62 Southfield Avenue
Stamford, CT 06902

Scott Junkin, Esq.

Enclosure B

For Settlement Purposes Only

CENTREDALE MANOR RESTORATION PROJECT SUPERFUND SITE

**Northeast Products Company, Inc.
52 Ferry Street
Fall River, MA 02720**

**Contact: Alexandra K. Callam, Esq.
Hinckley, Allen & Snyder LLP
50 Kennedy Plaza
Suite 1500
Providence, RI 02903-2393**

Evidentiary Summary

New England Container Company, Inc. ("NECC") operated a drum refurbishing business at 2074 Smith Street in North Providence, Rhode Island from approximately 1952 to approximately mid-1971. This property is now part of the Centredale Manor Restoration Project Superfund Site ("Site"). Prior to 1981, U.S. Oil Company operated a chemical and oil manufacturing business. (Northeast Products' Response dated July 30, 2003.) In 1981, U.S. Oil Company merged into U.S. Chemical Industries, Inc. (Northeast Products' Response dated July 30, 2003.) Thereafter, the oil marketing division of U.S. Chemical Industries, Inc. was acquired by the shareholders of U.S. Chemical Industries, Inc. and then sold to U.S. Oil Company, Inc. (Northeast Products' Response dated July 30, 2003.) In 1987, U.S. Oil Company, Inc. merged into Northeast Products Co., Inc. (Northeast Products' Response dated July 30, 2003.) Northeast Products Co., Inc. operates a business that involves the blending, packing and sale of lubricating oil. (Northeast Products' Response dated July 30, 2003.) The entities share common officers and/or shareholders.

EPA has requested and received information from NECC about its operations. In addition, EPA personnel have interviewed many former employees of NECC. Some of the private parties have also engaged investigators to interview former employees. One of the former NECC employees interviewed was employed by NECC from about 1956 to about 1969 and drove a truck for about six of those years. According to a December 11, 2001 interview, this individual stated that he picked up 150 barrels from U.S. Oil Company about two times per month. Another individual was employed from 1951 to 1971 by the chemical company that previously operated at the Site. This employee stated on December 27, 2001 that he delivered chemicals to U.S. Oil and picked up drums from U.S. Oil and brought them to NECC. This statement was confirmed in a signed statement dated June 12, 2002.

NECC's refurbishing operations resulted in contamination at the Site. NECC received drums by truck. The drums were then unloaded and stacked on the ground. The contents of some of the

drums leaked onto the ground. Drums were then placed upside down on a conveyor belt inside a furnace. The drum contents either drained into a pit located under the conveyor belt or were burned out. Ash from the incineration process either fell into the pit or was swept into the pit. (The liquid contents of some drums may have been emptied into other drums or onto the ground before being placed on the conveyor belt.) The contents of the pits were emptied periodically into drums. Those drums or the contents of those drums were then taken to an area south of the facility (but still within the Site property) and dumped. Residents living near the Site observed the dumping of drums in this area. In addition, residents observed bulldozers burying drums into the ground.



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners



Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers (Centers) that provide information targeted to industries with many small businesses. All Centers can be accessed at: <http://www.assistancecenters.net>

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

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

Agriculture

(1-888-663-2155 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

Transportation Industry

(1-888-459-0656 or www.transource.org)

Paints and Coatings

(1-800-286-6372 or www.paintcenter.org)

Construction Industry

(www.cicacenter.org)

Automotive Recycling Industry

(www.ecarcenter.org)

US / Mexico Border Environmental Issues

(www.bordercenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org>.

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 policies that potentially apply to small businesses: The Small Business Policy ([\[www.epa.gov/compliance/incentives/smallbusiness\]\(http://www.epa.gov/compliance/incentives/smallbusiness\)\) and Audit Policy \(<http://www.epa.gov/compliance/incentives/auditing>\).](http://</p></div><div data-bbox=)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. 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 (NAICS) designation, number of employees or annual receipts, 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 because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments 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 (SBREFA) or related provisions.