

# SMALL BUSINESS OMBUDSMAN UPDATE NEWSLETTER

United States Environmental Protection Agency  
Washington, D.C. 20460



Toll-Free Hotline  
800-368-5888  
703-305-5938

## MEMORANDUM

**SUBJECT:** Update on Recent Small Business Activities at the U.S. EPA

**FROM:** Karen V. Brown, Small Business Ombudsman *K.V.B.*

**TO:** Persons Interested in Small Business Environmental Issues

**DATE:** July, 1997

## PROBLEMS?? CONCERNS?? CALL ME!!

As the EPA's Small Business Ombudsman, my major function is to serve as an independent advocate within the Agency for small business--to be the eyes, ears and spokesperson for small business in the formulation and development of regulations and standards, and to provide information and assistance, enabling small businesses to understand these requirements once adopted. However, to do this, I must hear from you as to the difficulties you are experiencing with existing regulations and/or problems you foresee in new proposed regulations. **YOUR TIMELY INPUT IS IMPORTANT!!** I cannot express your concerns unless I know what they are. All calls to our Toll-Free Telephone Hotline are treated confidentially, as well as our mail correspondence. If you prefer, direct your calls or letters to me personally. I assure you that I will promptly respond and make sure that your concerns and/or suggestions are elevated to the proper Agency officials. I remind you, again, that I am here to help you...but I will need your help to do so. So, call our Toll-Free number, 800-368-5888, and let me hear from you...you...and you. Thanks.

### ASSOCIATE OMBUDSMAN

Robert C. Rose, Industrial Engineer  
*The Clean Air Act & General Assistance*

### SENIOR ENVIRONMENTAL EMPLOYEES

James E. Malcolm, Chemical Engineer  
*Toxic Substances & Hazardous Materials*

Larry O. Tessier, P.E., Civil Engineer  
*Asbestos, Radon and Lead Pollution*

Arnold Medbery, P.E., Mechanical Engineer  
*The Clean Air Act, Water, Asbestos*

Thomas J. Nakley, Civil Engineer  
*The Clean Water Act and General Assistance*

Sincerely,

Karen V. Brown

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State Small Bus. Assistance Contacts (Pages 17, 18)

### SMALL BUSINESS OMBUDSMAN FUNCTIONS

EPA's Office of the Small Business Ombudsman (OSBO) performs the following functions:

- Provides a convenient way for small businesses to access EPA;
- Facilitates communications between the small business community and EPA;
- Investigates and resolves disputes with EPA; and
- Works with EPA personnel to increase their understanding of small businesses in development and enforcement of environmental regulations.

## SBREFA UPDATE

It has been just over one year since Congress enacted the Small Business Regulatory Enforcement Fairness Act (SBREFA). The Act ensures that small entity concerns receive appropriate consideration in the regulatory process. Since its enactment, EPA has moved aggressively to comply with all provisions of the law. We immediately formed a cross-agency task group to integrate its provisions into our existing regulatory procedures, developed written guidance for Agency personnel, and strengthened the ability of my office to offer hands-on support to EPA's program offices to help them with the new procedures.

The law prescribes certain new procedures to ensure that EPA, as well as the Occupational Safety and Health Administration, are small-business friendly. In particular the two agencies must convene Small Business Advocacy Review Panels to consider the advice and recommendations of small entities potentially affected by certain new regulations in the pre-proposal stage of development. SBREFA Panels provide small businesses a unique forum to express their views early in the rulemaking process, when the Agency's options are still being developed and analyzed.

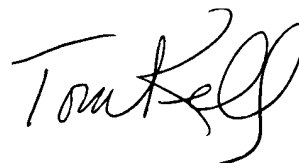
SBREFA Panels comprise Federal employees representing EPA, the Small Business Administration, and the Office of Management and Budget. They ensure that small businesses' concerns about rules to be proposed are heard directly by Panel members and considered by the Agency. To the small business concerns already identified by EPA the Panel adds its own outreach to small entities. Needs and concerns identified by small entities provide the basis for the Panel's deliberations. The Panel's charge is to identify strategies and consider options that will meet environmental requirements while mitigating any significant economic impacts on a substantial number of small entities. Within a statutory deadline of 60 days, a SBREFA Panel must complete a report to the EPA Administrator to inform her of a decision about a proposed rule. We have just completed our first SBREFA Panel, one that dealt with a Clean Air Act rule addressing emissions from nonroad diesel engines. The small entity comments were extremely helpful to the SBREFA Panel, and EPA's Office of Mobile Sources has expressed satisfaction with the quality and practicality of small business suggestions that may materially influence the Administrator's decision on a proposed rule.

SBREFA also requires that the Agency develop other procedures that will help small entities achieve compliance with existing regulations. To realize that goal, we are developing plain-English compliance guides for certain rules to ensure that small entities are given every opportunity to fully comply with our regulations. Our goal is that future regulations will be much more user-friendly as a result of our Plain-English initiative.

Another SBREFA provision called for establishing 10 regional Small Business Regulatory Enforcement Fairness Boards around the country, five of whose members are small business owners or operators. Working with the SBA's national Small Business and Agriculture Regulatory Enforcement Ombudsman, these Boards provide additional oversight of federal regulatory agencies and explore the regulatory concerns of small businesses on a case-by-case basis. The Boards held their first public hearing recently in Denver.

As part of our Constitutional system of checks and balances, Congressional committees are monitoring our progress on SBREFA. Both houses of Congress have held hearings on the Administration's compliance with the law and have paid specific attention to EPA's compliance. I have been called to testify before Congress on our SBREFA activities and I have also spoken to several Congressional committees informally. There is still much work we can do together to make SBREFA successful for everyone's benefit. If you are interested in being part of this process or want more information, please contact our Small Business Ombudsman, Karen Brown at 703-305-5027 or send an e-mail to me at: [kelly.tom@epamail.epa.gov](mailto:kelly.tom@epamail.epa.gov)

Sincerely,



Tom Kelly  
Small Business Advocacy Chairperson

## Six Key Aspects of the SBREFA Legislation

The Small Business Regulatory Enforcement Fairness Act (SBREFA) became law in March, 1996 to foster a government environment that is more responsive to small business. The Act contains the following six key areas of regulatory reform:

- **Regulatory Compliance Simplification:** Federal regulatory agencies must develop comprehensive guidelines, written in plain English, and a well-defined process to help small businesses understand how to comply with their regulations.
- **Equal Access To Justice Amendments:** Under certain circumstances, small businesses can recover attorney's fees and court costs in a court or administrative hearing when they win, and sometimes, even when they lose.
- **Congressional Review:** Congress has the authority to review and request a cost/benefit analysis of major agency regulations before they take effect.
- **Regulatory Enforcement Reform of Penalties:** Each regulatory agency must establish a policy to reduce and in some cases, even waive civil penalties for minor violations.
- **Small Business Advocacy Review Panels:** The Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) must solicit input on proposed rules from the small businesses that may be affected and make these findings public. This process is aided by SBA's Office of Advocacy and the Office of Management and Budget.
- **Oversight of Regulatory Enforcement:** Aida Alvarez, the SBA Administrator, appointed Peter W. Barca, Regional Administrator in the Midwest, as the Small Business and Agriculture Regulatory Enforcement Fairness Ombudsman. She also appointed the members of 10 regional Regulatory Fairness Boards to assist the National Ombudsman in receiving small businesses' comments about federal regulatory agencies. The 5 Fairness Board members appointed in each region are small business owners and operators.

### Brief Explanations of the National Ombudsman and Regional Fairness Boards

The Oversight of the Regulatory Reform provision of the Act creates the National Ombudsman and 10 Regional Fairness Boards to provide small businesses with the opportunity to comment on enforcement activity by federal regulatory agencies. Through this provision, Congress and the President have provided a way that small businesses can meaningfully participate in the regulatory process by establishing a forum in which to express their views and share their experiences about federal regulatory activity.

The National Ombudsman and the Fairness boards will receive comments about federal compliance and enforcement activities from small businesses, and report these findings to Congress every year. The report will give each agency a kind of "custom satisfaction rating" by evaluating the enforcement activities of regulatory agency personnel and rating the regional and program offices of the regulatory agencies responsiveness to small business.

#### Regulatory Enforcement Ombudsman

- Receive comments from small business on Compliance and enforcement actions
- Review small business concerns
- Report annually to Congress.

#### 10 Regional Fairness Boards

- Members are small business owners/operators
- Perform outreach to get the word out to small businesses about their opportunity to participate in regulatory reform
- Report to the National Ombudsman about comments and issues specified to their regions
- Contribute to the annual report to Congress.

**For additional information about SBREFA, the Ombudsman or the Regulatory Fairness Boards, call SBA's toll free 1-888-REG-FAIR or visit our Web site at [www.sba.gov/regfair](http://www.sba.gov/regfair).**

## SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS

### Regions/Members

1	Joy Bishop Blood Chapman Corp. Inc. Portland, ME (207) 773-4726	Dr. Vinh, Ph.D., MBA Greenwich, CT (203) 532-1252	Larry E. Morse Docu-Print Inc. E. Providence, RI (401) 435-2500	Judith Obermayer Obermayer Assoc. W. Newton, MA (617) 244-8990	Ronald Williams Min. Bus. Dev. Ctr. Hartford, CT (203) 727-1181
2	Rose Bussiculo Epicor, Inc. Linden, NJ (908) 925-0800	Sandra Lee H. Lee & Sons New York, NY (212) 962-6656	E. Peter Ruddy Pells Window Store Buffalo, NY (716) 681-2000	Phyllis Hill Slater Hill Slater, Inc. Great Neck/LI, NY (516) 773-7779	Aida De Soto Con. Ofc. Furn. Englewood Cliffs, NY (201) 567-8600
3	Rollie Kimborough MCSI Tech. Inc. Silver Spring, MD (301) 495-4444	Dennis Garret Qualiticare Logis. Baltimore, MD (410) 633-0002	Shawn M. Marcell Prima Facie, Inc. Conshohacken, PA (610) 397-1700	Ann P. Maust, Ph.D. Research Dims. Inc. Richmond, VA (804) 643-1082	Victor N. Tucci Hlth./Safety, Inc. New Kensington, PA (412) 826-5599
4	John Burgess Southeastern Prod. Greenville, SC (864) 233-9023	Robert G. Clark Clark Comm. Corp. Lexington, KY (606) 233-7623	Rita P. Mitchell Mitchell Fin., Inc. Nashville, TN (615) 327-8043	Remedios D. Oliver All Am. Container Medley, FL (305) 887-0797	Larry Shaw Shaw Food Svs. Co. Fayetteville, NC (910) 323-5303
5	Marcus Gray Gray & Assoc. Lansing, MI (517) 694-3745	John Hexter Hexter & Assoc. Cleveland, OH (216) 442-5500	Hazel King H.A. King Assoc. Chicago, IL (312) 664-7412	Jeff Neubauer Kranz, Inc. Racine, WI (414) 638-2200	Dale Thompson Health Dimension Cambridge, MN (612) 689-1162
6	Diane D. Denish The Target Group Albuquerque, NM (505) 266-4004	Bernard Francis, Jr. Mayor Donaldsonville, LA (504) 473-6447	Al Gonzales AGE Refin. Inc. Dallas, TX (972) 458-7333	Larry Mocha Air Power Sys. Tulsa, OK (918) 374-9427	Wali Caradine Caradine & Co. Little Rock, AR (501) 374-9427
7	J. Scott George Am. DH&V Ctr. Mt. Vernon, MO (800) 54-1904	Alonzo Harrison HDB Const. Inc. Topeka, KS (913) 232-5444	Stella J. Olson Stat Transcrip. Svs. St. Louis, MO (314) 436-0029	Lorraine Perkinson Perkinson Real. Grp. Earth City, MO (314) 770-0500	Joanne Stockdale Iowa Die Casting Lake Park, IA (712) 832-3661
8	Elaine Demery Nelson/Coulson Inc. Denver, CO (303) 753-6100	Albert C. Gonzales Gonzales Consulting Denver, CO (303) 861-0400	Michael Martinez Martinez Attys. Murray, UT (801) 261-8169	Linda Nelson Glasgow Stockyards Nashua, MT (406) 228-9306	Warren Toltz Depend. Cleaners Denver, CO (303) 777-2673
9	Mary Ann Mitchell CC-OPS, Inc. Culver City, CA (301) 417-5170	Tim More Lahaina Cafe Lahaina, HI (808) 667-2998	Kathy C. Nopoli SC Truck Wreckers Santa Clara, CA (408) 727-6655	Richard Fe Tom Architecture Co. Tucson, AZ (520) 622-4506	C.K. Tseng Northbridge Travel Northbridge, CA (818) 886-2000
10	Paula P. Easley Easley Assoc. Anchorage, AK (907) 274-6800	Patricia Fearey Fearey Group Seattle, WA (206) 343-1543	Gretchen Mathers Gretchen's Course Seattle, WA (206) 623-8194	Clyde Stryker Spirit Comm. Tualatin, OR (503) 612-0600	Jim Thompson Electronic Co. Boise, ID (208) 376-0707

## SMALL BUSINESS HOME PAGE

The EPA Small Business Ombudsman (SBO) home page on the Internet continues to benefit the small business community and the Section 507 programs. This web page is being developed and maintained by the Center for Hazardous Materials Research (CHMR) under grant and cooperative agreement funding provided by EPA SBO.

This home page has been developed in response to requests from the state Section 507 programs and the small business community for assistance in centrally distributing and exchanging information about their program activities, and for efficiently locating EPA, state, and other information focused on small businesses. The home page is intended as a source of information for the state small business assistance programs, trade associations, and small businesses. The page is updated regularly and incorporates suggestions from the user community.

The home page will include information about the EPA SBO program, upcoming events, fact sheets and documents organized by state and industry sector, links to state environmental agency and small business assistance program web sites, compliance information, contact lists, summaries and links to new EPA initiatives and policies, links and resources for pollution prevention and environmental management systems, asbestos/lead/radon sources and links, funding help, and links to environmental and other helpful sites. Also included is a reference page to find out what's new on the site and a mechanism to search the home page.

For those of you have not visited the site lately, please check it out again. There is a new look to the top page, with descriptions of site contents to help you navigate. The SBTCP 1995 Report to Congress is available for downloading now, and upcoming events, publications/factsheets, and additional links to trade associations/agency sites have been added. Also new is the addition of ISO 14000 information (links and resources), as well as a regulatory calendar for common reporting/recordkeeping deadlines.

Information is organized in a user-friendly manner, e.g., by state, industry sector, and environmental topic. Users have the ability to contact and request information from the EPA SBP by e-mail, as well as send questions or comments about the home page. The home page is currently located at:

*[http://www.icubed.com/epa\\_sbo/index.html](http://www.icubed.com/epa_sbo/index.html)*

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### PEER MATCH, WHAT WE HAVE TO OFFER, LAST CHANCE

Peer Match was initiated by Karen V. Brown, U.S. EPA Small Business Ombudsman, in March 1995 to establish and enhance Small Business Assistance Programs (SBAPs) and Small Business Ombudsman Programs (SBOs). Through Peer Match, SBAPs and SBOs may visit host programs so that newer programs can learn from successful programs and more developed programs can find new ways to look at issues, solve problems, and develop outreach tools. Currently, there are two Peer Match Programs.

- **Iowa Air Emissions Assistance Program (IAEAP)**--This nonregulatory program is part of the Iowa Waste Reduction Center, University of Northern Iowa and provides on-site visits and permitting assistance to businesses. The IAEAP customizes state visits based on interest, typically including site visits, computer programs for permit assistance, recordkeeping and database procedures, outreach practices, and staff training. Contact Somnath Dasgupta at (319) 273-1079 for further information.
- **South Coast Air Quality Management District/Small Business Assistance Program**--This regulatory and organizational program provides information to the visiting state on confidentiality, outreach, financing, rulemaking roles, and compliance assistance, as well as a recently completed amnesty program and agency referrals. The program is well-established in the provision of "no fault" on-site technical assistance and pollution prevention opportunities. For further information, contact LaRonda Bowen at (909) 396-3235.

Peer Match is available to SBAPs and SBOs on a request-for-funds basis. To schedule a visit, either contact the program directly or contact Karen V. Brown at (703) 305-5938.

## WHERE TO CALL FOR INFORMATION AND HELP

### SMALL BUSINESS OMBUDSMAN

Toll Free (800) 368-5888	Local and DC Area (703) 305-5938	T.D.D. (703) 305-6824	FAX (703) 305-6462
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#### OTHER EPA HOTLINES

- National Center for Environmental Publications and Information ..... (800) 490-9198 (513) 489-8190
- Watershed Info. Resource System ..... (800) 726-5253
- Indoor Air Quality Information Clearinghouse ..... (800) 438-4318
- EPA Green Star (Energy) ..... (888) 782-7937
- Air Control Tech. Assistance Center ..... (919) 541-0800
- Mobile Source Emissions ..... (313) 668-4333
- Emission Measurement and Monitoring ..... (919) 541-0200
- Stratospheric Ozone Protection (CFC's) ..... (800) 296-1996
- Electric Magnetic Fields ..... (800) 363-2383
- Acid Rain (emissions trading, auctions, general information) ..... (202) 233-9620
- Safe Drinking Water (public water supply, technical and regulatory issues) ..... (800) 426-4791
- Waste Water/Small Flows Clearinghouse ..... (800) 624-8301
- Storm Water: Office of Water Resource Center ..... (202) 260-7786
- Wetlands Information ..... (800) 832-7828
- Pollution Prevention Clearinghouse ..... (202) 260-1023
- RCRA (Haz. Waste) Ombudsman ..... (800) 262-7937
- Solid and Hazardous Waste (RCRA), Superfund (CERCLA), and Underground Storage Tanks ..... (800) 424-9346 (703) 412-9810
- Emergency Planning & Community Right to Know ..... (800) 535-0202
- SARA Title III (EPCRA) ..... (703) 412-9877
- Toxic Substances Control Act (TSCA) & Asbestos Information/Referral ..... (202) 554-1404
- Office of Pesticide Program Registration Div. (Ombudsman) ..... (703) 305-5446
- Public Information Center ..... (202) 260-2080
- Brownfields (Linda Garezynski) ..... (202) 260-4039
- National Pesticide Telecommunications Network ..... (800) 858-7378

- Small Business Innovative Research Program (SBIR) ..... (919) 541-5293  
Website: <http://es.gov/business>
- Office of Environmental Justice ..... (800) 962-6215

#### OTHER HOTLINES OR OTHER HELP LINES

- Recycling Hotline ..... (800) 253-2687
- National Technical Information Service (NTIS) ..... (800) 947-3873 (703) 487-4650
- National Response Center (NRC, Operated by the U.S. Coast Guard for reporting oil spills and hazardous substance releases ..... (800) 424-8802 (202) 267-2675
- Energy-efficiency & Renewable Energy Clearing House (Operated by the Dept. of Energy for inquiries on energy related matters) ..... (800) 363-3732
- Department of Energy--National Alternative Fuels Hotline ..... (800) 423-1363
- DOT--Transportation of Hazardous Materials ..... (U. S.) (800) 467-4922
- CHEMTREC Center Non-Emergency Services (operated by the Chemical Manufacturers Association--Health & Safety ..... (800) 262-8200
- Environmental Health Clearing House (RTP) ..... (800) 643-4794
- Info on ISO 9000/14000 ..... (703) 250-5900
- National Lead Information Center (General Information) ..... (800) 532-3394 (Technical Assistance) ..... (800) 424-5323
- Small Business Administration ..... (800) 827-5722
- Occupational Safety & Health Administration (Worker Safety) ..... (800) 321-6742
- Consumer Product Safety Commission ..... (800) 638-2772
- Government Printing Office ..... (202) 512-1800
- Radon (National Safety Council) ..... (800) 767-7236

### REGIONAL SMALL BUSINESS LIAISONS

REGION 1	CT, ME, MA, NH, RI, VT	Dwight Peavey	(617) 565-3230
2	NJ, NY, PR, VI	Otto Salamon	(212) 637-3417
3	DE, DC, MD, PA, VA, WV	David Byro	(800) 228-8711 / (215) 566-5563
4	AL, FL, GA, KY, MS, NC, SC, TN	Annette Hill	(404) 562-8287
5	IL, IN, MI, MN, OH, WI	Robert Beltran	(312) 888-7463
6	AR, LA, NM, OK, TX	Patty Senna	(800) 887-6063 / (214) 665-2200
7	IA, KS, MO, NE	Charles Hensley	(913) 551-7519
8	CO, MT, ND, SD, UT, WY	Vaughn Whatley	(303) 312-6603
9	AZ, CA, HI, NV, AS, GU	Joe Ochab	(415) 744-1628
10	AK, ID, OR, WA	Mary Matthews	(206) 553-4269

# STATUS OF HIGH VISIBILITY ACTIONS

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## OBTAINING ADDITIONAL INFORMATION FOR SMALL BUSINESS

Some articles in this newsletter cite certain reference publications by Item Number that provide additional information on the topic. These publications can be ordered by completing the Publication Order form on page 23. In addition, the Ombudsman's Office maintains an Inventory of over 200 EPA and related publications containing useful environmental information for small businesses. A complete listing of these publications can be obtained by contacting the Ombudsman's Office.

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### MORE RECENT ACTIVITIES TO BETTER SERVE YOU

Our efforts to assist the Small Business Community continue at a high level. Here are some more things we have done over the past year or are currently doing to help you.

- Hosted fourth National Small Business Ombudsman and Technical Assistance Program Conference in Charleston, SC, attended by 43 States and 2 Territories (167 participants), and have set plans for a fifth Conference in March 1998, in Phoenix, Arizona.
- Developed external stakeholder guidance and acted as a principal participant in the Agency's Seventh Regulatory Tiering (prioritizing) Process.
- Served as principal role player in the development of a new EPA policy offering compliance incentives to small businesses in all media (waste, water, toxics, etc.).
- Coordinated individual meetings and follow-up meetings between major small business trade associations and the EPA Deputy Administrator and Assistant Administrators to discuss small business issues.
- Developed small business regulatory impact studies for several small business trade associations and in the process of preparing "look-back" regulatory impact study justification.
- Participant as key player in the joint Small Business Administration and Office of Management and Budget SBREFA Panel Process.
- Working in cooperation with the University of Tennessee's Industrial Services Center and the EPA Office of Air Quality Planning and Standards, on a Fifth National Satellite Tele-conference scheduled in the Fall of 1997.
- Issued EPA's 1995 Small Business Ombudsman Report to Congress under Section 507 of the 1990 Clean Air Act Amendments and received state reports for the development of the 1996 report.
- Cooperatively managing Small Business Regulatory Enforcement Fairness Act of 1996 Small Business Entity Outreach Activities in order to implement Act requirements.
- Preparing to conduct Small Business Liaison Conference for EPA Regional Small Business Representatives in August 1997.
- In the process of completing an EPA Small Business Ombudsman Internet Homepage.
- Compliance Advisory Panel Training and Networking Meeting, September 21, 1997, Scottsdale, Arizona.

### NATIONAL ENVIRONMENTAL LABORATORY ACCREDITATION CONFERENCE (NELAC)

The National Environmental Laboratory Accreditation Conference (NELAC) is a voluntary association of State and Federal Agencies with the common objective to establish uniform laboratory accreditation standards. In support of the objective, States and Federal Agencies will adopt standards and serve as accrediting authorities, either directly, or by qualified third party contractors. A multi-governmental team would serve to evaluate and approve the State and Federal accrediting authorities, to ensure reciprocity of laboratory accreditations granted. Considerable progress has been made toward objective fulfillment. Current information on this program may be obtained from the Internet Site, [ttnwww.rtpnc.epa.gov/html/nelac/nelac.htm#NL02](http://ttnwww.rtpnc.epa.gov/html/nelac/nelac.htm#NL02).

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### FACILITY IDENTIFIERS INITIATIVE

The Environmental Protection Agency has developed the "Facility Identifiers Initiative" to support access to facility based information, and to standardize such data elements, in order to support access to substantive environmental data. This initiative involves an administrative approach to facility data integration. It is not a new regulatory reporting requirement--thus, it represents no new regulatory burden for the business community.

Since the individual states have their own programs for protection of the environment, this initiative must also be aware of those elements required under state programs. For this reason, the EPA will be working with those parts of state governments responsible for administering both the programs delegated to the states (which may include those under the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Clean Air Act Amendments (CAAA) as well as those conducted under state statutes). A preliminary notice concerning this initiative appeared in the Federal Register (FR) on October 7, 1996 pp 52587-600, and is included in Item A-12. The Ombudsman's office will keep you informed concerning future progress on this study. Contacts are now underway with various state agencies concerned.

# Clean Air Act

## CLEAN AIR ACT IMPLEMENTATION STRATEGY UPDATE

EPA's Office of Air and Radiation is preparing a new *Implementation Strategy* publication. It will outline the schedule, by industry, for issuing nearly 200 regulations required by the Clean Air Act, addressing major issues and steps in the process. It will be included in our Item I-11 package as soon as available.

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## AMENDMENT AND CHANGES TO THE OPERATING PERMIT PROGRAM FINAL RULE

In 1992, EPA issued regulations providing for the establishment of comprehensive State air quality permitting systems consistent with the requirements of Title V of the Clean Air Act. The Rule allows States to issue a general permit covering numerous similar small sources, each of which need only submit information covering its eligibility. The Rule was revised and expanded in 1994, including the provision of more flexibility in the revision of permits, with more flexibility provided in 1995. Amendments were published on June 3, 1996, providing non-major source emission exemptions. See 6/1/96 Code of Federal Regulations (CFR), Part 70. For detailed history, see our Item I-25.

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## CAA -- A GUIDE FOR SMALL BUSINESSES

A booklet entitled *The Clean Air Act Amendments of 1990: A Guide for Small Businesses* was published in 1992, Item I-36. This guide provides small businesses a broad overview of the Act's complex requirements; and the effects these are likely to have, in general, on a small business. The guide provides telephone numbers and addresses for obtaining additional information. Accompanying the booklet is a four page summary entitled *What A Small Business Should Know About the New Clean Air Act*.

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## NEW NATIONAL AMBIENT AIR QUALITY STANDARDS PROPOSED FOR PARTICULATE MATTER AND OZONE

On December 13, 1996, the Federal Register published EPA's proposed revisions to the National Ambient Air Quality Standards for Particulate Matter and Ozone (ground level). Particulate Matter (PM) largely originates as soot from combustion sources, such as power plants and incinerators. Ozone is primarily caused by industrial and motor vehicle emissions. These proposed revisions will impact industries and businesses of all sizes, directly and/or indirectly. The current PM standard regulates particulate 10 microns or smaller at annual arithmetic mean concentration of 50 micrograms per cubic meter and 24-hour average concentration of 150 micrograms per cubic meter. The proposed standard adds the regulation of particulate 2.5

microns or smaller at 15 micrograms annually and 50 micrograms daily. The current Ozone standard is 0.12 parts per million (PPM), daily maximum 1 hour average. The proposed standard is 0.08 PPM, daily maximum 8 hour average, but comments were requested on 0.09 PPM, 8 hours, and 0.07 through 0.12 PPM at 1 hour. On both the proposed PM and Ozone standards, EPA is also specifying the way in which the attainment of these standards would be measured.

There has been considerable input from stakeholders during the comment period which ended 2/18/97. There have been a series of meetings since that date between small business trade associations and senior EPA Air Program managers. A Final Rule on the Particulate Matter is scheduled for July 19, 1997. The final rule on ozone may also be issued on that date. As anticipated, plans for control strategies to meet the standards would be due in 2002 for PM, and in 2000 for Ozone. Deadlines for achieving full compliance would occur several years later for each. We will keep you updated when the final rules are issued.

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## NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS RULES AVAILABLE FOR SOME INDUSTRIES

In 1994, a General Provisions Rule was issued to establish a consistent set of requirements for NESHAPs under the air toxics provisions of the Clean Air Act, Item I-20. An amendment to the rule is expected soon to clarify and expand the scope/coverage of the rule. Since then, EPA has finalized rules which affect many small businesses, including Halogenated Solvent Cleaning Processes, Item I-21, Chromium Electroplating and Anodizing Operations--revision of compliance deadlines: Federal Register 1/30/97, Item I-22, Ethylene Oxide Emissions from Commercial Sterilization and Fumigation Operations, Item I-23, Dry Cleaners--rule amended 9/16/96 relative to certain transfer machines, Item I-27, Aerospace Manufacturing and Rework--amendments and control techniques guidelines proposed 10/29/96, Item I-40, Wood Furniture Manufacturing, Item I-41, and Printing and Publishing, Item I-42.

Rules have been proposed for Consumer Products--4/2/96, Item I-43, Automotive Refinish Coatings--4/30/96, Item I-44, and Architectural Coatings--6/25/96, Item I-45, with Final Rules expected in late 1997. Proposals affecting other business processes and/or products, including medical waste incinerator & steel pickling operations, will be forthcoming in the near future.

The NESHAP for Hazardous Organic Compounds (HOC) in production operations, primarily in Synthetic Organic Chemical Manufacturing, was issued in 1994. Amendments and/or revisions were issued in the Federal Register in 1995, and on 12/5/96, and 1/17/97. The latter two FRs exclude some volatile organic compounds and ease implementation plan requirements, Item I-24.

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## CAA LIST OF SOURCE CATEGORIES AND SCHEDULE FOR REGULATING HAZARDOUS AIR POLLUTANTS

On 6/4/96, EPA published a revision to the Initial List of Categories of Sources, as required under Section 112 (c)(1) of the Clean Air Act of 1990, and a revised Schedule for the



Promulgation of Emission Standards for the above categories; an advance notice to propose adding more Research and Development Facilities was issued on 5/12/97, Item I-28.

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#### STATE MOTOR VEHICLE INSPECTION/ MAINTENANCE PROGRAMS PROVIDED MORE FLEXIBILITY

In 1992, EPA published a Final Rule making the subject programs tougher, including a requirement for "test only" stations. Our Office raised strong objections to that rule, because of the adverse impact on many small businesses. In 1995, EPA published a Final Rule allowing the States flexibility in designing their enhanced auto inspection programs. This rule was amended on 9/23/96, Item I-29.

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#### PERCHLOROETHYLENE (PCE) HEALTH EFFECT STUDIES

EPA evaluation of toxicological and carcinogenic studies related to PCE, declared a hazardous air pollutant by the Clean Air Act, has been delayed pending the completion of other studies, including those for the coming year on the related compound trichloroethylene, having similar toxicology.

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#### PERCHLOROETHYLENE (PCE) SUBSTITUTES

According to the 10/26/96 issue of Science and Technology News, dry cleaning equipment using liquid carbon dioxide, instead of PCE, is scheduled to be marketed. Updated information on this may be obtained from [www.globaltechno.com](http://www.globaltechno.com).

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#### STRATOSPHERIC OZONE PROTECTION CFC PHASEOUT RULES

An accelerated phase-out of the production of Chlorofluorocarbons (CFC), Halons, Carbon Tetrachloride, Methyl Chloroform, and Hydrochlorofluorocarbons (HCFC) was mandated and internationally endorsed in 1992, Item I-5. A Final rule *detailed* the above *phase-out*, with Methyl Bromide added, was issued, Item I-15. Final rules also have been issued controlling: Recovery and recycling of CFCs during the servicing of on-road motor vehicle air conditioners, Item I-14, emissions reduction and use of certified personnel during servicing and disposal of all *other air conditioning and refrigeration equipment* which use ozone depleting substances, Item I-16. Banning the use of CFCs and HCFCs in non-essential products, Item I-17, Labeling of products containing ozone depleting substances and their packaging, Item I-18, and significant new *alternative refrigerants*, Item I-19. On the last rule, the list of acceptable substitutes was expanded on 9/5/96, and restrictions or prohibitions were imposed on 10/16/96.

#### CAA FIELD CITATION PROGRAM AND MONETARY AWARD FINAL RULES

The proposed Rule allowing EPA field inspectors to levy immediate, on-the-spot fines is expected to become Final in August 1997. The proposed Rule authorizing cash awards to citizens reporting violations of AIR regulations, if they lead to criminal convictions or fines, is presently on an indefinite "hold." See Item I-12 for both.

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#### RISK MANAGEMENT PLANS (RMP)/CHEMICAL THRESHOLD LIST RULES

Submission of Risk Management Plans (RMP) by the qualifying activities for items on the Chemical Threshold listing as of June 21, 1996 must be made as of June 21, 1999. The Final Rule on the RMP was published in the Federal Register (FR) June 20, 1996, and the Threshold Proposed Rule listing, Regulated Substances for Accidental Release Prevention was published in the FR on April 15, 1996. Both these Rules and the (1995) 40 CFR Part 68 are presented in Item I-30. Following earlier Court Challenges, several amendments have been proposed for the Threshold listing, the last of which concerned exempting hydrochloric acid solutions under 37% concentration from the threshold listing (FR, May 22, 1997), and these are also included in Item I-30. Later this year, publication is scheduled for additional guidance on the RMP procedures. We will include the guidance, when published, in Item I-30.

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#### NEW GUIDANCE FROM EPA ON POTENTIAL TO EMIT (PTE)

In 1995 EPA issued guidance relative to the definition of PTE under the Clean Air Act. PTE is important because of its relation to the need for a State Operating Permit under Title V. This Office has advocated for the consideration of small businesses relative to clarity, realistic definitional parameters, and alternatives. On 8/29/96, EPA issued an extension of the 1995 "transaction" policy, and a clarification of methods for calculating PTEs in Batch Chemical manufacturing. Extensive stockholder involvement is presently underway in an effort to reduce or eliminate emitting burdens on small entities. Low emitting source PTE prohibitory rule is under development, Item I-31.

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#### NEW CLEAN AIR ACT COMPLIANCE ASSISTANCE ENFORCEMENT POLICY FOR SMALL BUSINESSES

In 1994, EPA's Office of Enforcement and Compliance Assurance issued a policy giving small businesses a limited grace period to correct violations revealed during requested assistance from a State Small Business Assistance Program established under Section 507 of the CAAA, (I-13).

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## INDUSTRIAL COMBUSTION COORDINATED RULEMAKING (ICCR)

The Clean Air Act requires regulation of air emissions from several categories of industrial combustion sources, including boilers, process heaters, waste incinerators, combustion turbines, and internal combustion engines. These combustion devices are used pervasively for energy generation and waste disposal in a wide variety of industries and commercial and institutional establishments. They combust fuels including oil, coal, natural gas, wood, and nonhazardous wastes. Both hazardous air pollutants and criteria pollutants are emitted. The industrial combustion regulations will affect thousands of sources nationwide, and will have significant environmental and health impacts and cost considerations.

The Agency (EPA) plans to implement an Industrial Combustion Coordinated Rulemaking (ICCR) to develop recommendations for Federal air emissions regulations that address the various combustion source categories and pollutants. Regulations will be developed under sections 112 and 129 of the Clean Air Act, as well as section 111. The overall goal of the Industrial Combustion Coordinated Rulemaking is to develop recommendations for a unified set of Federal air regulations that will maximize environmental and public health benefits in a flexible framework at a reasonable cost of compliance, within the constraints of the Clean Air Act. The ICCR documents are available from the web page at <http://134.67.104.12/html/iccr/iccr>

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## Clean Water Act

### NEW EFFLUENT GUIDELINES FOR SEVERAL INDUSTRY SECTORS

Effluent guidelines are regulations for industrial discharges to surface waters and to publicly owned treatment systems. In 1996, EPA's Office of Water issued final effluent guidelines for two industries: (i) pesticide formulating, packaging, and repackaging and (ii) coastal oil and gas extraction. For each of the final rules, the Agency analyzed the potential economic impacts on small businesses and concluded that the rules would not result in a significant impact on a substantial number of small entities.

During 1997, EPA's Office of Water will be working on effluent guidelines for the following industries: industrial laundries; landfills and incinerators; transportation equipment cleaning; centralized waste treatment; metal products and machinery; pharmaceutical manufacturing; pulp and paper; and iron and steel. For the first two industries in this list, the Agency plans to issue the rules as proposals and solicit comment during 1997. The Agency is preparing to convene small business advocacy review panels for two of these rules -- industrial laundries and transportation equipment cleaning -- during the first few months of 1997. Other panels may be convened later in the year.

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### NPDES PERMIT APPLICATION REGULATIONS FOR STORM WATER DISCHARGES UPDATE (FINAL RULE)

For the first phase of the storm water program, EPA published the initial permit application requirements for

certain categories of storm water discharges associated with industrial activity and discharges from municipal separate storm sewer systems located in municipalities with a population of 100,000 or more on November 16, 1990 (55 FR p. 47990).

The November 16, 1990, storm water regulations presented three permit application options for storm water discharges associated with industrial activity. The first option is to submit an individual application consisting of Forms 1 and 2F. The second option was to have participated in a group application. This option is no longer available as the deadlines have passed. Using the group application information, EPA developed the industry-specific Multi-Sector General Permit to provide NPDES permit coverage, to any facility that meets the stipulated eligibility requirements, regardless of participation in the group application process. This storm water permit was published September 29, 1995 in FR Vol. 60, No. 189, and provides coverage for 29 different industrial sectors under one permit and is part of the EPA's program to give permittees flexibility and incentives to pursue effective storm water controls tailored to their local situation. The third option is to file a Notice of Intent (NOI) to be covered under a general permit. For more information on any of these options or to request an NOI Form (Form 1 or 2F), please call Office of Water Resource Center (202) 260-7786. All storm water discharges associated with industrial activity that discharged point sources of storm water on or before October 1, 1992, must have had permit coverage by October 1, 1993. Controls are implemented by way of the storm water pollution prevention plan, a flexible, site-specific document.

The next phase of the storm water program, phase II, is currently under development. EPA chartered a committee under the Federal Advisory Committee Act (FACA) to help frame the policy issues integral to protecting water quality from storm water discharges. The FACA committee has met on numerous occasions over the past two years and has helped develop options for a phase II storm water program. Given this input, EPA is preparing a rule for proposal by September 1997. EPA is now forming a small business panel for consultation on the draft proposed rule. For the name and phone number of the Storm Water primary contact for your State and the EPA Regional contact, phone us at (800) 368-5888 and request Item G-9, "Overview of the Storm Water Program."

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### REVISION OF NPDES INDUSTRIAL PERMIT APPLICATION REQUIREMENTS AND FORM

This Proposed Rule would update the existing regulation that requires all existing manufacturing, commercial, mining, and silvicultural operations to submit an application in order to obtain a National Pollutant Discharge Elimination System (NPDES) permit. The existing form has not been revised since 1984 and must be updated to reflect statutory and regulatory changes in the NPDES program, advances in scientific methods and an increased emphasis on toxics control. The revised form will streamline data and information collection by consolidating the information required in two existing forms, deleting certain pollutant parameters from the application and allowing electronic transfer of application data to the Agency. The revised form will also clarify issues regarding which pollutants are authorized to be discharged by the permit and therefore shielded from enforcement

actions by the Agency. The proposed rule is planned for September 1997. EPA is now assessing the potential impact of this rule on small businesses.

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#### REVISION OF PRETREATMENT REQUIREMENTS

EPA is developing a proposal that will modify general pretreatment regulations to reduce the burden to publicly owned treatment works and industrial users. These revisions will allow more flexibility in prohibiting low pH wastes, allow either mass or concentration based limits to be established, better tailor oversight of and sampling by significant industrial users, and allow obtaining of removal credits. It will also clarify how best management practices and general permits can be used, provide for use of electronic reporting, and address other program issues. This draft rule is being developed with consultation from all stakeholders, and is expected to be proposed in July 1997.

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### Safe Drinking Water Act

The newly reauthorized Safe Drinking Water Act (SDWA) has several provisions that will benefit small water systems. EPA is seeking input from small water systems and other stakeholders as it develops the regulations, guidances, and assistance documents needed to help States and water suppliers implement these provisions. EPA has formed several working groups through the National Drinking Water Advisory Council (NDWAC) that will provide input and recommendations on EPA activities in SDWA Implementation. Each of these working groups has representatives of small water systems. All of these meetings are open to the public, and small businesses are invited to participate. Meeting information can be found on the Office of Ground Water and Drinking Water's Internet website at [www.epa.gov/OGWDW/cal1031.html](http://www.epa.gov/OGWDW/cal1031.html).

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#### SMALL SYSTEM CAPACITY DEVELOPMENT

The SDWA Amendments create a focus on enhancing and ensuring the technical, financial, and managerial capacity of water systems to comply with National Primary Water Regulations (NPDWRs). The Amendments provide States with a number of new or improved tools for helping small systems, especially systems which cannot afford to comply with NPDWRs through conventional approaches.

The small systems working group is developing a series of recommendations on what products EPA should produce regarding small system capacity, including: 1) guidance for States on ensuring new water system capacity; 2) guidance for States on capacity development strategy preparation; 3) guidance for States on assessment of capacity for purposes of drinking water state revolving fund (DWSRF) decisions; 4) information for States on options they can consider in developing their capacity development strategies; 5) information for States on options for assessing the technical, financial, and managerial capacity of systems seeking

DWSRF assistance; 6) information for the public to better enable them to participate with States in the development of State capacity development strategies; and 7) information for States to assist them in developing affordability criteria.

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#### DRINKING WATER STATE REVOLVING FUND

The SDWA Amendments of 1996 created a new multibillion dollar Drinking Water State Revolving Fund (DWSRF), which provides capitalization grant funds to States to set up drinking water infrastructure programs and for other activities related to the protection of drinking water. The DWSRF pays special attention to the needs of small systems. Up to 2% of a State's annual DWSRF allotment may be used for technical assistance to small drinking water systems. In addition, a minimum of 15% of the DWSRF funds that a State expects to expend each year must go to drinking water systems serving less than 10,000 people. States also have the flexibility to provide an amount up to 30 percent of the capitalization grant for additional principal subsidies for disadvantaged communities. States have the flexibility to define which systems meet the eligibility criteria for these additional subsidies.

EPA has released its final guidelines to States for applying for DWSRF funds. EPA is now working with States to set up State programs and to award the capitalization grants. Two States have been awarded capitalization grants, and the other States are moving very quickly to submit their applications.

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#### SOURCE WATER PROTECTION

The SDWA Amendments of 1996 require States to conduct source water assessments of all the public water supplies in the State and provide funding through the DWSRF to assist the States. Source water assessments are the first step in developing a source water protection program which works to prevent contamination from entering the source of the local drinking water supplies. These protection programs represent the first line of drinking water protection, and they are often the most cost-effective protection programs for small water systems. These protection programs can also be the basis for monitoring relief. EPA released its draft source water assessment and protection guidance in March, and will release the final guidance in August.

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#### CONSUMER CONFIDENCE REPORTS

The 1996 SDWA Amendments require that all drinking water suppliers provide an annual report to their customers on the quality of their water, the source of the supply, and other factors. EPA is tasked with developing a regulation on these consumer confidence reports by August, 1998. The NDWAC consumer confidence working group is developing recommendations on the form and content of these reports. States may develop an alternative form and content for the reports for small systems as well as allow an alternative means of distribution. EPA plans to offer its proposed regulation in October, 1997.

## STRATEGY FOR THE MANAGEMENT OF CLASS V WELLS

Class V wells are shallow wells which inject a variety of fluids directly below the land surface. They include shallow non-hazardous industrial waste injection wells, septic systems, storm water drainage wells, and other wells that have been found in some instances to emplace potentially harmful levels of contaminants into the above underground sources of drinking water. In accordance with a consent agreement between EPA and the Sierra Club Legal Defense Fund (SCLDF), the EPA's proposed approach for the management of Class V injection wells was published in the Federal Register (60 FR 44652) on August 28, 1995. After review of the public comment on the proposed approach, the Agency has elected to explore other options for the management of Class V wells and has worked with the SCLDF to establish a new schedule for Class V rule promulgator. Rule covering industrial waste and cesspool wells must be proposed by June 18, 1998.

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## Pesticides--Federal Insecticide, Fungicide & Rodenticide Act

### AGRICULTURAL PESTICIDE WORKER PROTECTION STANDARDS UPDATE

The Code of Federal Regulations, 40 CFR, Parts 156 and 170 are set to protect pesticide workers. These rules and regulations have been revised as late as 6/26/96. In addition, the EPA published a manual, *The Worker Protection Standards (WPS) for Agricultural Pesticides - How to Comply* [EPA 735-B-93-001], and Fact Sheets explaining the regulations and their implementation. These are included in Item F-15. A Proposed Rule Change covering glove requirements is anticipated later in 1997.

Also, EPA has published a final Policy Statement on the manufacturer and distributor labeling revisions required by the WPS which is included in Item F-17. EPA has available many items to assist in compliance with the Worker Protection Standards, including bilingual training manuals for pesticide applicators, videos and leaflets for pesticide handlers, a pesticide safety poster for workers, a slide presentation covering the "Standard," a heat stress guide, and other items. A copy of the publication "*Worker Protection Standard: Materials Developed by EPA, States, and Other Organizations*," which describes Worker Protection Standard materials and how to obtain them, may be obtained from the EPA Certification, Training and Occupational Safety Branch, (7506-C) 401 M Streets, S.W., Washington, D.C. 20460, or by calling 1-703-305-7666. These WPS materials addressing pesticide safety and training may also be obtained through EPA Regional Offices, States Agencies, the Cooperative Extension Service, and Government Printing Office, and private agricultural supply businesses.

## RESTRICTED USE CRITERIA FOR PESTICIDES IN GROUND WATER PROPOSED RULE

A Proposed Rule was published, in the May 13, 1991, *FR* pages 22076-9, which presented options for adding new "restricted" pesticide use criteria based on the potential for ground water contamination. The comments are now under analysis, and a Final Rule is anticipated later in 1997.

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## Hazardous Waste Management Resource Conservation & Recovery Act

### HAZARDOUS WASTE LAND DISPOSAL RESTRICTIONS UPDATE

Congress, in the Hazardous Solid Waste Amendments (HSWA) of 1984 to the Resource Conservation and Recovery Act (RCRA), established a timetable for restricting land disposal of hazardous wastes unless properly treated. Treatment standards have been finalized for newly listed hazardous wastes and hazardous debris, which are included in Title 40 of the U.S. Code of Federal Regulations (CFR) Part 268, July 1, 1996, as amended, (2/18/97, FR). The CFR Part 268, as amended is included in Item C-41.

Rule-making relating to a September 25, 1992, Court decision concerns the "Phase III" Final Rule to establish treatment standards for formerly characteristic wastes primarily managed in land-based, waste-water treatment systems, whose ultimate discharge is regulated under the Clean Water Act (CWA), and to establish treatment standards for newly listed carbamates and organobromine wastes. The Final (Phase III) Rule was published (4/8/96 FR pp. 15565-668) with subsequent corrections and revisions listed in Item C-88. The "Phase IV" Proposed Rule addresses whether land based waste-water systems would provide treatment equivalent to that under the Land Disposal Restriction (LDR) program. Treatment standards for wood preserving wastes (5/12/97, FR pp. 25997-6040) was set forth in a Final Rule in May, 1997. The second supplemental proposal on treatment standards for toxicity characteristic metal wastes and metal constituents of other wastes was also published in May (5/12/97 FR pp. 26041-84) 1997. The Final Rule for these wastes is now anticipated for April 1998. Publications of the Rules for "Phase IV" and Definitions and Clarifications, Supplemental Proposals are found in Item C-89. The FR Notices on the forthcoming rule-makings will also be included in Item C-89, as they become available.

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### UNIFORM HAZARDOUS WASTE MANIFEST UPDATE

Further Rule-making actions under consideration which address management of hazardous wastes include a revision of the Uniform Waste Manifest to reduce the paperwork burden associated with the manifest consistent with the current Agency objectives for burden reduction. Currently,

states may require additional information to be supplied on the manifest in the optional blocks provided on the form. This can become burdensome when waste must be transported to several different states and each state has different requirements. Also, some states require paying a fee. The Agency seeks to reduce the burden of the manifest by streamlining the form and, where feasible utilizing automated information technologies where they facilitate access to and storage of manifest data. A Notice of Proposed Rule-making is now scheduled for the Fall of 1998.

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#### HAZARDOUS WASTE IDENTIFICATION RULE RE-PROPOSAL

Other rule-making actions concerning management of hazardous wastes which have been reported in the FR and referenced in prior *Updates* concerned the December 9, 1991, U.S. Court of Appeals ruling which vacated the previously promulgated "mixture" and "derived-from" rules. EPA, after reviewing comments on a Proposed Rule addressing the Definition of Hazardous Waste deemed it appropriate to withdraw the proposal and to remove the expiration date from the reinstatement of the "mixture" and "derived-from" rules. These actions were taken in the FR of October 30, 1992, pp. 49278-80, included in Item C-79. EPA published a Proposed Rule (FR December 21, 1995, pp. 66344-469) under the title "*Identification and Listing of Hazardous Waste: Hazardous Waste Identification Rule.*" This rule proposed a "self-implementing" exemption for low-risk listed hazardous wastes, while still protecting health and environment, and included a risk analysis to evaluate a variety of exposure pathways and receptors.

Over 250 comments were received on this Proposed Rule. In order to properly consider the comments received, the EPA requested extension of the Court ordered deadline for a Final Rule, to promulgate a new proposed rule by October 31, 1999, and the Final Rule by April 30, 2001.

A companion rule-making proposing alternative regulations for environmental media contaminated with hazardous waste was proposed on 4/29/96 (FR pp. 18779-864). This Rule proposes to establish exemption standards for certain low-risk contaminated media, so that they may not necessarily be subject to all hazardous waste management requirements. The Final Rule covering these standards is scheduled for publication in the FR, June, 1998. These proposed rules are included in the Item C-87.

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#### HAZARDOUS WASTE MANAGEMENT: MERCURY LAMPS RULE-MAKING STATUS

Rule-making action on management of hazardous waste addressing "Mercury-Containing Lamps," has been considered. A Proposed Rule was published on July 27, 1994, FR pp. 38289-304. The objective of the Proposed Rule is to obtain comment on two options: the first was to provide an exclusion for the mercury containing lamps (which include fluorescent lamps) from regulation as hazardous waste provided disposal is made in permitted landfills, and the other was to add mercury lamps to EPA's Universal Waste Rule (see Item C-51) on Hazardous Waste Recycling. Over 300

public comments have been received on the Proposed Rule. A supplemental analysis is now underway and findings will be published for Public comment, shortly. A Final Rule is expected to be completed in early 1998. The Proposed Rule on mercury lamps is included in Item C-80.

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#### NEW HAZARDOUS WASTE RECYCLING REGULATIONS

EPA has promulgated streamlined hazardous waste management regulations governing the collection and transportation of certain wastes which are frequently recycled, such as batteries, recalled pesticides, and mercury thermostats, termed "Universal Wastes." This Final rule (5/11/95 FR pp. 25491-551) is included in the Item C-51. This rule greatly facilitates the environmentally-sound collection for proper recycling procedures and waste management for the covered wastes.

EPA is now studying changes in the "Definition of Solid Waste" regulations under RCRA, governing hazardous waste recycling, which would reduce regulatory barriers for environmentally sound recycling, covering a wide range of materials, rather than items as specified in the "Universal Waste" Rule cited above. A proposed rule which is being developed, as is currently being considered, would propose two options for simplification of the Definition of Solid Waste regulations. Work is underway with States as co-regulators on this regulatory improvement and, although, a date has not been set for publishing the new Proposed Rule, it could be as soon as early next year.

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#### EPA SMALL QUANTITY GENERATOR HANDBOOK UPDATE

A new handbook has been published, "*Understanding the Hazardous Waste Rules--A Handbook for Small Business --1996 Update*" [EPA-530-K-95-001], June 1996, which is available in Item C-10. Also included along with the Handbook in Item C-10 is an Addendum, which provides information on Department of Transportation regulated waste transport requirements and domestic sewage requirements for hazardous wastes. In addition, in an "Appendix A," the Regional and State contacts for the regulated waste program are "updated," and notations are made on which States require fees for obtaining copies of the Waste Manifests for transport of the waste generated. Other appendices in the Addendum provide sources of information and guidance on waste minimization and pollution prevention.

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#### USED OIL MANAGEMENT COURT CHALLENGE UPDATE

On 1/19/96, the United States Court of Appeals for the District of Columbia Circuit vacated the Environmental Protection Agency's (EPA) 11/30/95 administrative stay of part of the regulatory provision, known as the "used oil mixture rule," set forth in 40 CFR 279.10(b)(2). The provisions of the used oil mixture rule at issue relate to mixtures of used oil destined for recycling and characteristic hazardous waste (including waste listed as hazardous because it exhibits a hazardous waste characteristic).

This series of events has been quite involved, so to inform those concerned with the Court action taken, the EPA has published a Final Rule concerning used oil, in the Code of Federal Regulation (1996) 40 CFR Part 279 which is included in Item C-36. This Rule clarifies the regulatory status of used oil and hazardous wastes destined for recycling described above, in light of the Court's vacatur of the Administrative Stay, and eliminates the explanatory note to 40 CFR 279.10(b)(2), which was included in the notice of the administrative stay. In response to a Court Order, EPA is now reviewing the used oil mixture rule, including review of data submitted by industry in anticipation of a future rule-making.

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#### **ABOVE-GROUND STORAGE TANKS AST/SPILL PREVENTION CONTROL AND COUNTER-MEASURES UPDATE**

The EPA has promulgated the Oil Pollution Prevention rules under Title 40 CFR part 112 included in Item C-77 requiring that facilities prevent oil spills and ensure preparedness in the event of spills. This rule-making is commonly known as the Spill Prevention Control and Countermeasure (SPCC) regulation. The rule-making deals with spill prevention. The SPCC program concerns regulation of non-transportation related facilities with above-ground storage capacity in excess of 1,320 gallons or 660 gallons in a single tank, or buried tanks of greater than 42,000 gallons capacity. Proposed Rules were published in the FR of October 22, 1991, pp. 54611-41, and the FR of February 17, 1993, pp. 8841-4 and pp. 8846-8, which are included in Item C-77. The Clinton Administration is committed to reducing the burden that EPA regulations place on facilities without jeopardizing the level of environmental protection. In support of this objective, the EPA has completed a study of a cross-section of facilities which store oil to determine the level of risk the various facilities pose to neighboring populations and the environment. Now, EPA is using the study findings as basis for revision and development of future regulations. Future regulations may reduce the number of smaller facilities which EPA will regulate or may reduce the regulatory burden of the small facilities. Publication of a new Proposed Rule is expected in the Fall of 1997.

The rule 40 CFR part 112, included in Item C-77, also concerns facility preparedness and development of response plans under the Oil Pollution Act (the Act of 1990) which requires that EPA issue regulations to require "Facility Response Plans" (FRP) covering events which could cause substantial harm to the environment. Also, included in publication Item C-77 is the National Response Team's Integrated Contingency Plan Guidance; Notice 6/5/96 FR pp. 28641-64, with corrections, 6/19/96 FR pp. 31163-4, which provides additional guidance on emergency plan preparation.

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### **Emergency Planning, Community Right-to-Know Act**

#### **SUPPORTING THE STATE LOCAL EMERGENCY PLANNING COMMITTEES (LEPC)**

One major requirement of the Act includes emergency planning; reporting accidental releases of designated

hazardous substances (Extremely Hazardous Substances, or "EHS") above threshold reporting quantities; submission of Material Safety Data Sheets (MSDS) to planning groups; and submission of annual reports on March 1, yearly, covering inventories of hazardous substances, which for any time in the reporting year exceed the stated reporting thresholds. These requirements are explained in the "Community Right-to-Know and Small Business" pamphlet, Item K-32. A Final Rule was published on 5/7/96 (FR pp. 20473-90), effective 7/8/96, on changes in the EHS list and reportable quantities. This Final Rule is included in Item K-30.

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#### **SUPPORTING THE NATIONAL TOXIC RELEASE INVENTORY (TRI) PUBLIC DATA RELEASE**

Another EPCRA requirement is for manufacturers (SIC Codes 20 through 39) with 10 or more employees to submit "Form R" reports to the EPA annually on July 1st (however, this year on August 1st) for the "Toxic Release Inventory" (TRI) listed chemicals when they are either "used," manufactured, or incorporated into products in quantities above stated thresholds. These "TRI" reporting instructions for the calendar year 1996 reports will be included in Item K-45. The Final Rule for addition of 286 substances to the report list was initially effective for the calendar year 1995 TRI (Form R) report year, as announced in the 11/30/94 FR pp. 1432-85. It may be of interest to note that four lawsuits were filed in the U. S. District Court for the District of Columbia which challenged the procedures applied by the EPA in selecting the additional chemicals to be reported, and alleged that the scientific data supporting listing for certain specified chemicals were inadequate. However, on May 1, 1996, the U.S. District Court upheld the EPA's Final Rule.

EPA has also undertaken rule-making directed to expansion of the SIC Code base to be used for submission of the Form R Reports, and a Final Rule has been published, 5/1/97 FR pp. 23833-92. This Rule is now included in Item K-29. Additional industries added for reporting included groups under: metal mining; coal mining; electric utilities; commercial hazardous waste treatment; chemicals and allied products-wholesale; petroleum bulk stations-wholesale; and solvent recovery services. This Rule will be effective December 31, 1997, for the report year beginning January 1, 1998.

There are other changes in the Toxic Release Inventory (TRI) reporting now under consideration by the EPA. One change concerns addition of more data elements for the TRI reporting a Proposed Rule on the additional data elements to be considered has been published in the 10/1/96 FR pp. 51321-331. Another Proposed Rule, 5/7/97 FR pp. 24887-96 addresses addition of dioxin compounds for TRI reporting. These are included in Item K-29. Another change would involve lowering the reporting thresholds on high-risk persistent and bioaccumulative items. An Advanced Notice of Proposed Rule-making on this proposed change is currently scheduled for publication in the Fall of 1997, or early 1998.

Also, another change underway in the TRI reporting is the inclusion of mandatory pollution prevention reporting on the Form R, which would implement the Source Reduction and Recycling Report provision of the Pollution Prevention

Act of 1990. This change would require the facilities filing the Form R to include information on amounts of chemicals recycled, burned for energy recovery, treated and released both on and off site for the report year, as well as the prior year, and two years following. A supplementary Notice of Proposed Rulemaking is expected late this year.

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#### 1995 TOXICS RELEASE INVENTORY-PUBLIC DATA RELEASE

The 1995 Annual Toxics Release Inventory (TRI) Public data base has now been published, and it is to be available from the SBO under new Item K-60. The recently added 286 new reportable compounds account for 237.7 million pounds or 10 percent of all the reported releases for 1995 to air, land, or water. For the core chemicals, releases were down 4.9 percent for pollution, to air, down 7 percent, to surface water, down 10 percent, to land down 6 percent, but underground injection releases increased by 19.5 percent. Information on the TRI data base may be obtained, also, from the Hotline at 1-800-424-9346.

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## Superfund Comprehensive Environmental Response, Compensation & Liability Act

#### CERCLA LENDER LIABILITY GUIDANCE

One of the goals of the Final CERCLA Lender Liability Rule, published on April 29, 1992, *FR* pp. 18344-85, was to allow lenders to work with their borrowers without necessarily incurring liability. However, in February 1994, the U.S. Court of Appeals in the case, *Kelly vs. EPA*, struck down this Rule, finding that the EPA lacked authority to define the scope of liability by regulation. Following the Court action, guidance was drafted to "translate" the Rule into a policy statement addressing lender liability, and involuntary government acquisitions. This policy statement was issued December 11, 1995. A Fact Sheet on effect of Superfund on lenders was published in August, 1996. The Rule and the policy statement are included in Item D-17.

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## The Toxic Substances Control Act

#### LEAD BASED PAINT TRAINING, ACCREDITATION AND CERTIFICATION RULE AND MODEL STATE PLAN RULE

The Residential Lead-based Paint Hazard Reduction Act of 1992 mandates EPA to promulgate regulation governing lead-based paint activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; and, that contractors engaged in such activities are certified. Program Accreditation, Individual Certification and Work Practice Standards were published in Final Rule: 8/29/96 *FR* pp. 45813-30 (Item E40).

#### LEAD: PROPOSED SIGNIFICANT NEW USES

EPA is exploring the possibility of issuing significant new use rules (SNUR) for certain uses of elemental lead (Pb) and lead compounds under Section 5(a)(2) of the Toxic Substances Control Act. The SNUR would require persons to notify EPA at least 90 days before commencing the manufacture, import or processing of lead compounds. Advance Notice of Proposed Rulemaking 9/28/94 *FR* pp. 49484-91 (Item E-46).

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#### REFRACTORY CERAMIC FIBER: PROPOSED SIGNIFICANT NEW USE OF A CHEMICAL SUBSTANCE

EPA is proposing a significant new use rule (SNUR) under Section 5(a)(2) of the Toxic Substances Control Act (TSCA) which would require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of refractory ceramic fiber (RCF) in any new product form or any new applications of an existing product form notice. Proposed Rule 3/21/94 *FR* pp. 13294, 5/4/94 *FR* pp. 23041, 12/8/94 *FR* pp. 63299, 1/5/95 *FR* pp. 1775, 7/3/95 *FR* pp. 34532, 9/10/96 *FR* pp. 47752 (Item E-53).

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## General

#### FINAL POLICY ON ENVIRONMENTAL SELF-AUDITING AND SELF-DISCLOSURE

On December 22, 1995, EPA issued a final policy on incentives for businesses to voluntarily discover, disclose, and correct violations of environmental rules and requirements (12/22/95 *FR* pp. 66705-12). The policy is effective January 22, 1996. Audit Policy Interpretive Guidance was issued on 1/15/97, (Item I-13).

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#### NEW POLICY ON COMPLIANCE INCENTIVES FOR SMALL BUSINESSES

On May 20, 1996, EPA's OECA issued a final policy providing incentives for auditing or using compliance assistance, and promptly correcting violations. It applies the principles of the Clean Air Act Section 507 Policy of August 12, 1994 to other environmental programs (see Item I-13).

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#### ENVIRONMENTAL MANAGEMENT SYSTEMS (EMS) IMPLEMENTATION GUIDE

Recognizing the potential difficulties faced by small and medium organizations wishing to put EMSs in place, EPA's Offices of Water and Compliance Assurance have produced a guide to EMS implementation specifically to the needs of these types of organizations. The Guide is based on the element of the ISO 14001 standard and is written in plain, easy to understand language. Several small organizations worked with EPA and NSF to design and review the Guide and

are presently using it. The Guide provides a step-by-step approach for putting an EMS in place and gives a number of examples from companies that have already done so. The Guide also provides tips for putting in place an effective approach for managing an organization's compliance with regulatory requirements and using pollution prevention techniques to enhance the environmental management system. Contact: Jim Horne, (202) 260-5802. INTERNET: [http://www.icubed.com/epa\\_sbo/index.html](http://www.icubed.com/epa_sbo/index.html) For copies of the Guide, call (800) 368-5888.

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#### EPA's COMMON SENSE INITIATIVE UPDATE

The Common Sense Initiative (CSI) reflects EPA's commitment to preserving strong environmental standards, while encouraging innovation and flexibility in how they are met. CSI works directly with the metal finishing and the printing industries to increase their capacity to be good stewards of the environment and public health while remaining solid members of the business community.

Several completed projects offer these industries access to information and resources that were previously difficult to reach.

##### In Printing-

- Published a comprehensive directory for printers in New York City to help them locate technical assistance offered by federal, state, and local providers. The project aims to incorporate pollution prevention into everyday work practice through education and outreach.
- Creating a multi-media flexible permit system tailored to printers of all types. The new system allows for operational flexibility, promotes pollution prevention across all media, and results in improved protection of environment, workplace, and community.

##### In Metal Finishing-

- Identify innovative solutions to barriers faced by small businesses in obtaining funding for pollution prevention and other environmental expenditures. The results of a recent meeting held on access to capital are being shared broadly CSI small business components.
- Published the Metal Finishing Guidance Manual. This Manual is available to all metal finishing shops. It is a plain language tool to assist shop floor managers in understanding the environmental compliance and regulatory requirements that affect them.
- On-line access for metal finishers to get up-to-date industry specific technical and compliance-related information through the National Metal Finishing Resource Center (NMFRC). The Center gives direct assistance to metal finishers to help them reduce pollution, promote manufacturing efficiency, and achieve full compliance with all applicable environmental laws and regulations. The Internet address to access the NMFRC is <http://www.nmfrc.org>
- Researching innovative and low-cost technology to improve metal finishing industry performance. Multi-stage composite mesh pads and chemical fume suppressants are being tested in several volunteer metal finishing facilities in the Midwest.
- Offering assistance to pursue environmentally sound business and property transition to metal finishing firms ready to leave the business. Various EPA Headquarters and Regional Offices are acting on recommendations from the Metal Finishing Sector.

For more information about these and other CSI projects, please call the CSI Program Staff on 202-260-7417 or visit their home page at <http://www.epa.gov/commonsense>

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#### POLLUTION PREVENTION BY AND FOR SMALL BUSINESS

The Pollution Prevention By and For Small Business project summaries for Rounds 1 and 2 are still available. Two publications contain detailed descriptions of 20 small business projects (14 for Round 1 and 15 for Round 2) that were designed to demonstrate the application of innovative pollution prevention technologies and techniques. A wide variety of projects which were supported by EPA and small business sectors are represented.

Innovative Clean Technologies Case Studies, First Year Project Report and Innovative Clean Technologies Case Studies, Second Year project Report are available from Karen V. Brown, Small Business Ombudsman, U.S. EPA, 401 M Street, S.W. (1230-C), Washington, D.C. 20460. Please call the toll-free hotline at (800) 368-5800 for more information.

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#### SOURCE BOOK ON ENVIRONMENTAL AUDITING

EPA's Environmental Auditing Source Book for Small Business is a compilation of the bibliography, the training list and a summary matrix of these trainings that will act as a quick reference to the fifteen courses listed. This and other guidance documents can be obtained by calling the EPA SBO's Office at (800) 368-5888.

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#### COMPLIANCE ADVISORY PANEL (CAP) TRAINING SCHEDULED

By popular request, a training program for members of state and territory Compliance Advisory Panels (CAPs) has been scheduled for Sunday, September 21, 1997 at the Holiday Inn-Old Town, Scottsdale, Arizona. This training program will assist CAPs in defining their role and carrying out their mission and will share information on building a successful Section 507 CAP as required by the 1990 Clean Air Act Amendments. Registration information has been sent to each state and territory Small Business Ombudsman. For more information, call Karen V. Brown at 703-305-5027.

#### 1998 STATE SMALL BUSINESS OMBUDSMAN AND ASSISTANCE PROGRAM CONFERENCE

The State Small Business Ombudsman and Small Business Technical Assistance Programs, which are required under Section 507 of the 1990 Clean Air Act to aid small businesses impacted by air quality regulations, will hold their conference in Phoenix Arizona, in March 1998.



## EPA POLICIES ASSIST SMALL BUSINESSES WITH ENVIRONMENTAL COMPLIANCE

EPA's Office of Enforcement and Compliance Assistance (OECA) has issued the following policies to respond to the environmental compliance needs of small business: *Policy on Compliance Incentives for Small Business*, *Final Policy on Environmental Self-Auditing and Self-Disclosure*, and *Enforcement Response Policy*. Under these policies, the Agency will protect public health and the environment by providing small businesses with incentives to proactively pursue environmental compliance and pollution prevention activities. These policies are briefly described below.

### POLICY ON COMPLIANCE INCENTIVES FOR SMALL BUSINESS

EPA issued the *Final Policy on Compliance Incentives for Small Businesses*, effective June 10, 1996, to provide small businesses with incentives to participate in on-site compliance assistance programs and to conduct environmental audits. This policy supersedes the June 1995 Interim version and expands upon EPA's 1994 Enforcement Response Policy under the Clean Air Act Section 507. The policy implements, in part, the Executive Memorandum on Regulatory Reform (60 FR 20621, April 26, 1995) and Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (signed into law on March 29, 1996) (SBREFA). Under this policy, EPA will eliminate civil penalties provided the small business satisfies all of the following four criteria:

- The small business has made a good faith effort to comply with applicable environmental requirements (through on-site assistance programs or voluntary audits and disclosures).
- The small business was not subject to any enforcement actions pursuant to this policy for the current violation and has not been subject to two or more enforcement actions for environmental violations in the past five years.
- The small business corrects the violation and remedies any associated harm within six months of discovery; an additional six months may be granted if pollution prevention technologies are being used.
- The violation has not caused and does not have the potential to cause serious harm to public health, safety, or the environment; it does not have the potential to present imminent and substantial endangerment to public health or the environment; and it does not involve criminal conduct.

*For more information on this policy, contact David Hindon, Office of Regulatory Enforcement, at (202) 564-6004 or Fan Jonesi, Office of Compliance, at (202) 564-7043.*

### FINAL POLICY ON ENVIRONMENTAL SELF-AUDITING AND SELF-DISCLOSURE

EPA issued the *Final Policy on Environmental Self-Auditing and Self-Disclosure*, effective January 22, 1996, to provide small businesses with incentives to voluntarily discover, disclose, and correct violations of environmental rules and regulations. Under this final policy:

- EPA will not seek gravity-based penalties and will not recommend criminal prosecution against the company if the violation results from the unauthorized criminal conduct of an employee (provided certain conditions of the policy are met).
- EPA will reduce gravity-based penalties by 75% when violations are discovered by means other than environmental audits or due diligence efforts, and are promptly disclosed and expeditiously corrected (also assuming certain conditions of the policy are met).

Under both scenarios, however, EPA, may still recover economic benefits gained as a result of noncompliance.

*For more information on this policy, contact Brian Riedel at (202) 564-5006.*

### ENFORCEMENT RESPONSE POLICY

EPA issued the *Enforcement Response Policy*, effective August 12, 1994, to provide small businesses with a limited grace period to correct violations revealed during requested assistance from a State Small Business Assistance Program (SBAP) established under Section 507 of the Clean Air Act. Under the policy, two options are provided:

- SBAPs may offer small businesses a limited correction period for violations detected during compliance assistance. Small businesses may have up to 90 days to receive compliance assistance from the SBAPs, with the possibility of an additional 90 days to correct any violations discovered under the program. After that time, violations would be subject to existing enforcement policies.
- SBAPs may offer compliance assistance on a confidential basis. Under this option, the state retains the ability to investigate and/or take enforcement actions at any time for violations discovered independently from the Section 507 program.

*For more information on this policy, contact Fran Jonesi at (202) 564-7043 or Elliot Gilberg at (202) 564-2310.*

## EPA ASSISTS SMALL BUSINESSES BY ESTABLISHING COMPLIANCE CENTERS

In partnership with industry, academic institutions, environmental groups, and other federal agencies, EPA's Office of Compliance has established telecommunications-based or "virtual" national Compliance Assistance Centers for four specific industry sectors. These sectors include printing, metal finishing, automotive services and repair, and agriculture, each of which is heavily populated with small businesses that face substantial federal regulation. Two additional centers -- printed wiring boards and small chemical manufacturers -- are also under development.

These Compliance Assistance Centers are designed to provide small businesses with "first-stop" compliance information sources, readily available information transfer via the Internet, a variety of compliance assistance tools, links between pollution prevention and compliance goals, and information on ways to reduce the costs of compliance.

The **National Metal Finishing Resource Center** (NMFRC) is the most substantial, comprehensive environmental compliance, technical assistance, and pollution prevention information source available to the metal finishing industry. As an Internet Web Site, NMFRC also serves as an information resource and distribution channel for technical assistance programs (TAPs). Services and products include an EPA Regulatory Determinations collection pertaining to metal finishing, performance and cost comparisons across technology options, pollution prevention case studies, and vendor information. For further information, contact Paul Chalmer (313-995-4911) at the National Center for Manufacturing Science or Scott Throwe (202-564-7013) at EPA. Internet: <http://www.nmfrc.org>

The **Printer's National Compliance Assistance Center** (PNEAC) electronically links trade, governmental and university service providers to efficiently provide the most current and complete compliance assistance and pollution prevention information to the printing industry. This information is provided through two list servers (PRINTECH and PRINTREG), a World Wide Web home page, satellite training, and "best-in-class" pollution prevention/compliance information. For further information, contact Gary Miller (217-333-8942) at the Illinois Hazardous Waste Research and Information Center or Doug Jamieson (202-564-7041) at EPA. Internet: <http://www.pneac.org>

The **Automotive Compliance Information Assistance Center** (GreenLink™) provides information on a variety of topics including used oil management, floor drains, underground storage tanks, pollution prevention alternatives, hazardous waste, emergency spill procedures, antifreeze, paint thinners, air conditioning repair. For further information, contact Sherman Titens (816-561-8388) at CCAR or Everett Bishop (202-564-7032) at EPA. Internet: <http://www.ccar-greenlink.org>

The **National Agriculture Compliance Assistance Center** provides a definitive source of environmental compliance information for the agricultural community. Information topics include pesticides; animal waste management; non-point-source pollution; agricultural worker protection; groundwater, surface water, and drinking water protection; and wetlands protection. For further information, contact Ginah Mortensen (913-551-7207) at EPA. Internet: <http://es.inel.gov/oeca/ag/aghmpg.html>

The **Chemical Manufacturers Center** is conducting meetings with potential clients such as industry groups and technical and compliance assistance providers to determine how best to meet user needs. For further information, contact Emily Chow (202-564-7071).

The **Printed Wiring Board Center** will provide the industry with easy access to current and comprehensive information on pollution prevention and regulatory compliance assistance, building upon the metal finishing center infrastructure and information systems. For further information, contact Keith Brown (202-564-7124).

The **Local Government Center** will provide ready access to general compliance information for local government officials through the development of a network that will provide a central location for access to federally-developed, local government compliance assistance information. Contact John Dombrowski (202) 564-7036.

For general information on all Compliance Assistance Centers, contact Lynn Vendinello (202-564-7066)

## STATE SMALL BUSINESS ASSISTANCE PROGRAMS

### SMALL BUSINESS SPECIAL NEEDS:

Congress recognized the particular problems that many small businesses would have in dealing with the 1990 Clean Air Act Amendments complex requirements. A typical small business employs fewer than 50 people, and is the only business operated by the owner. It is the corner dry cleaner, the “mom and pop” bakery, the auto body repair shop, gasoline service station, the machine, tool and die company, or one of a host of other local business establishments. Many have been in the same family and neighborhood for generations.

Air pollution control regulation may seem very complex to many small businesses. Many may not be able to afford to hire lawyers or environmental specialists to interpret and comply with all the requirements they may be responsible for in the new Act. Most may be hard pressed to inform themselves about the most basic requirements and deadlines of the control programs that will affect them, let alone the more complicated issues they are going to have to address to control air emissions, such as:

- The types of pollutants their company emits that are subject to the Act's requirements;
- The methods they can use to estimate emissions for a permit application;
- The types of control technologies that are best and least costly for controlling a specific production process or chemical substance they use to make goods and services; and,
- Process or substance substitutes they can use to prevent or reduce emissions.

### STATE LEAD FOR PROVIDING SMALL BUSINESS ASSISTANCE:

The 1990 Clean Air Act Amendments gives each state government the lead in developing and implementing a *Small Business Technical and Environmental Compliance Assistance Program* as part of legally enforceable state implementation plans.

### THE ACT'S DEFINITION OF A SMALL BUSINESS:

The Act establishes certain criteria that a company must meet to qualify for assistance as a small business. It must be a small business as defined in the *Small Business Act* which generally means that it is an independently owned and operated concern that is not dominant in its field. The business must be owned by a person who employs 100 or fewer individuals, and cannot be a *major stationary source* of either a primary urban (so called “criteria”) pollutant or toxic air pollutant. It cannot, in fact, emit 50 tons or more of a single pollutant a year, or more than 75 tons of all regulated pollutants. State governments can modify some of these requirements provided that the particular source does not emit more than 100 tons a year of all regulated pollutants.

### FEDERAL OVERSIGHT AND SUPPORT:

EPA will be providing several forms of guidance and assistance to these state assistance programs for the full duration of the Act.

**Federal Guidelines:** EPA published final guidelines for states to draw upon to develop their assistance programs. The Agency has approved each state compliance and assistance program to ensure that it meets the Act's requirements.

**Oversight and Monitoring:** The EPA Small Business Ombudsman oversees and monitors all state assistance programs and makes periodic reports to Congress on each state's progress. Among other things, the EPA Ombudsman determines how well the state programs are working and makes sure that the information and assistance the states provide is understandable to the layman.

**Technical Assistance and Research:** EPA shares information and research that it has developed nationally with each state assistance and compliance program. States are able to receive technical assistance through several EPA Centers and Hotlines. These Centers and Hotlines provide a broad range of assistance including information concerning the Clean Air Act requirements, control technology data, pollution prevention methods and alternatives, emission measurement methods, air pollution monitoring devices, and prevention of accidental releases of toxic chemicals into the environment.

## COMPONENTS OF AN OVERALL STATE ASSISTANCE PROGRAM

By November, 1992, each state was required to develop a plan for implementing a *Small Business Stationary Source Technical and Environmental Compliance Assistance Program*. Congress envisioned that these programs would be in place before small businesses begin to feel the direct effects or deadlines of the Act.

Each state program is required to include three components: (1) appointment of a state small business ombudsman; (2) establishment of a comprehensive small business assistance program; and, (3) appointment of a seven-member state compliance advisory panel.

- 1. State Ombudsman:** The first component is the State Ombudsman who acts as the small business community's representative in matters that affect it under the Clean Air Act. Other responsibilities of the State Ombudsman could be to:
  - Review and provide comments and recommendations to EPA and state/local air pollution control authorities regarding the development and implement of regulations that impact small businesses;
  - Help disseminate information about upcoming air regulations, control requirements, and other pertinent matters to small businesses;
  - Refer small businesses to the appropriate specialists in state government and elsewhere for help with particular needs (e.g., available control technologies and operating permit requirements); and,
  - Conduct studies to evaluate the effects of the act on state and local economies, and on small businesses generally.
- 2. Small Business Assistance Program (SBAP):** The second component of the overall state program is the Small Business Assistance Program which is the technical and administrative support component within the state government. The SBAP staff has access to air quality experts, technically proficient engineers, scientists and managers, and environmental specialists who provide support and technical assistance needed by small businesses to comply with the Act's requirements. Related responsibilities include:
  - Informing businesses of all requirements in the Clean Air Act that apply to them, and the dates these requirements will apply;
  - Helping small businesses deal with specific technical, administrative and compliance problems;
  - Disseminating up-to-date information about the Clean Air Act to the small business community, including easy to understand public information materials; and,
  - Referring small businesses to environmental auditors who can evaluate how effective a company's work practices, monitoring procedures, and record-keeping are for complying with applicable clean air requirements.
- 3. State Compliance Advisory Panel:** The third component of the overall state assistance program consists of a seven member *state compliance advisory panel* in each state for determining the overall effectiveness of the state SBAP. Four of these members must be small business owners or representatives selected by the state legislature; the governor of each state selects two other members to represent the "general public." The seventh member is chosen by the head of the state agency responsible for issuing operating permits. The State compliance advisory panels reviews and renders advisory opinions on the effectiveness of the state SBAP, and makes periodic progress reports to EPA's Small Business Ombudsman concerning compliance of the small business program with other pertinent federal regulations. The compliance advisory panels also makes certain that information affecting small business is written in a style that is clear and understandable.

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## TYPES OF BUSINESSES SUBJECT TO AIR POLLUTION CONTROLS

This is a general list of the typical kinds of small type businesses affected by one or more of the air pollution control programs under the 1990 Clean Air Act Amendments. All small businesses should consult their state pollution control agency for more specific details about the controls that will be required in their area.

Agricultural Chemical Applicators  
Asphalt Manufacturers  
Asphalt Applicators  
Auto Body Shops  
Bakeries  
Distilleries  
Dry Cleaners  
Foundries

Furniture Manufacturers  
Furniture Repairs  
Gasoline Service Stations  
General Contractors  
Hospitals  
Laboratories  
Lawnmower Repair Shops  
Lumber Mills  
Metal Finishers

Newspapers  
Pest Control Operators  
Photo Finishing Laboratories  
Printing Shops  
Refrigerator/Air Conditioning  
Service and Repair  
Tar Paving Applicators  
Textile Mills  
Wood Finishers

**CLEAN AIR ACT**  
**SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS**

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
AL	Blake Roper	(334) 213-4308 (N) (800) 533-2336	James Moore	(334) 271-7861 (N) (800) 533-2336
AK	Priscilla Wohl	(907) 269-7591 (S) (800) 510-2332	Scott Lytle	(907) 269-7571 (N) (800) 510-2332
AZ	Jack Bale	(602) 207-2254 (S) (800) 234-5677, x4337	Gregory Workman	(602) 207-4337 (S) (800) 234-5677, x4337
AZ	(Maricopa. Cty.)		Richard Polito	(602) 506-5102
AR	Robert Graham	(501) 682-0708		
CA	James Schoning	(916) 323-6791 (S) (800) 272-4572	Peter Venturini	(916) 445-0650
CA	La Ronda Bowen (SCAQMD)	(909) 396-3235 (N) (800) 388-2121	Natalie Porche	(909) 396-3218 (N) (800) 388-2121
CO	Ken Mesch	(303) 692-2022	Nick Melliadis	(303) 692-3175 (N) (800) 333-7798
CT	Tracy Babbidge	(860) 424-3382 (S) (800) 760-7036	Glen Daraskevich	(860) 424-3545 (S) (800) 760-7036
DE	George Petitgout	(302) 739-6400 (S) (800) 789-4599		
DC	Carol Baker	(202) 645-6093, x3082	Olivia Achuko	(202) 645-6093, x3071
FL	Robert Daugherty	(904) 488-1344 (S) (800) 722-7457		
GA	Marvin Lowry	(404) 363-7014	Anita Dorsey-Word	(404) 362-4842
HI			Robert Tam	(808) 586-4200
ID	Doug McRoberts	(208) 373-0497	Avijit Ray	(208) 373-0298
IL	Don Squires	(217) 785-1625	Mark Enstrom	(217) 524-0169 (S) (800) 252-3998
IN	Maggie McShane	(317) 232-8958 (S) (800) 451-6027	Cherrie Storms	(317) 233-1041
IA	Linda King	(515) 242-4761 (S) (800) 358-5510	John Konefes	(319) 273-2079 (S) (800) 422-3109
KS	Janet Neff	(913) 296-0669 (N) (800) 357-6087	Frank Orzulak	(913) 864-3978 (S) (800) 578-8898
KY	Rose Marie Wilmoth	(502) 564-3350 (N) (800) 926-8111	Gregg Copley	(606) 257-1131 (N) (800) 562-2327
LA	James Friloux	(504) 765-0735 (S) (800) 259-2890	Vic Tompkins	(504) 765-2453 (S) (800) 259-2890
ME	Ron Dyer	(207) 287-4152 (S) (800) 452-1942	Brian Kavanah	(207) 287-6188 (S) (800) 789-9802
MD	John Mitchell	(410) 631-3003 (S) (800) 633-6101, x3172	Linda Moran	(410) 631-3165 (N) (800) 433-1247
MA	George Frantz	(617) 727-3260, x631		
MI	Dana Cole	(517) 335-1847	Dave Fiedler	(517) 373-0607 (N) (800) 662-9278
MN			Barbara Conti	(612) 296-7767 (S) (800) 657-3938
MS	Jesse Thompson	(601) 961-5171 (N) (800) 725-6112		
MO	Amy Jordan	(573) 751-3222	Byron Shaw, Jr.	(573) 526-5352 (N) (800) 361-4827

**NOTE: (S) = State; (N) = National**

**CLEAN AIR ACT**  
**SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS**

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
MT	Mark Lambrecht	(406) 444-2960 (N) (800) 433-8773	Adel Johnson	(406) 444-4194 (N) (800) 433-8773
NE	Dan Eddinger	(402) 471-3413		
NV	Ralph Capurro	(702) 687-4670, x3162 (S) (800) 992-0900, x4670	David Cowperthwaite	(702) 687-4670, x3118 (S) (800) 992-0900, x4670
NH			Rudolph Cartier	(603) 271-1379
NJ	John Serkies	(609) 633-7308 (N) (800) 643-6090	Chuck McCarty	(609) 292-3600
NM			Cecilia Williams	(505) 827-0042 (N) (800) 810-7227
NY	Tria Case	(212) 803-2282 (N) (800) 782-8369, x157	Marian Mudar	(518) 457-9135 (S) (800) 780-7227
NC	Edythe McKinney	(919) 733-1267 (N) (800) 829-4841	Fin Johnson	(919) 733-0824 (N) (800) 829-4841
ND	Jeff Burgess	(701) 328-5153 (S) (800) 755-1625	Tom Bachman	(701) 328-5188 (S) (800) 755-1625
OH	Mark Shanahan	(614) 224-3383 (S) (800) 225-5051	Rick Carleski	(614) 728-1742
OK	Steve Thompson	(405) 271-8056	Alwin Ning	(405) 271-1400
OR	Paul Burnet	(503) 229-5776 (S) (800) 452-4011	Terry Obteshka	(503) 229-6147 (S) (800) 452-4011
PA			Cecily Beall	(215) 656-8709 (N) (800) 722-4743
PR			Maria Rivera	(800) (787) 767-8025, x296
RI	Roger Green	(401) 277-2771	Richard Enander	(401) 277-6822, x4411 (S) (800) 253-2674
SC	Willie Morgan (Acting)	(803) 734-4543 (N) (800) 819-9001	Chad Pollock	(803) 734-2765 (N) (800) 819-9001
SD	Joe Nadenicek	(605) 773-3151 (S) (800) 438-3367	Bryan Gustafson	(605) 773-3351 (S) (800) 438-3367
TN	Ernest Blankenship	(615) 532-0731	Linda Sadler	(615) 532-0779 (S) (800) 734-3619
TX	Tamra Shae-Oatman	(512) 239-1062 (N) (800) 447-2827	Kerry Drake	(512) 239-1112 (N) (800) 447-2827
UT	Stephanie Bernkopf	(801) 536-4479	Frances Bernards	(801) 536-4056 (N) (800) 270-4440
VT			Judy Mirro	(802) 241-3745
VA.	John Daniel	(804) 698-4311 (S) (800) 592-5482	Richard Rasmussen	(804) 698-4394 (S) (800) 592-5482
VI			Marylyn Stapleton	(809) 777-4577
WA	Leighton Pratt	(360) 407-7018	Bernard Brady	(360) 407-6803
WV	Kenneth Shaw	(304) 558-1218 (S) (800) 982-2474	Fred Durham	(304) 558-1217 (S) (800) 982-2474
WI	Hampton Rothwell	(608) 267-0313 (N) (800) 435-7287	Pam Christenson	(608) 267-9214 (N) (800) 435-7287
WY	Dan Clark	(307) 777-7388	Charles Raffelson	(307) 777-7391

**NOTE: (S) = State; (N) = National**

## REQUEST FOR PUBLICATIONS

Office Small Business Ombudsman

5/14/97

**EPA USE ONLY** Small Business \_\_\_\_\_ Asbestos \_\_\_\_\_

INQ. NO.: \_\_\_\_\_ DATE: \_\_\_\_\_ FILLED BY: \_\_\_\_\_ DATE FILLED: \_\_\_\_\_

Inquiry Source: [Hotline: Phone \_\_\_\_\_ Machine \_\_\_\_\_] Fax: \_\_\_\_\_ U.S. Mail: \_\_\_\_\_ Other: \_\_\_\_\_

[Add: \_\_\_\_\_ Init: \_\_\_\_\_ Date: \_\_\_\_\_] [Change: \_\_\_\_\_ Init: \_\_\_\_\_ Date: \_\_\_\_\_] [Delete: \_\_\_\_\_ Init: \_\_\_\_\_ Date: \_\_\_\_\_]

**NAME:** \_\_\_\_\_ **TELE. NO.:** ( \_\_\_\_\_ ) \_\_\_\_\_

**Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

IF YOU **ARE NOT ALREADY** RECEIVING THE BI-ANNUAL EDITIONS OF THE "UPDATE" NEWSLETTER AND WISH TO DO SO, PLEASE COMPLETE THIS SECTION (*To receive bi-annual "Updates" and related mailings*): Yes: \_\_\_\_\_ No: \_\_\_\_\_

**INDUSTRY:** \_\_\_\_\_ **No. Employees:** 1-99 \_\_\_\_\_ 100-499 \_\_\_\_\_ 500-Up \_\_\_\_\_

(Indicate, or Circle Below)

Consultant	Laboratory	State Govt.	Association	EPA Region _____
Attorney	Educational	Country Govt.	Individual	Congressional
Engineer	Environmental	City Govt.	EPA Hq.: _____	Other Fed.: _____

**PUBLICATIONS REQUESTED (Circle the Corresponding Alpha-Numeric Codes below):** \*[w/K-37, 48]

Alpha-numeric codes refer to publications described in "Information for Small Business," available from OSBO upon request.

A-1	C-1	C-27	C-54	C-75	D-3	E-4	E-28	F-6	G-9	I-8	I-28	J-8	K-16	K-44
A-3	C-9	C-28	C-55	C-76	D-5	E-5	E-29	F-7	G-10	I-9	I-29	J-9	K-19	K-45
A-4	C-10	C-29	C-56	C-77	D-6	E-6	E-31	F-8	G-11	I-10	I-30	J-10	K-20	K-46
A-6	C-11	C-30	C-57	C-80	D-7	E-7	E-32	F-9	G-12	I-11	I-31	J-11	K-21	K-47
A-7	C-12	C-31	C-60	C-81	D-8	E-8	E-33	F-10	H-1	I-12	I-35	J-12	K-22	K-48
A-8	C-13	C-36	C-61	C-82	D-9	E-10	E-34	F-11	H-2	I-13	I-36	J-13	K-23	K-49
A-9	C-14	C-37	C-62	C-83	D-12	E-11	E-40	F-12	H-3	I-14	I-37	K-1	K-29	K-50
A-10	C-15	C-38	C-63	C-84	D-13	E-12	E-41	F-13	H-4	I-15	I-38	K-2	K-30	K-51
A-11	C-16	C-39	C-64	C-87	D-14	E-13	E-42	F-14	H-5	I-16	I-40	K-3	K-31	K-52
A-12	C-17	C-41	C-65	C-88	D-15	E-14	E-43	F-15	H-6	I-17	I-41	K-4	K-32*	K-53
B-1	C-18	C-42	C-66	C-89	D-16	E-20	E-44	F-16	H-7	I-18	I-42	K-5	K-33	K-54
B-2	C-19	C-43	C-68	C-90	D-17	E-21	E-45	F-17	H-8	I-19	I-43	K-6	K-34	K-55
B-3	C-20	C-44	C-69	C-91	D-18	E-22	E-46	G-1	H-9	I-20	I-44	K-7	K-36	K-56
B-4	C-21	C-46	C-70	C-92	D-19	E-23	E-50	G-2	I-1	I-21	I-45	K-8	K-37	K-57
B-5	C-22	C-47	C-71	D-1	E-1	E-24	E-51	G-3	I-2	I-22	J-1	K-9	K-38	K-58
B-6	C-23	C-50	C-73	D-2	E-2	E-25	E-53	G-4	I-3	I-23	J-2	K-10	K-39	K-59
B-7	C-24	C-51			E-3	E-26	F-1	G-5	I-4	I-24	J-3	K-11	K-40	K-60
B-10	C-25	C-52				E-27	F-2	G-6	I-5	I-25	J-5	K-13	K-41	
	C-26	C-53					F-3	G-7	I-6	I-26	J-6	K-14	K-42	
							F-5	G-8	I-7	I-27	J-7	K-15	K-43	

**Mail to:**  
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 U.S. Environmental Protection Agency  
 401 M Street, S.W. 1230-C  
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**Or Telephone:**  
 Toll Free Hotline: (800) 368-5888  
*In the D.C. area:* (703) 305-5938  
 or Telefax: (703) 305-6462

Remarks/Other Materials Requested: \_\_\_\_\_

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