

# SMALL BUSINESS OMBUDSMAN UPDATE

United States Environmental Protection Agency  
Washington, DC 20460

MEMORANDUM

**Toll Free Hotline**  
**800-368-5888**  
**202-260-0490**

Home Page [www.epa.gov/sbo](http://www.epa.gov/sbo)

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

**FROM:** **Karen V. Brown, Director**  
**SBD/Small Business Ombudsman**

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

**DATE:** **January, 2001**

## SMALL BUSINESS DIVISION/SBD SMALL BUSINESS OMBUDSMAN STAFF

**Vacant**, Deputy Small Business Ombudsman  
**Delane Anderson**, Program Management Analyst  
**Andrew Teplitzky**, Environmental Scientist  
**Eileen McGovern**, Program Analyst  
**Angela Suber**, Program Analyst

## SENIOR ENVIRONMENTAL EMPLOYEES

**James E. Malcolm, P.E.**, Chemical Engineer  
*Toxic Substances & Hazardous Materials*  
**Larry O. Tessier, P.E.**, Civil Engineer  
*Asbestos, Radon and Lead*  
**Arnold Medbery, P.E.**, Mechanical Engineer  
*The Clean Air Act, Asbestos, Water*  
**Thomas J. Nakley**, Civil Engineer  
*The Clean Water Act, Safe Drinking Water Act*  
**Howard Boddie**, Computer/Publications Specialist

## BETTER RULES! BETTER TOOLS!

**GREETINGS!** The year 2000 was a very fast moving and productive year. I am pleased to report that during the past year the State Ombudsmen and Technical Assistance Programs have assisted nearly one million small businesses that are subject to environmental requirements. In fact, our Division alone handled over 13,000 direct hotline calls on environmental issues. While these accomplishments are notable, it is clear through stakeholder comments we gathered for revisions to the EPA Small Business Strategy, and in recent EPA rulemaking that the Agency **must do more** to incorporate the needs of small business into its activities. Our New Year's resolution is to increase our delivery of compliance information and tools to the small business community; increase the development and delivery of information about small business characteristics, impacts and needs to the Agency; and increase the consideration of small business needs and issues within the Agency during rulemaking, enforcement, and policy development. It is clear that we can reach this resolution by promoting early stakeholder involvement in rule development, and by providing the Agency with the appropriate information to help them develop rules that clearly address the needs of small business.

I am enthusiastically looking forward to the year 2001, and doing more to serve the small business community. I am particularly pleased to have the opportunity of working with the new EPA Administrator, Christine Todd-Whitman, as the Governor of New Jersey, established an effective business ombudsman program to deal with the complexities of state and federal regulatory requirements. We are assured that she will bring these interests and concerns with her as she takes the reins at EPA.

Sincerely,

Karen V. Brown

## ONE-STOP-RELIEF 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 the development and enforcement of environmental regulations.

**Call (800) 368-5888**

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# New Initiatives for Small Business Division (SBD)

## U.S. EPA Updating Its Small Business Strategy

You probably didn't know that back in 1984, the Environmental Protection Agency issued its first small business strategy, entitled *EPA Small Business Initiatives: Strategy for Improved Regulation and Compliance* (to view a copy of the 1984 strategy, go to [www.epa.gov/sbo/strat1984.pdf](http://www.epa.gov/sbo/strat1984.pdf)). While the Agency has worked to address many of the issues highlighted in the strategy over the past 17 years, it recognizes that not all issues have been fully resolved and a number of new ones have emerged. This is why the Agency is now working on an update to its Small Business Strategy. The Year 2000 Small Business Strategy will focus on four major areas. First, the revised Strategy will promote the testing of new, innovative approaches for small businesses to meet and exceed their environmental responsibilities. In so doing, the Strategy will promote alternatives that are less burdensome than traditional regulatory programs and can provide opportunities for small businesses to save money, increase efficiencies, and become more competitive. Second, the Strategy will continue to emphasize the development of simplified regulations that facilitate small business understanding and compliance. Third, the Strategy will place emphasis on providing small businesses with new tools to help them comply. Finally, the Strategy will include actions intended to organize and strengthen the delivery of assistance and information by EPA and other assistance providers external to the Agency. We currently are awaiting approval to circulate the current draft to internal Agency staff for review and then to external stakeholders for their input. For more information, please contact **Karen Brown** at U.S EPA (202) 260-1390 or via e-mail at [brown.karen@epa.gov](mailto:brown.karen@epa.gov).

## Surveying EPA'S Small Business Customers

EPA is committed to encouraging stewardship and accelerating environmental progress among American businesses. Within the Office of Policy, Economics and Innovation there is a particular emphasis on assisting small businesses. Thus, one component of meeting the Agency's commitment is to ensure our support functions are useful and accessible to small businesses. We're doing this in two ways--the first is to seek feedback on the EPA-supported Small Business Environmental Home Page ([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)). We have collected voluntary responses to site-related questions from visitors to the Home Page over the last several months. We are now reviewing our findings.

At the same time, to determine the value of the Small Business Hotline (800-368-5888), staff within the Agency's Small Business Division has been contacting some Hotline users to complete brief (it only takes about five minutes) telephone surveys. Through these calls, we hope to learn what works--and what doesn't--for you. We're looking for *your* opinion and *your* ideas. We continue to make our survey calls, hoping to learn how to improve our service to you. So if you hear us on the other end of your telephone line, please take a few moments to help us get better at helping you! Within a few months our survey should be complete and we will be assessing the responses we have received.

When we have completed our analysis of the responses we received from both surveys, we'll share the results with all of our customers. For more information, please contact **Eileen McGovern** in the Small Business Division at (202) 260-5352.

## "Cataloging" EPA's Products and Services For the Small Businesses

The small business community is an important customer for EPA. The Office of Policy, Economics, and Innovation is intent on expanding our efforts at outreach and assistance to small businesses. EPA already provides a great number of products and services, many of them tailored specifically to small business. But we know that many of our small business customers are unaware of these efforts. To help get the needed information to our customers, we have developed *Environmental Assistance Services for Small Businesses: A Resource Guide* (similar to a catalog) which provides brief descriptions, web sites, and contact information on the Small Business Ombudsman's Office and other topics of interest to small businesses including: legislation, assistance programs, Regional support, education and training, funding opportunities, procurement, state and local resources, compliance support, mentoring programs, the rulemaking process, voluntary programs, publications and guides, and Agency hotlines. The *Resource Guide* is available now. You may request a copy by calling our toll free number (800-368-5888) or by contacting **Eileen McGovern** at EPA by telephone (202-260-5352) or via e-mail at [mcgovern.eileen@epa.gov](mailto:mcgovern.eileen@epa.gov) or [www.epa.gov/sbo](http://www.epa.gov/sbo).

## **2001 SBO/SBAP National Conference**

### **Mark your Calendars! Make your travel plans now!**

Get ready for the 2001 SBO/SBAP National Conference! The conference will be held in beautiful Austin, Texas April 2-5 2001, at the Radisson Hotel Town Lake. This year's conference has something for everyone. You'll have ample time to network with your peers from other states while learning the latest about advocacy, marketing, technology, and technical topics. Austin is the Live Music Capital of the World, and offers many entertainment and sightseeing activities. For hotel reservations call (512) 478-9611. Reservations must be made by March 7, 2000 to guarantee a room. Guest room rates: \$80 single or double occupancy. Be sure to identify yourself as an SBO/SBAP Conference participant. Registration materials will be sent out in January 2001. To register, visit our web site at [www.sboconference.com](http://www.sboconference.com).

### ***EPA Holds Workshop on Increasing Small Business Competitiveness Through Environmental Management Systems: The Role of Associations.***

On November 8<sup>th</sup>, 2000, EPA's Small Business Division, in conjunction with EPA's Sector Strategies Division, the Performance Track Program, and the Design for Environment Program, held a full-day workshop where trade associations representing small businesses were invited to come hear about EMSs and dialogue on how EPA and associations can work together to promote EMSs for association members. Based on a tally of workshop evaluation forms, 13 associations indicated that they agree or strongly agree that they will take some action to further the use of EMSs for their members. Sectors expressing interest include: automobile dealers, shipbuilders, dry cleaners, automotive services, printers, and rural electric companies. EPA followup activities will include: (1) development of an EMS "Pathfinder" (an Internet-based tool for use by association staff and consultants to develop industry-specific EMS templates); (2) review of sector-specific EMS guidance manuals for several small business sectors (through respective trade associations), (3) development of a small business/EMS steering committee and an e-mail group to continue dialogue on EMSs for small businesses; and (4) development of EMS marketing materials for associations and small business owners/managers. For more information, please contact **Andy Teplitzky** at U.S EPA (202- 260-4088, e-mail at [Teplitzky.Andy@epa.gov](mailto:Teplitzky.Andy@epa.gov)) or **Tim Stuart** at US EPA (202-260-0725, e-mail at [Stuart.Tim@epa.gov](mailto:Stuart.Tim@epa.gov)).

### **Small Business Administration Publishes Revised Size Standards**

On May 15, 2000, the Small Business Administration (SBA) published in the *Federal Register* (65 FR 30836-30863) a new table of small business size standards for industries as they are defined in the North American Industry Classification System (NAICS). Please be aware that SBA has since amended the May 15 rule because, as stated in the summary to its 09/05/00 correction notice: "The table that was published on May 15, 2000, contained errors that occurred during the printing process. The errors are significant in nature and number, and SBA believes that they would be misleading if not corrected." You can access the most current small business size standards at:

[http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_13/13cfr121\\_main\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_13/13cfr121_main_00.html). This link is also posted on the Links page of EPA's SBREFA website: [www.epa.gov/sbrefa](http://www.epa.gov/sbrefa).

## Performance Track Recognizes Environmental Excellence

On December 13<sup>th</sup>, EPA recognized the 225 Charter Members to the National Environmental Achievement Track. These facilities applied to become members of the Achievement Track and were selected based on their systematic approach to environmental management, commitments to continuous improvement, a sound compliance history, and willingness to reach out to the community. Of the full Charter Membership, approximately 7% have fewer than 50 employees, 10% have 50-99 employees, and 30% have 100-499 employees.

Achievement Track is the first of two levels in EPA's National Environmental Performance Track. Performance Track defines what it means to be a top environmental performer and provides incentives to motivate further improvements. It is open to companies and facilities of all types, sizes, and complexity, public or private, manufacturing or service-oriented. Through a systematic approach to managing environmental responsibilities, taking extra steps to reduce and prevent pollution, and being good corporate neighbors, many companies today are modeling the way to environmental excellence. At the same time, they are saving money and improving productivity. EPA is in the process of developing the second and higher level Stewardship Track. Information on the Stewardship Track will be announced in the summer of 2001.

Applications for Achievement Track are being accepted February 1 through April 30 and August 1 through October 31 in 2001. Program information, applications, and instructions are available at [www.epa.gov/performance-track](http://www.epa.gov/performance-track) or call 1-888-339-PTRK.

## NJ Chemical Industry Project Issues Recommendations

The New Jersey Chemical Industry Project, in the Performance Incentives Division of EPA's Office of Policy, Economics and Innovation, has issued its final report with recommendations on how EPA can improve the efficiency and effectiveness of its programs by working with industry and other stakeholders.

The report, called "Learning to Listen: A Cooperative Approach to Developing Innovative Strategies," outlines the process used to identify the factors that inspire facility staff to improve their environmental performance and issues that keep facilities from doing better. Teams of Stakeholders and others worked to develop tools and programs to improve environmental performance.

The tools most highly-praised by small businesses were those developed by the Compliance Assistance Pilot. This Team prepared a set of compliance assistance materials:

- Plain Language summaries of 20 New Jersey environmental regulations;
- Flowcharts for six NJ regulations that show if and how the regulations apply to a facility;
- Summaries of New Jersey compliance assistance programs; and
- Information on how to obtain training materials and regulatory guides.

The materials are available at the New Jersey Department of Environmental protection web site:

<http://www.state.nj.us/dep/enforcement/home.htm>.

Other Teams worked to establish the first pretreatment effluent trading among facilities that discharge to a POTW, clarified the waste regulations for recycling materials—at the same facility or across facilities—from five typical chemical processes, and developed a program to reward and provide incentives for facilities to improve their environmental performance.

In the Project's final report, Stakeholders describe the work of each of the Teams and make recommendations to further improve the efficiency and effectiveness of EPA's programs. The report also presents guidance and "Keys to Success" for working cooperatively with industry and other stakeholders. It is important to engage all parties, incorporate all views, and develop approaches that are genuinely better for people and the environment.

The "Learning to Listen" report is available from the NJ Chemical Industry Project web site

(<http://www.epa.gov/emergingstrategies/njcip/home.htm>) or in hard copy from Catherine Tunis, 202-260-2698, 1200 Pennsylvania Ave., NW (1808), Washington, DC 20460, [tunis.catherine@epa.gov](mailto:tunis.catherine@epa.gov). Other reports available include:

L "Compliance Assistance Materials for New Jersey Environmental Regulations;"

L Inspiring Performance: The Government-Industry Team Approach To Improving Environmental Compliance, EPA 231-R-99-002, May, 1999;

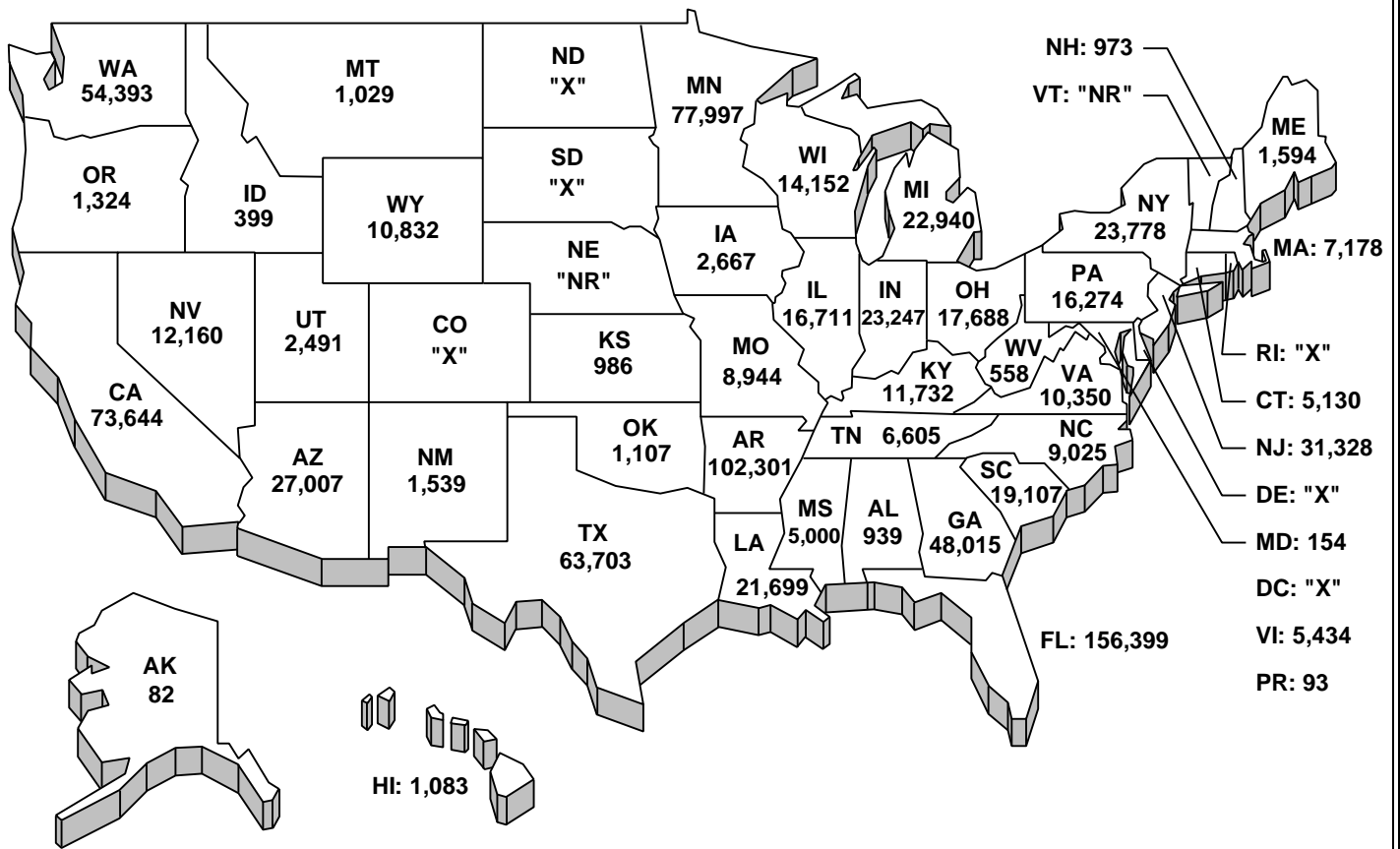
L Sharing the Load: Effluent Trading for Indirect Dischargers, EPA 231-R-98-003, May 1998;

L Promoting Chemical Recycling: Resource Conservation in Chemical Manufacturing, EPA-231-R-99-001, May, 1999;

L "Proposed Framework for a Flexible Track Program," May, 1997; and

L Guidance on New Jersey's Flexible Track Silver and Gold Track programs, available at <http://www.state.nj.us/dep/special/silver/fulldoc.htm>.

**1999 State Small Business Assistance Programs  
(919,791 Total Businesses Assisted\*)**



In 1999, the state and territory Small Business Stationary Source Technical and Environmental Compliance Assistance Programs assisted almost 1 million small businesses in complying with the requirements of the Clean Air Act and other environmental issues. These programs are run by hardworking, dedicated staffs who operate successful programs, often with limited resources. Small businesses are grateful for the technical assistance and personalized attention they receive from people they can trust. Turn to page 57 for information on contacting your state's program!

TOP 10 INDUSTRY SECTORS ASSISTED	
Industry Sector	# Assists
Cross Sector	353,432
Other (not classified)	122,772
Organizations/Associations	105,058
Auto Body Maintenance/Repair/Refinishing	88,899
Auto/Motor Vehicles & Equipment	45,035
Dry Cleaning/Laundry Services	34,150
Machine Shops	23,263
Government	7,607
Furniture Manufacture/Repair/Wood Finishing	6,126
Attorney/Consultant/Engineer	5,788

TOP 10 INDUSTRY SECTORS ASSISTED BY PROGRAMS	
Industry Sector	# Programs
Dry Cleaning/Laundry Services	44
Auto Body Maintenance/Repair/Refinishing	42
Furniture Manufacture/Repair/Wood Finishing	38
Organizations/Associations	38
Printing/Graphic Arts	38
Other (not classified)	38
Government	37
Metal Fabricating/Finishing	37
Agriculture/Farming/Crop Service	36
Attorney/Consultant/Engineer	35

**\*NOTES**

"Total businesses assisted" as reported by the programs is used as the "official" count. Some programs tried not to "double count" total businesses assisted. Six programs kept information on the types of services they offered or the industry sectors they assisted, but did not compile data, as indicated by an "X" (CO, DE, DC, ND, RI, SD). Two programs did not provide information, as indicated by "NR" (NE and VT).

**Overwhelmed by paperwork?  
Confused about regulations?  
Wondering where to turn for help?**

**The EPA Small Business Division/Small Business  
Ombudsman  
is available to provide you with**

**ONE-STOP RELIEF**

The EPA Small Business Ombudsman assists small businesses by:

- , Providing you with plain English multi-media compliance information through a hotline, publications, and audio-visual materials
- , Working with EPA technical experts to respond to your regulatory questions and other inquiries.
- , Tracking EPA policies and regulations affecting small business, and advocating small business concerns inside EPA.
- , Keeping in touch with small business “umbrella” organizations, industry trade associations, and government entities.

Small business owners and employees are welcome and encouraged to call with questions or concerns between 8:30 a.m. and 4:30 p.m., Eastern Time.

**Call (800) 368-5888**

**or, in the Washington, DC Area, call (202) 260-1211 Fax (202) 401-2302**

Small Ombudsman Home Page  
Internet <http://www.epa.gov/sbo>  
<http://www.small-enviroweb.org>

# 2001

## KEY EVENTS AND DATES

**SAVE THE DATES, AND MARK YOUR CALENDAR**

<i>JANUARY</i>	<i>11-12</i>	<i>EMS Assistance Strategy National Workshop Washington, DC - 202-261-6468 - <a href="http://www.neetf.org/EMS">www.neetf.org/EMS</a></i>
<i>FEBRUARY</i>	<i>25-27</i>	<i>Environmental Council of the States (ECOS) 2001 Spring Meeting Tampa, FL - 202-624-3660 - e-mail <a href="mailto:lparsie@sso.org">lparsie@sso.org</a></i>
<i>FEBRUARY</i>	<i>27-March 2</i>	<i>National Pollution Prevention Roundtable 2001 Spring Conference Chicago, Illinois - 202-466-7964 or <a href="http://www.p2.org">www.p2.org</a></i>
<i>MARCH</i>	<i>7-9</i>	<i>EPA's National Compliance Assistance Forum Annapolis, MD - 703-247-4256 or e-mail <a href="mailto:caforum@marasconewton.com">caforum@marasconewton.com</a></i>
<i>APRIL</i>	<i>2-4</i>	<i>2001 Air Toxics Implementation Workshop &amp; Training Chapel Hill, NC - 919-541-5771 or <a href="http://www.scicomm.com">www.scicomm.com</a></i>
<i>APRIL</i>	<i>2-5</i>	<i>2001 Small Business Ombudsman/Small Business Assistance Program National Conference, Austin, TX - 1-800-447-2827 - <a href="http://www.sboconference.com">www.sboconference.com</a></i>
<i>JUNE</i>	<i>24-28</i>	<i>Air &amp; Waste Management Association 2001 Annual Conference Orlando, FL - 412-232-3444 or <a href="http://www.awma.org/ACE2001/">www.awma.org/ACE2001/</a></i>
<i>AUGUST</i>	<i>26-28</i>	<i>Environmental Council of the States (ECOS) 2001 Annual Meeting Honolulu, HI - 202-624-3660 - email <a href="mailto:lparsie@sso.org">lparsie@sso.org</a></i>
<i>SEPTEMBER</i>	<i>12-15</i>	<i>Association of Small Business Development Centers (SBDC) Fall Conference 2001 - Dallas, TX - 703-764-9850 - e-mail <a href="mailto:betsy@asbdc-us.org">betsy@asbdc-us.org</a></i>
<i>SEPTEMBER</i>	<i>24-26</i>	<i>Brownfields 2001 Conference - McCormick Place Convention Center Chicago, IL - 202-260-4483 - <a href="http://www.epa.gov/brownfields/bfconf.htm">www.epa.gov/brownfields/bfconf.htm</a></i>
<i>NOVEMBER</i>	<i>28-30</i>	<i>EPA'S Customer Service Conference Washington, DC - 202-260-2744</i>

**CHECK FOR INDUSTRY TRADE ASSOCIATION MEETINGS AND CONFERENCES AT:**

**[www.smallbiz.enviroweb.org/events/allevnts.asp](http://www.smallbiz.enviroweb.org/events/allevnts.asp)**



## SMALL BUSINESS ENVIRONMENTAL HOME PAGE

<http://www.smallbiz-enviroweb.org>

The Small Business Environmental Home Page (Home Page) continues to benefit the small business community and the Section 507 programs. This Home Page was developed and is being maintained by *Concurrent Technologies Corporation* (Pittsburgh Office) under cooperative agreement funding provided by U.S. EPA SBO. Developed in response to requests from the State small business assistance programs (SBAPs) and the small business community for assistance in centrally distributing and exchanging information about their program activities, the Home Page provides efficient access to EPA, state, and other environmental and pollution prevention information focused on small business.

**Thanks** to those of you who took the time to fill out the online EPA Customer Satisfaction Survey. Look for some changes to the Home Page in response to those comments, and a summary of the survey results and changes.

**NEW!** The Regulatory Updates section that many of you use has been UPDATED. It is now one of five easily searchable databases on the Home Page. You can search by environmental law, keyword(s), and date added/updated—individually or in any combination. Also, don't forget to send in updates and use the other four databases on the Home Page—publications (now over 3,800), videos, upcoming events, and performance measurement tools and success stories.

Please use the Small Business Environmental Web Board launched in spring 2000 on the Home Page (you can access this from the top page). Share information and ask questions of your fellow Home Page users. You can post messages and replies and check back when convenient—no annoying emails sent to your mailbox daily. ALSO, there is a general chat room available for users who are online at the same time.

The Home Page continues to keep links and resources updated—contacts (CAP, trade, EPA, SBAP), state environmental agency and SBAP web sites, compliance information, state and federal news and newsletters, funding information, industry sector and trade association information, small business initiatives and policies, databases (see above), etc. The Home Page is also home to the Mid-Atlantic Region Small Business Assistance web page and National Small Business Financial Assistance Work Group web page (look for a new look soon!).

Users are encouraged to provide information on events, news, contacts, publications/fact sheets, videos, CAP information, performance measurement tools and success stories, and corrected/new links to include on the Home Page, and any comments and suggestions about the Home Page to **Audrey G. Zelanko** ( [zelanko@smallbiz-enviroweb.org](mailto:zelanko@smallbiz-enviroweb.org) ; 412/577-2649).



WHERE TO CALL FOR MORE INFORMATION AND HELP

EPA SMALL BUSINESS OMBUDSMAN

Toll Free (800) 368-5888	Local and DC Area (202) 260-1211	T.D.D. (202) 260-1258	Fax (202) 401-2302
<a href="mailto:smallbiz.ombudsman@epa.gov">smallbiz.ombudsman@epa.gov</a>	Homepage <a href="http://www.epa.gov/sbo">www.epa.gov/sbo</a>	<a href="mailto:asbestos.ombudsman@epa.gov">asbestos.ombudsman@epa.gov</a>	

**EPA Web Pages and Hotlines** **Phone Number**

! National Center for Environmental Publications . . . . .	800-490-9198
( <a href="http://www.epa.gov/ncepihom/index.html">www.epa.gov/ncepihom/index.html</a> ) . . . . .	513-489-8190
! Indoor Air Quality Information Clearinghouse . . . . .	800-438-4318
( <a href="http://www.epa.gov/iaq">www.epa.gov/iaq</a> ) . . . . .	
! Radon . . . . .	800-767-7236
( <a href="http://www.epa.gov/iaq/radon">www.epa.gov/iaq/radon</a> ) . . . . .	
! EPA Energy Star . . . . .	888-782-7937
( <a href="http://www.epa.gov/energystar">www.epa.gov/energystar</a> ) . . . . .	
! Clean Air Technology Center . . . . .	919-541-0800 (English)
( <a href="http://www.epa.gov/ttn/catc">www.epa.gov/ttn/catc</a> ) . . . . .	919-541-1800 (Spanish)
! Mobile Sources (Emissions) . . . . .	734-214-4333
( <a href="http://www.epa.gov/omswww">www.epa.gov/omswww</a> ) . . . . .	
! Emission Measurement Center . . . . .	919-541-0200
( <a href="http://www.epa.gov/ttn/emc">www.epa.gov/ttn/emc</a> ) . . . . .	
! Stratospheric Ozone Information . . . . .	800-296-1996
( <a href="http://www.epa.gov/ozone">www.epa.gov/ozone</a> ) . . . . .	
! Acid Rain (emission trading, auctions, Information) . . . . .	202-564-9620
( <a href="http://www.epa.gov/acidrain">www.epa.gov/acidrain</a> ) . . . . .	
! Safe Drinking Water Hotline . . . . .	800-426-4791
( <a href="http://www.epa.gov/safewater">www.epa.gov/safewater</a> ) . . . . .	
! National Small Flows Clearinghouse (WV Univ) . . . . .	800-624-8301
( <a href="http://www.nsfcwvu.edu">www.nsfcwvu.edu</a> ) . . . . .	
! Storm Water Phase II Information . . . . .	202-260-5816
( <a href="http://www.epa.gov/owm/sw/phase2/index.htm">www.epa.gov/owm/sw/phase2/index.htm</a> ) . . . . .	
! Water Resource Center . . . . .	202-260-7786
! Pollution Prevention Information Clearinghouse . . . . .	202-260-1023
( <a href="http://www.epa.gov/opptintr/library/libppic.htm">www.epa.gov/opptintr/library/libppic.htm</a> ) . . . . .	
! National Solid & Hazardous Waste Ombudsman . . . . .	800-262-7937
Washington Metro Area . . . . .	202-260-9361
! Wetlands Information . . . . .	800-832-7828
( <a href="http://www.epa.gov/owow/wetlands">www.epa.gov/owow/wetlands</a> ) . . . . .	
! U.S. EPA RCRA, Superfund & Underground Storage Tanks Hotline . . . . .	800-424-9346
Washington Metro Area . . . . .	703-412-9810
( <a href="http://www.epa.gov/epaoswer/hotline/index.htm">www.epa.gov/epaoswer/hotline/index.htm</a> ) . . . . .	
! Emergency Planning & Community Right to Know Title III (EPCRA) . . . . .	800-424-9346
Washington Metro Area . . . . .	703-412-9877
! Toxic Substance Control Act (TSCA) Information Service . . . . .	202-554-1404
! Office of Pesticide Program Registration Division (Ombudsman) . . . . .	703-305-5446
( <a href="http://www.epa.gov/pesticides">www.epa.gov/pesticides</a> ) . . . . .	
! Bio-Pesticide Staff Assistance . . . . .	703-308-8098
( <a href="http://www.epa.gov/pesticides/biopesticides">www.epa.gov/pesticides/biopesticides</a> ) . . . . .	
! National Pesticide Telecommunications Network . . . . .	800-858-7378
( <a href="http://ace.orst.edu/info/nptn">http://ace.orst.edu/info/nptn</a> ) . . . . .	
! EPA Waste Wise/Waste Reduction . . . . .	800-372-9473
( <a href="http://www.epa.gov/wastewise">www.epa.gov/wastewise</a> ) . . . . .	
! Office of Environmental Justice . . . . .	800-962-6215
! Office of Pollution Prevention & Toxics . . . . .	202-260-1772
( <a href="http://www.epa.gov/opptintr">www.epa.gov/opptintr</a> ) . . . . .	
! Chemical Emergency Preparedness & Prevention Office . . . . .	202-564-7938
(CEPPO) Small Business Liaison . . . . .	
( <a href="http://www.epa.gov/ceppo">www.epa.gov/ceppo</a> ) . . . . .	
! Small Business Innovation Research (SBIR) . . . . .	800-490-9194
( <a href="http://es.epa.gov/ncerqa/sbir">http://es.epa.gov/ncerqa/sbir</a> ) . . . . .	
! EPA Inspector General (IG) . . . . .	202-260-4977
( <a href="http://www.epa.gov/oigearth">www.epa.gov/oigearth</a> ) . . . . .	800-546-8740

## OTHER WEBSITES & HOTLINES

## Phone Number

- ! Small Business Environmental Home Page ..... (412) 577-2649  
([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org))
- ! Recycling Hotline ..... (800) 253-2687  
([www.recycle.net/recycle](http://www.recycle.net/recycle))
- ! National Technical Information Service (NTIS) ..... (800) 553-6847  
([www.ntis.gov](http://www.ntis.gov)) ..... (703) 605-6000
- ! National Response Center for reporting oil spills and hazardous  
substance releases ..... (800) 424-8802  
Washington Metro Area ..... (202) 267-2675  
([www.nrc.uscg.mil](http://www.nrc.uscg.mil))
- ! Department of Energy (DOE)--National Alternative Fuels Hotline ..... (800) 423-1363  
([www.afdc.nrel.gov](http://www.afdc.nrel.gov))
- ! Energy-efficiency & Renewable Energy.Clearinghouse ..... (800) 363-3732  
(Operated by the DOE)  
([www.eren.doe.gov](http://www.eren.doe.gov))
- ! DOT--Transportation of Hazardous Materials. .... (800) 467-4922  
(<http://hazmat.dot.gov>)
- ! CHEMTREC Chemical Transportation Emergency Line, operated by ..... (800) 262-8200  
Chemical Manufacturers Association  
([www.cmahq.com/cmawebiste.nsf/pages/chemtrec](http://www.cmahq.com/cmawebiste.nsf/pages/chemtrec))
- ! Center for Management Courses on ISO 9000/14000 ..... (800) 745-5565  
[www.ceem.com](http://www.ceem.com)
- ! National Lead Technical Information Center ..... (800) 424-5323  
([www.epa.gov/lead/nlic.htm](http://www.epa.gov/lead/nlic.htm))
- ! Small Business Administration ..... (800) 827-5722  
([www.sba.gov](http://www.sba.gov))
- ! Regulatory Fairness Boards (SBA) ..... (888) 734-3247  
([www.sba.gov/regfair](http://www.sba.gov/regfair))
- ! Occupational Safety & Health Administration (OSHA) ..... (800) 321-6742  
(Worker Safety Referral Services)  
([www.osha.gov](http://www.osha.gov))
- ! American Lung Association ..... (800) 586-4872  
([www.lungusa.org](http://www.lungusa.org))
- ! Consumer Product Safety Commission ..... (800) 638-2772  
([www.cpsc.gov](http://www.cpsc.gov))
- ! Radon Auto Emission & Sun Safety(National Safety Council) ..... (800) 557-2366  
([www.nsc.org/ehc/radon.htm](http://www.nsc.org/ehc/radon.htm))
- ! INFOTERRA/USA ..... (202) 260-5917  
([www.epa.gov/INFOTERRA](http://www.epa.gov/INFOTERRA))
- ! Government Printing Office ..... (202) 512-1800  
([www.gpo.gov/#info](http://www.gpo.gov/#info))
- ! National Institute of Occupational Safety and Health ..... (800) 356-4674  
([www.cdc.gov/niosh/homepage.html](http://www.cdc.gov/niosh/homepage.html))
- ! National Environmental Training Center for Small Communities ..... (800) 624-8301  
([www.estd.wvu.edu/netc/netcsc\\_homepage.html](http://www.estd.wvu.edu/netc/netcsc_homepage.html))

## EPA REGIONAL REGULATORY SMALL BUSINESS LIAISONS

REGION	1	CT, ME, MA, NH, RI, VT	Dwight Peavey	(617) 918-1829
	2	NJ, NY, PR, VI	John D. Wilk	(212) 637-3918
	3	DE, DC, MD, PA, VA, WV	David Byro	(800) 228-8711/(215) 814-5563
	4	AL, FL, GA, KY, MS, NC, SC, TN	Annette V. Hill	(404) 562-8287
	5	IL, IN, MI, MN, OH,	Glynis Zywicki	(312) 886-4571
	6	AR, LA, NM, OK, TX	David Gray	(800) 887-6063/(214) 665-2200
	7	IA, KS, MO, NE	Janette Lambert	(913) 551-7768
	8	CO, MT, ND, SD, UT, WY	Rob Laidlaw	(303) 312-7064
	9	AZ, CA, HI, NV, GU	Mark Samolis	(415) 744-2331
	10	AK, ID, OR, WA	Bill Dunbar	(206) 553-1203

# STATUS OF HIGH VISIBILITY ACTIONS

## 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 63. In addition, the Ombudsman's Office maintains an inventory of over 300 EPA and related publications containing useful environmental information for small business. A complete listing of these publications can be obtained by calling the Ombudsman's Office at **1-800-368-5888 or 202-260-1211**.

### Recent Initiatives to Better Serve You

Our efforts to assist the Small Business Community continue at a high level. Here are some things we are currently doing to help you.

- ! Hosted seventh National Small Business Ombudsman and Technical Assistance Program Conference in Missoula, MT attended by 44 States, 2 Territories, and the District of Columbia (191 participants), and have set plans through a grant to the state of Texas's National Resource Conservation Commission for an eighth Conference to be held in Austin, Texas on April 2-5, 2001.
- ! Coordinated individual meetings and follow-up meetings between major small business trade associations and the EPA Deputy Administrator, Assistant Administrators, and Agency Small Business Program Office Representatives on January 27, and June 14, 2000, to discuss small business initiatives and issues.
- ! Finalized EPA's 1998 Small Business Ombudsman Report to Congress under Section 507 of the 1990 Clean Air Act Amendments, and presently are completing the draft of 1999 Report.
- ! Cooperatively participating in managing Small Business Regulatory Enforcement Fairness Act of 1996 small business entity outreach activities in order to implement Act requirements.
- ! Held annual Small Business Liaison Conference for EPA Regional Small Business Representatives on August 2-3, 2000, which was attended by over a dozen state small business program representatives.
- ! Upgraded EPA Small Business Ombudsman Home Page on <http://www.epa.gov/sbo>.
- ! Participated in approximately 50 EPA regulatory efforts as reviewers to represent Small Business concerns.
- ! Conducted fifth State Compliance Advisory Panel (CAP) Training in June for CAPs utilizing a newly completed Compliance Advisory Panel Management Manual to assist State CAPS with their Clean Air Act responsibilities.
- ! Issued revised (improved) Environmental Management Guide for Small Laboratories.
- ! Upgraded a Source Book on Environmental Auditing for Small Business.
- ! Developed a new booklet titled: Little Known But Allowable Ways To Deal With Hazardous Waste.
- ! In the process of implementing Cooperative Agreement projects with 10 states to improve small business technical assistance and outreach and to measure their effectiveness. Conducted two-days of specialized training to awardees on March 16-17, 2000.
- ! Drafting an initiative to revise EPA's Small Business Strategy.
- ! Developing a Small Business Environmental Management Systems Guide.
- ! Completed a project to assess EPA current suite of environmental services for small business; the resulting product, "Environmental Assistance Services for Small Businesses: A Resource Guide will be available in January 2001.
- ! Project underway with State Small Business Assistance Programs

to enhance effectiveness and publicity for their services and outreach activities.

### Clean Air Act (CAA)

#### Implementation Strategy Update

EPA's Office of Air and Radiation has prepared an *Implementation Strategy* publication. It outlines the schedule, by industry, for issuing regulations required by the Clean Air Act. It is included in our Item I-11 package.

#### Final Integrated Urban Air Toxics Strategy

This Strategy is a framework for addressing air toxics in urban areas. Although existing programs have already achieved substantial emission reductions, more needs to be done to reduce toxics air pollutants, particularly in the urban areas. The Strategy outlines actions to reduce emissions of air toxics and assessment activities to improve EPA's understanding of the health and environmental risks posed by air toxics in urban areas. The Strategy includes a list of 33 air toxics that pose the greatest potential health threat in urban areas, and also provides a list of area sources responsible for a substantial portion of the emissions of these air toxics. For more information about the Strategy, visit EPA's web site at: [www.epa.gov/ttn/uatw/112k/urbanpg.html](http://www.epa.gov/ttn/uatw/112k/urbanpg.html) or call EPA's Office of Air Quality, Planning and Standards at 919-541-4487.

#### 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 7/1/96 Code of Federal Regulations (CFR), Part 70. On February 14, and May 22, 2000, the Agency extended state operating permit programs interim approvals. For detailed history, see our Item I-25.

#### 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 they are likely to have, in general, on a small business. The guide provides contacts 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*.

## **Court of Appeals for the District of Columbia Decision on New National Ambient Air Quality Standards Revisions for Particulate Matter and Ozone**

*American Trucking Associations, Inc. v. USEPA,  
Nos. 97-1440 and 97-1441  
(D.C. Cir. May 14, 1999  
Summary of Decision*

- ! In July 1997, EPA issued health-based air quality standards for ozone and particulate matter. In response to challenges filed by industry and others, a 3-judge panel of the Court of Appeals for the District of Columbia Circuit issued a split opinion on May 14, 1999.
- ! The Court held (2 to 1) that the Act, as applied and absent further clarification, is unconstitutional because it “effects an unconstitutional delegation of legislative power.”
- ! Contrary to the claims made by petitioners and other critics, nothing in the court’s opinion undercuts or criticizes the science on which EPA relied.
- ! The Court rejected petitioners’ claims that EPA should take cost into account in setting the air quality standards.
- ! Contrary to the claims made by petitioners, nothing in the Court’s opinion undercuts or criticizes the process EPA used.
- ! The Court held paradoxically that the Clean Air Act allows EPA to revise the primary ozone standard, but stated that revised ozone standard “cannot be enforced.”
- ! In addressing whether EPA should have considered alleged benefits of ozone as a shield in blocking UVb radiation, the Court held that EPA must consider whether ozone has a beneficial effect, and if so, consider such effects in assessing ozone’s net effects on health.
- ! The Court found “ample support” for EPA’s decision to regulate coarse particulate pollution below the 1987 levels, but also found that PM10 was “a poorly matched indicator for coarse particulate pollution” because PM10 includes fine particles.
- ! The Court rejected petitioners’ claim that EPA should have considered any detrimental health effects relating to unemployment that allegedly would be caused by the NAAQS.
- ! The Court upheld EPA’s decision to rely on the regional haze program to mitigate some of the adverse visibility effects caused by PM2.5.
- ! The opinion remanded the cases to EPA for further consideration.
- ! The Court left the new ozone standard in place based on its determination that it “cannot be enforced.”
- ! The Court vacated the revised coarse particle (PM10) standards.
- ! The Court prepared a briefing schedule to determine whether the PM2.5 standards should be vacated or remain in place while the case is remanded to the agency.

### **Update on Ozone and Particulate Matter Air Quality Standards and Recent Court Decisions**

On May 14, 1999, the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion regarding the final national ambient air quality standards for ozone and particulate matter that EPA issued in July 1997. On June 28, 1999, the Federal government filed a petition for rehearing key aspects of the case in the U.S. Court of Appeals for the D.C. Circuit. The court responded to EPA’s petition on October 29, 1999. Rehearing was denied, because the Court’s rules require a

majority vote of the active judges, rather than of the voting judges. Two judges did not participate for unspecified reasons. On January 28, 2000, the Department of Justice filed a petition seeking Supreme Court review of the decision. On May 22, 2000, the Supreme Court announced it would hear the appeal. The court heard arguments on November 7, 2000. No “decision date” has been set. We will continue to keep you up to date on any new development.

### **CAA Incinerator Rules**

The Agency has issued a final rule that applies to incinerators that are used to burn hospital waste and/or medical/infectious waste (MIW). The rule encompasses incineration at hospitals, other health care type facilities, and commercial waste disposal incinerators that burn these wastes. For both new and existing sources, the regulation provides incinerator operators with a number of compliance options, i.e., pollution control technologies to meet the new air emission standards depending on the size of the MIW. We have worked closely with small community hospitals to provide them with the most affordable way to meet the new requirements. Rural incineration facilities are required to meet less stringent emission limits, but must still make changes.

Secondly, we have added a direct final rule on waste combustors constructed on or before September 20, 1994, clarifying units affected by Federal Plans, and a second action relative to those constructed before June 20, 1996.

Lastly, the EPA has adopted final rules to limit air pollution emissions from incinerators which burn commercial or industrial non-hazardous solid waste. The final rules were published in the Federal Register on Friday, December 1, 2000 (65FR75337). The rules include emission limits for nine pollutants (particulate matter, carbon monoxide, dioxins/furans, nitrogen oxides, sulfur dioxide, hydrogen chloride, mercury, lead, and cadmium). These emission limits are based on the use of wet scrubbers. In addition, the final rules also contain requirements for operator training and preparation of a waste management plan, and for new units, a preconstruction siting analysis. See OASBO, Items I-46.

### **National Emission Standards for Hazardous Air Pollutants (NESHAP) 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. Since then, EPA has finalized rules which affect many small businesses, including various types of \*Halogenated Solvent Cleaning Processes, Item I-21; (See new revised Direct Final Rule w/Amendments), \*Chromium Electroplating and Anodizing Operations---revision of compliance deadlines for California: Federal Register (FR) 1/30/97 and area source deferrals FR 8/18/99, Item I-22; \*Ethylene Oxide Emissions from Commercial Sterilization and Fumigation Operations, Item I-23 (**IMPORTANT NOTE:** Certain portions of the Rule have been SUSPENDED until December 6, 2000, and December 6, 2001); \*Dry Cleaners--rule amended relative to certain transfer machines, Item I-27; Aerospace Manufacturing and Rework--amendments and control techniques guidelines finalized 9/1/98, Proposed amendments, 1/24/00 FR 3642-48, Item 40; Wood Furniture Manufacturing and control techniques , Item I-41; Printing and Publishing, Item I-42 which includes proposed amendments; and Hospital/ Medical/ Infectious Waste Incinerators, Item I-46. Rules have also been finalized for Consumer Products--9/11/98, Item I-43; Automotive Refinish Coatings--9/11/98, Item I-44; and Architectural Coatings--9/11/98, Item I-45. All these rules include a schedule for various product regulation.

The NESHAP for Hazardous Organic Compounds (HON) in production operations, primarily in Synthetic Organic Chemical Manufacturing, was issued in 1994. Amendments and/or revisions have been issued in the Federal Register, since then in almost every year. Several of the amendments exclude some volatile organic compounds and ease implementation plan requirements. Equipment leaks have also been addressed. Item I-24.

**IMPORTANT NOTE:**

\*Discretionary deferment of Title V Operating Permit requirements for area sources has been extended to 12/09/04 for: Halogenated Solvent Cleaning, Chromium Electroplating and Anodizing, Ethylene Oxide Sterilization and Fumigation, Dry Cleaning, and Secondary Lead Smelting. Final rule was published in 12/12/99 FR, pp. 69637-643.

### **CAA List of Source Categories and Schedule for Regulating Hazardous Air Pollutants**

On November 18, 1999, EPA published a new 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. Item I-28.

### **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, 1/9/98 and 7/24/00.

### **Perchloroethylene (PCE) Health Effect Studies**

EPA's National Center for Environmental Assessment in The Office of Research and Development (ORD) has started a health assessment to update the Agency's data base on possible health hazards associated with chronic exposure to perchloroethylene. The assessment will characterize hazard and dose-response for cancer and general non cancer toxicity; in addition to conclusions about cancer hazards, if any, a reference concentration (RfC) for inhalation exposure and a reference dose (RfD) for ingestion exposure will be recommended. The assessment began in the Spring of 1999, and completion is expected in calendar year 2001. The Agency's plan is to develop the assessment, with a full peer and public review process, and then provide a data file for insertion into the EPA Integrated Risk Information System (IRIS) which records the Agency-wide viewpoint on health assessment issues.

### **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 with reconsideration of petition criteria and incorporation of Montreal Protocol Decisions:

Final rule, 6/1/998 FR 29240-245. Item I-5. A final rule *detailing* the above *phase-out*, with Methyl Bromide added, was issued, Item I-15. Final rules also have been issued which control recovery and recycling of all refrigerants 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. Rules were also issued banning the use of CFCs and HCFCs in non-essential products, 2000 essential-use allowances, 6/30/00 FR pp. 40524-35, Item I-17, Labeling of products containing ozone depleting substances and their packaging, Item I-18, and significant new *alternative refrigerants*, last update 4/26/00 FR 24387-392x Item-19.

### **CAA Field Citation Program And Monetary Award Final Rules**

The proposed Field Citations Rule allowing EPA field inspectors to levy immediate, on-the-spot fines is on hold. EPA issued a proposed Monetary Awards Rule outlining eligibility criteria and general program implementation for making awards to citizens upon the conclusion of civil or criminal cases. EPA is presently making awards under its existing statutory authority. A final rule outlining additional eligibility criteria is also on hold. No date has been set for issuance of either final rule. See Item I-12 for both.

### **Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7)**

EPA has taken direct final action to amend the Chemical Accident Prevention Provisions, also known as the Risk Management Program (RMP) regulations, codified in 40 CFR part 68.

This action is set forth in the Federal Register (5/26/99 FR 28695-7041).

The revisions concern the worst-case release scenario analysis for regulated flammable substances in 40 CFR 68.25. EPA is issuing these revisions so that the regulated community can treat regulated flammable substances in the same manner as regulated toxic substances for determining the quantity released when conducting a worst-case release scenario analysis. EPA is taking this direct final action pursuant to a settlement agreement with the American Petroleum Institute (API).

EPA clarified its interpretation of Clean Air Act sections 112(l) and 112(r)(11), as they relate to Department of Transportation (DOT) requirements under the Federal Hazardous Materials Transportation Law under a settlement agreement with the Chlorine Institute (CI), (5/26/99 FR p. 28705). Distribution of off-site Consequence Analysis Information; Final Rule; 8/4/00 , FR, pp. 48107-33. Item I-30

### **Chemical Safety Information, Site Security and Fuels Regulatory Act**

The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (August 5, 1999) establishes new provisions for reporting and disseminating information under Section 112(r) of the Clean Air Act. The law has two distinct parts that pertain to:

- ! Flammable fuels; and
- ! Public Access to OCA (also known as: "worst-case scenarion") data.

## Flammable Fuels

Flammable fuels used as fuel or held for sale as fuel at a retail facility are removed from coverage by the RMP program. However, flammable fuels used as a feedstock or held for sale as fuel at a wholesale facility are still covered. A retail facility is a facility "at which more than one-half of the income is obtained from direct sales to end users or at which more than one half of the fuel sold, by volume, is sold through a cylinder exchange program."

EPA published the Final Rule on the Flammable Fuels on March 13, 2000.

## Public Access to OCA Data

The law exempts OCA data from disclosure under the Freedom of Information Act (FOIA) and limits its public availability for at least one year. By August 5, 2000, the federal government was to (1) assess the risks of Internet posting of OCA data and the benefits of public access to that data, and (2) based on that assessment, EPA did publish proposed regulations governing public access to OCA data in the Federal Register on April 22, 2000. A final Rule is now in process. These items are also in Item I-30.

## Guidance from EPA on Potential to Emit (PTE)

In 1995 and 1996, in part to respond to several court decisions, EPA issued transitional guidance relative to the definition of PTE under the Clean Air Act. PTE is important because a source's PTE determines its need for a State Operating Permit under Title V. This Office has advocated that concerns of small businesses regarding clarity, realistic definitional parameters, and alternatives be considered. EPA issued a second extension of the 1995 "transition" policy on 7/10/98, good until 12/31/99. In 1966 EPA issued a clarification of methods for calculating PTEs in Batch Chemical Manufacturing. Guidance to assist States in creating minor source status for low-emitting sources in 8 industries (gasoline service stations, gasoline bulk plants, boilers, cotton gins, coating sources, printing, degreasers using volatile organic solvents, hot mix asphalt plants) was issued on April 19, 1998. Guidance regarding the PTE of some sources located on tribal lands was issued on March 7, 1999. Finally, a new booklet has been developed as a Guide to Small Businesses, Item I-31.

## 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. This policy provided them with additional time to correct violations revealed during requested assistance from a State Small Business Assistance Program established under Section 507 of the CAAA, Item I-13.

## New Source Performance Standards and Emission Guidelines for Several Categories of Industrial Combustion Sources

The Clean Air Act (CAA) requires regulation of toxic air pollutant emissions under Sections 112 and 129, from several categories of industrial combustion sources, including boilers, process heaters, waste incinerators, stationary combustion turbines,

and stationary internal combustion engines. These combustion devices are used primarily for energy generation and waste disposal in a wide variety of industries and commercial and institutional establishments. They burn a variety of materials, including fossil fuels (e.g., oil, coal, and natural gas) and various commercial and industrial wastes. The industrial combustion regulations could affect thousands of sources nationwide and have significant environmental, health, and cost impacts. Regulations for commercial and industrial waste incinerators (solid waste) were proposed on November 30, 1999. (See below). Regulations for the other industrial combustion source categories will be proposed after this date.

## Clean Water Act (CWA)

### Effluent Guidelines Program

Effluent guidelines are regulations for industrial discharges to surface waters and to publicly-owned treatment systems. EPA's Office of Water is working on effluent guidelines for the following industries: concentrated animal feeding operations, iron and steel, construction and development, metal products and machinery, coal mining, meat products, and aquatic animal production (often called aquaculture).

Since the last edition of the newsletter, EPA completed several effluent guidelines. First, in August 2000, EPA completed effluent guidelines for the Centralized Waste Treatment industry, and the public notice appeared in the Federal Register on December 22, 2000. The final rule explains how EPA explored a variety of regulatory alternatives to minimize impacts on small businesses. As a result, EPA selected the least expensive option of those considered effective for ensuring treatment of wastes.

Second, on October 31, 2000, the Administrator signed a proposed rule to revise the effluent guidelines for the Iron and Steel industry. EPA estimated the number of small businesses that might be affected by the revised regulation and also analyzed the potential impacts to those businesses. The Administrator then certified that the proposed rule would not have a significant economic impact on a substantial number of small entities.

EPA also completed two proposed rulemakings for which a Small Business Advocacy Review Panel convened, completed a review, and sent recommendations to the Administrator. For metal products and machinery, Rule was proposed in the Federal Register on January 3, 2001. Comment period closes on May 3, 2001. Public meetings/hearings will be held on February 6, 2001 in Oakland, CA, February 13, 2001 in Dallas, and February 22, 2001 in Chicago. Copies of proposal and fact sheets are available. Item OASBO Item G-15". The proposal incorporated all of the Panel's recommendations. The following four examples illustrate the type of recommendations that influenced the proposal. First, the Panel recommended that EPA consider reduced monitoring for small entities. The proposal includes a waiver provision that will allow most facilities to reduce their monitoring requirements. Second, the Panel recommended that EPA consider best management practices (BMPs) instead of numerical limitations, at least for some pollutants and/or subcategories of facilities. In response, the proposal discusses and solicits comment on such an alternative for the job shops. The

alternative focuses on pollution prevention measures in lieu of monitoring for a set of pollutants. Third, the Panel recommended that EPA not regulate Total Suspended Solids (TSS), pH, iron, or aluminum for indirect dischargers. The Agency did not propose pretreatment standards for any of these parameters. Finally, the Panel recommended that EPA consider regulatory alternatives, including a

“no regulation” option, to reduce any significant economic impacts that are not justified by environmental improvements and to improve the cost-effectiveness of the regulation. In response, the Agency proposed low flow exclusions for two subcategories and proposed not to establish pretreatment standards for three other subcategories based on low levels of pollutants discharged.

For Concentrated Animal Feeding Operations (CAFOs, and referred to as “feedlots” in previous editions of this newsletter), which the Administrator signed on December 15, 2000, the Panel’s recommendations also played a significant role in many aspects of the proposed rules. The following samples are meant to illustrate the breadth of issues that EPA addressed in the proposal as a direct response to recommendations from the Panel. Early in the Panel’s deliberations, they reviewed and commented on EPA’s methodology for defining small business and estimating the number of small entities covered by the proposal. EPA responded with alternative approaches and additional analysis. On the topic of reporting and recordkeeping, the Panel recommended that EPA streamline the recordkeeping requirements related to off-site transfer of wastes. In response, the proposal limits the requirements to a very limited amount of information. On the subject of regulatory alternatives to minimize impacts on small businesses, the proposal incorporates several provisions designed for regulatory relief, ranging from changes to the applicability thresholds to flexibility in land application requirements. The Panel also recommended that EPA evaluate and refine cost and benefit models, and the record for the proposal incorporates extensive analyses on both topics. There are thorough discussions in the preamble to the proposed rule and in the record to document the Panel’s recommendations and EPA’s response.

You can check for updates on all of the effluent guidelines on the Internet at <http://www.epa.gov/OST/guide/>.

### **Confined Animal Feeding Operations (CAFOs): Revisions to Effluent Guidelines And NPDES Permit Regulations**

EPA is revising the 1974 regulations for Confined Animal Feeding Operations (CAFOs) as part of its settlement agreement with the Natural Resources Defense Council. The revisions cover three areas, which have been combined in a single rulemaking:

- < The effluent limitation guidelines for swine and poultry, which are the technology-based standards for discharges of pollutants from feedlots;
- < The effluent limitation guidelines for beef and dairy, which are the technology-based standards for discharges of pollutants from feedlots; and
- < The NPDES permit program regulations, which define the universe of facilities that need to apply for a permit and the permit conditions.

These revisions are needed because of the changes in the industry over the past 25 years, including: concentration of animals in fewer, larger operations; vertical integration within the industry; and changes in the relationship between herd size and available land (e.g., more manure than can be properly applied to available land). EPA is proposing a number of changes to update the regulations to reflect current industry characteristics and practices, and to make the rules simpler and easier to understand. Changes under consideration include: permitting dry poultry operations, permit requirements to develop Nutrient Management Plans for the proper application of manure, and increased public involvement in general permits for CAFOs.

EPA conducted a SBREFA panel for these regulations, and factored those findings into the proposed revisions. EPA issued the

proposed regulations on December 15, 2000.

### **Reissuance of the NPDES Industrial Storm Water General Permit (Multi-sector General Permit)**

The current and (in nearly all instances) only general permit available to industrial storm water dischargers is the October 30, 2000 version of the Multi-Sector General Permit (MSGP-2000). This permit has been revised from the original version published in 1995 and modified in 1998. The current permit is posted on the internet at the storm water web site: [www.epa.gov/owm/sw](http://www.epa.gov/owm/sw).

All permittees covered by the previous MSGP need to review the MSGP-2000 to ensure that any new requirements are met and then submit a new Notice of Intent (NOI) form to obtain coverage or a Notice of Termination (NOT) form to terminate coverage if industrial activities have ceased. A new “no-exposure” conditional permitting waiver has also been available to all industrial dischargers since February 8, 2000. This waiver provides incentives for industrial facilities to protect their operations from storm water exposure. If this is a viable option for any facility, the operator should submit a No Exposure Certification form rather than an NOI or NOT. This waiver is no longer automatically granted to “light industries.” At least 70,000 industrial facilities may take advantage of this new permitting exemption by protecting their operations from storm water, such as covering operations under a storm resistant shelter. Guidance on the “no exposure” permitting exemption is available on the storm water web site.

### **Revision of Pretreatment Requirements**

On July 22, 1999, EPA published a proposed rule to streamline the General Pretreatment Regulations (40 CFR Part 403) in the Federal Register (64 FR 39563). The purpose of the proposed rulemaking is to reduce the burden to publicly-owned treatment works (POTWs) and industrial users. The proposed revisions would allow POTWs more flexibility in regulating low pH wastes, the option to establish either mass or concentration based limits, to better tailor oversight of and sampling by significant industrial users, and to allow the granting of removal credits for certain pollutants. The proposed rulemaking also clarifies how management practices and general permits can best be used, provide for use of electronic reporting, and address other important program issues. EPA worked with stakeholders (State approval authorities, trade associations, industrial users, environmental organizations and individual POTWs) prior to drafting the proposal by asking for their review and comment on brief discussions of the issues. The public comment period on the proposed rulemaking closed on November 19, 1999. EPA received 216 comments from a variety of interested stakeholders. EPA is currently reviewing and preparing a response to comments for inclusion in the preamble to the final rulemaking. EPA anticipates promulgation of a final rule in summer 2001.

### **Cooling Water Intake Structures**

In August 2000, EPA published proposed regulations to protect fish and other aquatic organisms from being killed or injured by cooling water intake structures. This proposal was the first in a series of regulations that respond to Section 316(b) of the Clean Water Act, which directs EPA to assure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.



Cooling water intake structures are used across a range of industrial categories, including steam electric power generation, pulp and paper manufacturing, chemical manufacturing, petroleum refining, and metals manufacturing.

The first phase of regulations, which was the subject of the August 2000 proposal, described requirements for cooling water intake structures at *new facilities*. The Administrator certified that the proposal would not have a significant economic impact on a substantial number of small entities. This certification was not surprising given that (1) most of the new facilities in the relevant industrial sectors are unlikely to be small businesses; and (2) most new facilities are not planning to use large volumes of cooling water drawn directly from a water of the U.S. and thus, would not be subject to the rule.

In the next two phases of cooling water intake regulations, EPA will focus on *existing facilities*. We are still collecting information and analyzing data about existing facilities that use cooling water intake structures and whether the next phase of regulations will affect small businesses. We anticipate that by Spring 2001, we will know whether EPA will convene a Small Business Advocacy Review Panel.

You can check for updates on the Cooling Water Intake regulations on the Internet at <http://www.epa.gov/waterscience/316b/>

## Section 403 Ocean Discharge Criteria: Revisions to Ocean Discharge Criteria Regulations

The EPA is proposing to amend the existing regulations implementing the ocean protection provisions of section 403 of the Clean Water Act. The proposed rule would further the protection of ocean waters, and provide a framework for enhancing that protection in the future.

A key element of the proposed rule would provide for establishment of baseline water quality standards for ocean waters beyond three miles offshore. These waters, designated "Healthy Ocean Waters (HOW)," would be protected by both a narrative statement of desired quality and pollutant-specific numeric criteria.

The proposed rule would strengthen the requirements for a permit to discharge to any ocean waters. For example, the proposed rule would require dischargers requesting permits to show that alternative disposal sites are not reasonably available and would require that no discharge permit be issued unless there is sufficient information to evaluate the impacts of the proposed discharge.

Finally, the proposed rule would establish a number of Special Ocean Sites (SOSs). SOSs are areas within ocean waters that are of outstanding value. The proposed rule would also establish a process for identifying, establishing, and managing SOSs, including a process to petition for the establishment of an SOS. New discharges and significant expansions of existing discharges would be prohibited in SOSs. EPA is also proposing conforming and clarifying technical changes to the National Pollutant Discharge Elimination System permit program regulations.

The Agency plans to propose the rule in January, 2001. As part of its proposal, EPA certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Additional information may be accessed at: [http://www.epa.gov/owow/oceans/protecting\\_oceans/](http://www.epa.gov/owow/oceans/protecting_oceans/).

## Safe Drinking Water Act (SDWA)

### Ground Water Rule Update

In the Federal Register on May 10, 2000 (vol. 65, no. 91, pages 30194-30274), EPA proposed rules to protect consumers of public drinking water supplies from certain high-risk contaminants. EPA is required under the Safe Drinking Water Act to promulgate the Ground Water Rule (GWR) to require disinfection "as necessary" for drinking water systems using ground water. Drinking water systems using surface water have been required to disinfect since 1989. The GWR establishes a multi-barrier strategy designed to identify high-risk water systems, and will require corrective action (which may include; disinfection, elimination of contamination sources, correcting significant deficiencies, or obtaining a new source) only where contamination or significant deficiencies have been identified.

### LT1 Rule Update

The Agency proposed the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) in the Federal Register on April 10th, 2000 (vol. 65, no. 69, pages 19046-19150). The purposes of the LT1ESWTR are to improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, in drinking water and address risk trade-offs with disinfection byproducts. The rule will require systems to meet strengthened filtration requirements as well as to calculate levels of microbial inactivation to ensure that microbial protection is not jeopardized if systems make changes to comply with disinfection requirements of the Stage 1 Disinfection and Disinfection Byproducts Rule (DBPR). The LT1ESWTR applies to public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 persons, and is scheduled to be promulgated in the near future.

### Filter Backwash Recycle Rule Update

The Filter Backwash Recycling rule (FBRR) was published with the LT1ESWTR in the Federal Register on April 10th, 2000 (vol. 65, no. 69, pages 19046-19150). The FBRR is intended to ensure the 2-log *Cryptosporidium* removal requirement established in the Interim Enhanced Surface Water Treatment Rule (IESWTR) and Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) is not jeopardized by recycle practices. The FBRR addresses the return of certain waste flows to a conventional or direct filtration facility's treatment process that may adversely affect plant performance and, subsequently, pathogen removal.

### Stage 2 Disinfectants/Disinfection Byproducts Rule

EPA plans to propose a Stage 2 Disinfectants/Disinfection Byproducts Rule (DBPR) in the summer of 2001. (Note: Most small systems with <500 population served and that are in compliance with the Stage 1 DBPR at the point of maximum residence time most likely will not be impacted by the rule. Systems between 500 and 10,000 population served may have an additional monitoring point (beyond the Stage 1 requirements). If a small system is a consecutive system, they must comply with the rule on the same schedule as the system with the earliest compliance date in the combined distribution system). The intent of the proposed rule is to reduce the variability of exposure to disinfection byproducts (DBPs) for people served by different points in the distribution systems of public water supplies. EPA

believes that this decreased exposure will result in reduced risk from reproductive and developmental health effects and cancer. EPA is required under the Safe Drinking Water Act to promulgate the rule as the second part of a staged set of regulations addressing DBPs. Consistent with SDWA requirements for risk balancing, EPA will propose and finalize the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) at the same time as the Stage 2 DBPR, to ensure parallel protection from microbial and DBP risks.

## Long Term 2 Enhanced Surface Water Treatment Rule

EPA plans to propose a Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) in the summer of 2001. The purpose of the LT2ESWTR is to improve upon the microbial protections provided by the IESWTR and LT1ESWTR, specifically for systems with elevated vulnerability to the pathogen *Cryptosporidium*. The LT2ESWTR incorporates system specific treatment requirements based on a 'Microbial Framework' approach. Under LT2ESWTR, large systems will monitor for *Cryptosporidium* in their source water for two years. Systems whose source water *Cryptosporidium* concentrations exceeds specified levels will be required to provide additional treatment for this pathogen. Systems will choose technologies to comply with additional treatment requirements from a 'toolbox' of options. Small systems will have the same treatment requirements as large systems but will have a reduced monitoring burden. Small systems will be allowed to monitor for an indicator organism like *E. coli*, and only systems whose indicator concentrations exceed specified levels will be required to monitor for *Cryptosporidium*. The compliance schedule for small systems will be two years later than that for large systems in order to accommodate the indicator monitoring.

## Consumer Confidence Reports

All community water systems are required to provide annual drinking water quality reports to their customers. Systems must deliver these reports to their customers by July 1 annually. These short reports provide consumers of public drinking water supplies with information on the source of their drinking water, levels of any contaminants found in the water, and potential health effects of any contaminants that exceed federal or state public health standards, as well as give them information on how to participate in drinking water protection. Systems began providing these reports to consumers in 1999 and results for the past two years indicate that over 90% of systems required to prepare and distribute these reports have done so by the required deadline. The third report is due by July 1, 2001. EPA has developed a series of materials to help water systems create these reports. You can find this information on EPA's website at [www.epa.gov/safewater/ccr1.html](http://www.epa.gov/safewater/ccr1.html).

## Class V Injection Wells

On December 7, 1999, EPA added new requirements for two categories of Class V wells (*Revisions to the Underground Injection Control Regulations for Class V Injection Wells - Final Rule* - Federal Register 64 FR 68546). Class V injection wells are typically shallow disposal systems that are used to place a variety of fluids below the land surface. The Class V rule focuses on motor vehicle waste disposal wells and large-capacity cesspools. These two types of Class V wells are usually "low tech", shallow wells that provide little to no protection against possible ground water contamination. The fluids released by these wells have the potential to contain elevated concentrations of contaminants that may endanger drinking water. New large capacity (serving 20 or more

people per day) cesspools are banned nationwide as of April 5, 2000. Existing large capacity cesspools will be closed nationwide by April 5, 2005. New motor vehicle waste disposal wells are banned nationwide as of April 5, 2000. Existing motor vehicle waste disposal wells will be regulated in areas identified by States as sensitive for protecting existing and future drinking water supplies. EPA has developed the Small Entity Compliance Guide "How the New Motor Vehicle Waste Disposal Well Rule Affects Your Business". The Guide is available on the EPA website at [www.epa.gov/safewater/uic/c5imp.html](http://www.epa.gov/safewater/uic/c5imp.html) or you can contact the Safe Drinking Water Hotline at 800/ 426-4791 and request a copy.

## Pesticide-Federal Insecticide, Fungicide & Rodenticide Act (FIFRA) Agricultural Pesticide Worker Protection Standards (WPS) 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. 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 and Worker Protection Branch (<http://www.epa.gov/pesticides/safety>), (7506-C) U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC . 20460, or by calling 1-703-305-7666. These WPS materials addressing pesticide safety and training may also be obtained through EPA Regional Offices (<http://www.epa.gov/epahome/locate2.htm>), States Agencies (<http://ace.ace.orst.edu/info/nptn/-state1.htm>) the Cooperative Extension Service (<http://www.reeusda.gov/>), the Government Printing Office([www.gpo.gov/#info](http://www.gpo.gov/#info)), and private agricultural supply businesses.

The EPA Office of Pesticide Programs recently began a comprehensive review of the WPS rule and its implementation. The first in a series of work shop meetings was held in Austin, TX in June 2000. The WPS stakeholders are welcome to participate in these assessments/meetings.

The National Assessment of the Worker Protection Standard was begun in FY2000. The initial public participation meeting was held in June, 2000 in Austin, Texas. As a result of that meeting a number of assessment themes or topic areas were identified for further consideration. Workgroups on those topics are being formed and work will continue at the next meeting scheduled for December 11-13 in Sacramento, California. Two more meetings are planned: one in Florida during the spring and a final meeting in Washington, DC in the fall of 2001. The assessment is expected to produce a number of recommendations for improvement in the WPS program and will serve as a guide for future Agency implementation efforts.

For further information and to be notified of future meetings, contact the certification & worker protection branch referenced above or consult their web site at [www.epa.gov/pesticides/safety](http://www.epa.gov/pesticides/safety)

## Restricted Use Criteria for Pesticides In Ground Water Policy Statement

The Agency plans to publish a policy statement in the Federal Register by this winter, which will establish criteria for determining whether a pesticide should be considered for restricted use due to its potential to reach ground water. Pesticide products classified for

restricted use may be purchased and used only by certified pesticide applicators or individuals under their supervision. This policy does not directly change the classification of any pesticide products. EPA will propose restricted use classification for specific pesticide products only after further evaluation of products which meet the criteria.

This policy will lay some of the ground work for the Ground Water Pesticide Management Plan Rule and will be published prior to or concurrent with promulgation of the rule.

## **Ground Water and Pesticide Management Plan**

This regulation would establish Pesticide Management Plans (PMPs) as a new regulatory requirement. When issued, the rule will prohibit use of certain pesticides unless they are managed in accordance with an EPA approved State or tribal plan. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities.

The Policy Statement on Restricted Use Criteria for Pesticides in Ground Water (noted in our "Update elsewhere") will lay some of the ground work for this regulation.

Final action on this rule is anticipated this Winter.

## **Hazardous Waste Management Resource Conservation & Recovery Act (RCRA)**

### **Revised Standards for Hazardous Waste Combustion Facilities**

Under the Clean Air Act (CAA) Amendment of 1990, EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors (HWCs) (i.e., incinerators, cement kilns, boilers, and some types of smelting furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment.

Consequently, the Agency established new emissions standards for HWCs, for cement kilns, Light Weight Aggregate Kilns (LWAKs), and incinerators under joint CAA and RCRA authority.

Final action on cement kilns, LWAKs, and incinerators (Phase I) has been completed (Sept. 30, 1999 FR p 52828) and included in Item C-92.

The Agency is in the process of developing a proposal to address boilers and other industrial furnaces that burn hazardous waste. A notice of data availability (NODA) was published that presented the Agency's available data on hazardous waste boilers and other industrial furnaces. Currently, the Agency is evaluating comments submitted in response to the NODA.

### **Mercury-containing And Rechargeable Battery Management Act: Codification of Waste Management Provisions**

The purpose of this would be to codify into the Code of Federal Regulations certain provisions of the Mercury-Containing and Rechargeable Battery Management Act that impact the May 11, 1995 Universal Waste Rule (40 CFR Part 273). The Act was signed by the President on May 13, 1996.

Action on this specific rulemaking has now been suspended.

## **RCRA Reporting And Recordkeeping Burden Reduction**

To meet the goals of the Paperwork Reduction Act of 1995, the Office of Solid Waste (OSW) plans to reduce its Subtitle C reporting and recordkeeping burden on the regulated community, states, and the public. On June 18, 1999, OSW published for review and comment a Notice of Data Availability (NODA) with EPA's burden reduction ideas, and their associated burden reduction estimates. This notice may be found at the web site

[www.epa.gov/epaoswer/hazwaste/data/burdenreduction](http://www.epa.gov/epaoswer/hazwaste/data/burdenreduction). After reviewing the comments OSW received on the NODA, OSW will publish a proposed rule to implement as many of these ideas as warranted.

The EPA Office of Solid Waste (OSW) is committed to reducing its paperwork burden by 40%, the goal established by the Paperwork Reduction Act, and has already reduced its paperwork burden substantially (by 1.6 million hours or 18%) through such reductions as eliminating regulatory requirements for the Land Disposal Restrictions Program and ending the requirement for states to prepare Capacity Assurance Plans.

There are ongoing burden reduction efforts in OSW, such as streamlining the Hazardous Waste Manifest, development of a standardized permitting system, and a major overhaul of the Biennial Report and the Hazardous Waste Notification system.

The Office of Solid Waste has undertaken the Burden Reduction Initiative, a major project that will further reduce paperwork burden. Some of the ideas the initiative is working on are:

(1) OSW requires 334 notices and reports from facilities to show compliance with its regulations. Approximately 100 of these notices and reports that may be streamlined or eliminated;

(2) Changing regulations to specifically allow facilities to electronically report and record all documents required is being considered;

(3) Streamlining facility self-inspection requirements; and

(4) Reducing requirements of the Land Disposal Restrictions Program, which regulates the disposal of hazardous wastes. Now it is planned to issue a proposed rule this coming Spring.

### **Solvent-contaminated Shop Towels And Wipes**

EPA's Office of Solid Waste is developing a rulemaking that would change the regulations affecting solvent-contaminated shop towels, wipes, and rags. Currently, a disposable wipe or rag may be regulated as a hazardous waste if that wipe or rag comes in contact with a solvent that, when spent, is a listed hazardous waste or exhibits a characteristic of hazardous waste. Regulatory requirements for hazardous waste found in 40 CFR 261-266, 268 and 270 apply to these wastes.

Reusable towels are provided a conditional exemption from regulation as hazardous waste under most state programs. As a condition of the exemption, however, the towels may not contain any free liquids when they are sent offsite to a laundering facility. Otherwise, there are few regulations applicable to reusable shop towels.

The current rulemaking effort is directed to both clarifying and streamlining requirements for disposable and reusable solvent-contaminated shop towels, wipes and rags, such as record-keeping and reporting, manifesting, etc., so long as specified conditions are met; i.e., "no free liquids," and transported off-site in closed containers. However, more stringent requirements would apply for wipes disposed in a landfill.

## **Standardized Permit For RCRA Hazardous Waste Management Facilities**

This rulemaking will allow a type of general permit, called a standardized permit, for facilities that generate waste on-site in tanks, containers, and containment buildings. Under the standardized permit, facility owners and operators would certify compliance with generic design and operating conditions set on a national basis. The permitting agency would review the certifications submitted by the facility owners or operators. The permitting agency would also be able to impose additional site specific terms and conditions for corrective action or other purposes, as called for by RCRA. Ensuring compliance with the standardized permit's terms and conditions would occur during inspection of the facility after the permit has been issued.

A Notice of Proposed Rulemaking (NPRM) is anticipated in the Spring of 2001.

## **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) and Amendment (12/24/98 FR pp 71225-30) are included in the Item C-51.

## **Modifications to the Definitions of Solid Waste and Regulations of Hazardous Waste Recycling**

Recycling of hazardous waste is governed by the resource Conservation and Recovery Act (RCRA) hazardous waste regulations. The portion of these regulations known as the Definition of Solid Waste specifies whether hazardous materials that are recycled are subject to RCRA regulatory jurisdiction or not. Other parts of the regulations set forth requirements for managing recycled hazardous waste. Previously, the Agency was developing a broad revision to the recycling regulations. However, the Agency has since determined that narrower sector-specific and waste-specific changes are more appropriate. Thus, this general action has been withdrawn. The sector-specific and waste-specific changes are described elsewhere in this Update.

## **Glass-to-glass Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations**

This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

This action will revise the existing Federal hazardous waste regulations to remove unnecessary regulatory barriers to glass-to-glass recycling of cathode ray tubes (CRTs). A CRT is the main component of a television or computer monitor. A CRT is made largely of specialized glasses, some of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, when they are disposed of or reclaimed, some CRTs are hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations. Glass-to-glass recycling involves the return of used CRT glass to manufacturing of new CRTs.

This action is planned in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to The Environmental Protection Agency (EPA). CSI is a consensus-based process for developing cleaner,

cheaper, smarter environmental improvements. The Council includes representatives of industry; environmental groups; community groups; environmental justice groups; labor; and, Federal, State, local, and tribal governments. The recommendation involves minimizing RCRA requirements for glass-to-glass recycling while retaining appropriate controls to ensure protection of human health and the environment. The goal of the recommendation is to facilitate an increase in glass-to-glass recycling, thereby minimizing disposal of lead, increasing resource recovery, and enhancing protection of human health and the environment.

A Notice of Proposed Rulemaking (NPRM) is anticipated to be published in April 2001.

## **Hazardous Waste Management: Spent Lamps Rulemaking Status**

EPA has published a final rule for the management of spent hazardous waste lamps. The final rule was published on July 6, 1999 (64 FR pp. 36541), and a copy is included in Item C-51. This rule adds spent hazardous waste lamps to the RCRA Universal Waste Program, which contains streamlined requirements for record keeping, storage, and transportation on the part of generators, collectors, and transporters. Final disposal or recycling remains subject to applicable RCRA Subtitle C regulations.

## **Hazardous Waste Management System; Identification And Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes; And CERCLA Hazardous Substance Designation And Reportable Quantities**

EPA, under an Environmental Defense Fund settlement agreement, is proposing to amend the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to reduce hazards to human health and the environment for three wastes from the manufacturing of inorganic chemicals. EPA is also adding manganese to 40 CFR 261, Appendix VII and VIII; the 40 CFR 268 UTS table; and the F039 landfill leachate listing. Under the settlement agreement, EPA had to review the wastes from 14 inorganic chemical manufacturing sectors including: sodium dichromate production wastes, wastes from the dry process for manufacturing phosphoric acid, phosphorus trichloride production wastes, phosphorus pentasulfide production wastes, wastes from the production of sodium phosphate from wet process phosphoric acid, sodium chlorate production wastes, antimony oxide production wastes, cadmium pigments production wastes, barium carbonate production wastes, potassium dichromate production wastes, phenyl mercuric acetate production wastes, boric acid production wastes, inorganic hydrogen cyanide production wastes, and titanium dioxide production wastes (except for chloride process waste solids). EPA completed the review of the wastes from the above sectors and published a proposal on September 14, 2000. The action is proposed under the authority of section 3001(e)(2) of RCRA which directs EPA to make a hazardous waste listing determinations for inorganic chemical manufacturing wastes. The FR notice proposes to list as hazardous three specific wastes: 1) baghouse filters from the production of antimony oxide; 2) slag from the production of antimony oxide that is disposed of or speculatively accumulated; and 3) nonwastewaters from the production of titanium dioxide by the chloride-ilmenite process. The remaining wastes evaluated in the rule were proposed to not be listed as hazardous wastes. Comments were due on November 13, 2000. The Agency is currently reviewing the comments in anticipation of drafting the final rule.



## **Reinventing the Land Disposal Restrictions Program**

The Land Disposal Restrictions (LDR) program was established to minimize threats posed by the land disposal of untreated hazardous wastes. The program has been in place for a number of years and now regulates all but the most recently listed hazardous wastes. The Agency is now examining the LDR program, exploring past accomplishments, current issues, and future possibilities. The goals of the examination are to make the LDR program more cost-effective, clearer, more enforceable, and, more flexible while continuing to be environmentally protective. The Agency published Advance Notice of Proposed Rulemaking (ANPRM) to present initial thinking and the results of some activities taken as part of the ongoing LDR Reinvention Project so that the public will have an opportunity to comment. The ANPRM was published June 19, 2000 (FR 6/19/00 pp. 37932-56). EPA is now reviewing the comments to determine the next steps for this project.

## **Land Disposal Restrictions; Potential Revisions for Mercury Listed and Characteristic Wastes**

In May 1999, EPA published an Advance Notice of Proposed Rulemaking that described the issues the Agency has with the current Land Disposal Restrictions (LDR) treatment standards for mercury bearing hazardous wastes. Based on the comments received on this ANPRM as well as other information the Agency has collected, EPA is now preparing a proposed rule to revise some of the LDR standards for mercury wastes. Specifically, EPA will propose to allow treatment of elemental mercury waste (waste code U151) by technologies other than retorting for recovery of the mercury. These proposed changes will allow for the treatment and disposal of the large quantities of elemental mercury that are found in the Department of Defense's stockpile and at chlor-alkali facilities that close.

EPA also anticipates proposing a second phase of changes to the mercury treatment standards when researching the performance of stabilization technologies is finished. This second phase of changes will most likely discuss possible treatment alternatives for mercury waste that contains greater than or equal to 260 mg/kg total mercury. The current regulations require retorting of this waste or incineration if the waste also contains organics. The tentative date for a proposed rule: is now December of this year (2001).

## **Uniform Hazardous Waste Manifest Update**

Further Rulemaking actions under consideration which address management of hazardous wastes include a revision of the Uniform Hazardous Waste Manifest to reduce the paperwork burden associated with the manifest, consistent with the current Agency objectives for burden reduction. Currently, many states collect manifests, and they 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 slightly different requirements or requires its own form. Also, some states require paying a fee to obtain their manifest. The Agency seeks to reduce the burden of the manifest by streamlining the form by prescribing one universal form, and, where feasible, by utilizing automated information technologies which facilitate the electronic completion, signing, transmission, and storage of manifest data. A notice of proposed rulemaking has been scheduled for about January 2001.

## **Hazardous Waste Identification Rule (HWIR)**

On November 19, 1999, the Environmental Protection Agency published in the Federal Register a proposal retaining and revising the mixture and derived-from rules under RCRA's hazardous waste management program (64 FR 63381). The mixture and derived-from rules ensure that hazardous wastes that are mixed with other wastes or treated in some fashion do not escape regulation as long as they are reasonably likely to continue to pose threats to human health and the environment. This proposal also includes a discussion of two regulatory options for concentration-based exemptions, (i.e., a "generic" exemption and a "landfill-only" exemption). In addition, this notice discusses the possibility of revising the Land Disposal Restrictions (LDRs) by replacing technology-based treatment standards in 40 CFR 268.40 and 268.48 with risk-based treatment standards.

The original mixture and derived-from rules were promulgated in 1980 but were vacated by the D.C. Circuit Court of Appeals in 1991 based on the court's belief that these rules had been promulgated without adequate public notice and opportunity for comments. The court recommended that EPA reinstate these rules on an emergency basis to ensure the continued protection of human health and the environment. Shortly after these rules were reinstated, Congress enacted a mandate to revise the mixture and derived-from rules by the deadline of October 1, 1994. That deadline was not met by the Agency and thus EPA is subject to the consent decree dated April 1997 (Environmental Technology Council v. Browner, C.A. No. 94-2119, 94-2346). This consent decree required this recently published proposal, and final action on revisions to the mixture and derived-from rules by April 30, 2001.

Information related to this proposal is available in electronic format on the Internet at:

<[http://www.epa.gov/epaoswer/hazwaste/id/hwirwste /index.htm](http://www.epa.gov/epaoswer/hazwaste/id/hwirwste/index.htm)>. Other information may be obtained by contacting the RCRA Hotline at (800) 424-9346 or in the Washington, D.C. metropolitan area at (703) 412-9810.

## **Hazardous Waste Storage and Disposal Regulation Related to Low Level Mixed Waste**

The Environmental Protection Agency (EPA) seeks to amend its regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA) to provide a conditional exemption from certain requirements for eligible mixed waste. The "Storage, Treatment, Transportation, and Disposal of Mixed Waste; Proposed Rule" was published in the Federal Register on November 19, 1999.

Mixed waste is a radioactive RCRA hazardous waste. It is regulated under two authorities: 1) the Resource Conservation and Recovery Act (RCRA), as implemented by EPA or authorized states for the hazardous waste component; and 2) the Atomic Energy Act of 1954, as amended (AEA), for the radiological component as implemented by either the Department of Energy (DOE), or the Nuclear Regulatory Commission (NRC) or Agreement States.

The focus of the proposed rule is to provide flexibility under RCRA Subtitle C to generators of eligible mixed waste. EPA is proposing a conditional exemption from the definition of hazardous waste applicable to: low-level mixed waste (LLMW) for storage; and LLMW, or hazardous waste contaminated by Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM) for transportation and disposal. The proposal is expected to reduce dual regulation for generators in the management and disposal of their wastes. This flexibility will enable generators of LLMW who are licensed by the Nuclear Regulatory Commission (NRC) to claim an exemption for storing and treating these wastes in tanks or containers

(using solidification, neutralization, or other stabilization processes) without a RCRA permit. The proposal will also provide flexibility for the manifesting, transportation and disposal of eligible mixed waste. Waste meeting the proposed conditions will be exempted from certain RCRA Subtitle C hazardous waste requirements and managed as radioactive waste in accordance with NRC or Agreement State regulations.

The Federal Register Notice is available in electronic format on the Internet at <<http://www.epa.gov/radiation/mixed-waste>>. EPA requested public comment on the proposal. The comment period ended February 17, 2000.

EPA expects to promulgate this rule in April 2001.

## Small Quantity Generator Handbook

A 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 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.

## Used Oil Management Standards

On May 6, 1998, EPA issued a Direct Final Rule (5/6/98 FR pp 24963-9) which included eight amendments clarifying various parts of the used oil management standards and provisions of the hazardous waste regulations concerning used oil. EPA also issued a notice of proposed rulemaking on May 6, 1998 (63 FR 25006), in which the Agency proposed and solicited public comment on the same eight amendments. EPA received relevant adverse comments on three of the amendments in this rulemaking: the amendments to 40 CFR 261.5(j) (mixtures of conditionally exempt small quantity generator waste and used oil) 40 CFR 279.10(I) (applicability of the used oil management standards to used oil contaminated with polychlorinated biphenyls (PCBs), and 40 CFR 279.74(b) (record-keeping requirements for marketers of used oil that meets the used oil fuel specification). Accordingly, on July 14, 1998 (7/14/1998 FR pp 37780-3), the Agency withdrew these three amendments and reinstated the regulatory text that existed prior to the May 6, 1998 Direct Final Rule. These Federal Register Notices are included in the OSBO Item C-36. EPA will promulgate a final rule in the near future (pending review and approval by EPA's office of general counsel) finalizing the three amendments, as appropriate, and addressing the comments received. The five amendments that did not receive relevant adverse comment became effective on July 6, 1998 as provided in the May 6, 1998 Direct Final Rule.

EPA also received supportive comments on the three amendments being withdrawn, as well as, the other amendments issued in the May 6, 1998 Direct Final Rule. All of the comments received on the May 6, 1998 Direct Final Rule are available on the Internet: <http://www.epa.gov/epaoswer/hazwaste/usedoil/index.htm> and at the RCRA Information Center, at 1-703-603-9230. EPA pamphlet 530-SW-89-039A "How to Setup a Local Program to Recycle Used Oil" May 1989 is included in OSBO Item C-68.

## 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 rulemaking is commonly known as the Spill Prevention Control and Countermeasure (SPCC) regulation. The rulemaking 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 (FR 10/22/91, pages 54611-41), and (FR 2/17/93, pages 8841-4 and pages 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. Proposed rule was published (FR 12/2/97, pages 63812-20), which is included in Item C-77.

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. An amendment to the Facility Response Plan requirements has been published as a Final Rule (FR 6/30/00 pp. 40775-817) which is also included in Item C-77.

## Superfund Comprehensive Environmental Response, Compensation & Liability Act (CERCLA)

### CERCLA Lender Liability Policy

As enacted in 1980, section 101(20)(A) of CERCLA exempted from "owner or operator" liability "a person who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility." Because this language created uncertainty among lenders and other secured creditors as to what types of actions they could take to protect their security interests without forfeiting the protection of this exemption, EPA promulgated the CERCLA Lender Liability Rule in 1992. 57 Fed. Reg. 18344 (April 29, 1992). However, in the 1994 case of *Kelley v. EPA*<sup>1</sup>, the U.S. Court of Appeals for the District of Columbia Circuit struck down this rule, finding that EPA lacked the authority to define the scope of liability by regulation. Congress subsequently enacted the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996<sup>2</sup> ("the Act") to provide greater certainty in this important area. Among other things, the Act added new lender liability provisions to CERCLA and validated the portion of the CERCLA Lender Liability Rule that addresses involuntary acquisitions by government entities. These provisions of the Act are applicable to all claims not finally adjudicated as of September 30, 1996<sup>2</sup>. On June 30, 1997, EPA issued a policy interpreting the provisions of the Act that relate to lender liability and involuntary acquisitions by government entities. A copy of this policy is available on EPA's public Web site at: [www.epa.gov/oeca/osre/970630.html](http://www.epa.gov/oeca/osre/970630.html).

<sup>1</sup>15 F.3d 1100 (D.C. Cir.), *reh'g denied*, 25 F.3d 1088 (D.C. Cir. 1994), *cert. denied sub nom. American Bankers Ass'n v. Kelley*, 115 S. Ct. 900 (1995).

<sup>2</sup>Pub. L. No. 104-208, §§ 2501-2505, 110 Stat. 3009, 3009-462 to 3009-469 (1996).

# Emergency Planning, and Community Right-to-know Act (EPCRA)

## Supporting the State Local Emergency Planning Committees (LEPC)

Major requirements of the Act include emergency planning for designated hazardous substances (Extremely Hazardous Substances, or "EHS") above threshold reporting quantities; reporting releases of EHS and hazardous substances above reportable quantities; submission of Material Safety Data Sheets (MSDS) to planning groups; and submission of annual reports on March 1, 2001 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.

EPA issued a Proposed Rule (6/8/98 FR pp. 3269-317) designed to simplify reporting under Sections 311-312 of the "Emergency Planning and Community Right-to-Know Act" (EPCRA). This proposed rule is also included in Item K-30. In this Proposed rule, EPA has proposed several changes:

- ! Higher reporting thresholds for gasoline and diesel fuel at retail gasoline stations. Retail gas stations that store gasoline and diesel fuel entirely underground and are in compliance with underground storage tank (UST) regulations would be subject to the following thresholds under section 311-312: 75,000 gallons for all grades of gasoline combined and 100,000 gallons for diesel fuel. EPA estimates that the vast majority of retail gas stations will have less than these quantities.
- ! Greater reporting flexibility and elimination of routine reporting requirements for: rock salt, sand, gravel, and other materials. Facilities that store or handle rock salt, sand, and gravel no longer would report these substances under sections 311-312, regardless of how much was onsite.
- ! Clarify reporting of mixtures and change the interpretation of the existing hazardous chemical exemption for solids under Section 311.
- ! Solicited comments on the changes as noted above, and also asked for comment on several issues that would give State and Local Governments more flexibility to implement the existing requirements of EPCRA sections 311-312.
- ! Partnership programs for streamlined submission of and joint access to section 311 and 312 information;
- ! Electronic submittal of information;
- ! Reporting of ONLY changes in information, rather than submitting a new inventory each year;
- ! Allowing RCRA UST reports to fulfill EPCRA Section 312 requirements.

This notice proposes to rewrite the existing regulations under Sections 302-312 of EPCRA in a "Plain Language" format, and incorporates the requirements addressed in the Final rule (5/7/96 FR pp. 20473-90). Comment is also being sought on the use of the "Plain English" in this rule.

The texts of the proposed rule are available also in electronic format at: <http://www.epa.gov/ceppo/>, EPA's Chemical Emergency Preparedness and Prevention Office Home Page. EPA issued a final rule February 11, 1999 (Relief for retail gas stations) that eliminated reporting on gasoline and diesel fuel stored entirely underground in tanks, fully in compliance with Underground Storage Tank (UST) Regulations at retail gas stations with thresholds of:

- ! 75,000 gallons for all grades of gasoline combined and 100,000 gallons for diesel fuel.

Convenience stores and truck stops that sell gasoline or diesel fuel to the public also meet the definition of retail gas stations.

Retail gas stations that meet these criteria were not required to file Tier I or Tier II reports for calendar year 1998. This final rule is included in Item K-30.

EPA is currently drafting a supplemental notice to the June 8, 1998 Proposed rule. This notice is likely to be published in the Spring of 2001. The other items in the proposed rule of June 8, 1998 will most likely not be finalized until 2001.

## Toxics Release Inventory (TRI) (Update)

The EPCRA Section 313 program is also referred to as the Toxics Release Inventory or TRI. Under Section 313, facilities are required to report releases and other waste management of specifically listed chemicals. Facilities that meet all three of the following criteria are subject to EPCRA Section 313 release and other waste management reporting: (1) have 10 or more full-time employees or the equivalent; (2) are in a covered SIC Code (including SIC codes 10 (except 1011, 1081, and 1094), 12 (except 1241), 20-39, 4911, 4931, 4939 (4911, 4931, 4939 limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4953 (limited to facilities regulated under RCRA Subtitle C, 42 U.S.C. section 6921 *et seq.*), 5169, 5171, and 7389 (limited to facilities primarily engaged in solvents recovery services on a contract or fee basis)); and (3) exceed any one threshold for manufacturing (including importing), processing, or otherwise using a toxic chemical listed in 40 CFR Section 372.65. See also the Final Rule, 5/1/97 FR pp. 23833-92, included in K-29.

If a facility meets the employee threshold and is in a covered SIC code, but its annual reportable amount of the toxic chemical does not exceed 500 pounds and the facility has not manufactured, processed, or otherwise used more than one million pounds of the toxic chemical, the facility may submit the Form A (a two-page certification statement) instead of the Form R. However, if the facility exceeds either the 500 or one million pound limits, it must report on the Form R.

Facility Expansion – On May 1, 1997, EPA published a final rule (5/1/97 FR pp. 23833-92) to add certain industry sectors to the current list of facilities required to report to TRI. These new industries will begin reporting their releases and other waste management information for activities conducted in 1998 with reports due by July 1, 1999. This final rule adds the following seven industry groups to TRI: metal mining, coal mining, electric utilities, commercial hazardous waste treatment, chemicals and allied products (wholesale), petroleum bulk terminals and plants, and solvent recovery services. This rule is included in K-29.

Persistent Bioaccumulative Toxic Chemicals (PBTs) – On October 29, 1999 (64 FR 58666) EPA published a final rule which lowers the EPCRA section 313 reporting thresholds for persistent bioaccumulative toxic (PBT) chemicals and adds certain other PBT chemicals to the EPCRA section 313 list of toxic chemicals. The rule also includes modifications to certain reporting exemptions and requirements for the chemicals newly subject to the lower reporting thresholds. These PBT chemicals are of particular concern not only because they are toxic but also because they remain in the environment for long periods of time, are not readily destroyed, and build up or accumulate in body tissue. The new rule was effective January 1, 2000. Therefore, the new requirements apply for TRI reports on releases and waste management for the year 2000 which must be submitted to the Agency by July 1, 2001. The list of PBT chemicals affected by the new rule include: Aldrin; Benzo(g,h,i)perylene\*; Chlordane; Dioxin and dioxin-like compounds category\*; Heptachlor; Hexachlorobenzene; Isodrin; Methoxychlor; Octachlorostyrene\*; Pendimethalin; Pentachlorobenzene\*; Polycyclic aromatic compounds category; Polychlorinated biphenyl (PCBs); Tetrabromobisphenol A\*; Toxaphene; Trifluralin; Mercury; and Mercury compounds (PBT chemicals newly added to the EPCRA section 313 list of toxic



chemicals are indicated by an asterisk). This rule is also included in K-29.

**Lead and Lead Compounds** –On January 17, 2001, EPA published a final rule which lowers the reporting thresholds for lead and lead compounds. The first reports using the lower thresholds will be due on or before July 1, 2002 (i.e., for calendar year 2001 reports). EPA believes that lead and lead compounds are persistent, bioaccumulative toxic (PBT) chemicals that warrant lower reporting thresholds than those currently established under EPCRA section 313. The rule includes a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds. ( Also included in K-29).

**Pollution Prevention Act** – The Agency is currently working on a proposed rule to define terms and clarify reporting requirements to assure that data reported pursuant to the Pollution Prevention Act (PPA) are accurate and consistent. The proposal is expected to be issued by the end of 2001. Section 8 of the TRI Form R currently contains the majority of Pollution Prevention Act reporting elements which primarily include quantities of toxic chemicals managed as waste.

## **Toxics Release Inventory (TRI) Public Data Release**

EPA released the 1998 TRI Data in May 2000. TRI summary information and data access is available via the web at [www.epa.gov/tri/tri98](http://www.epa.gov/tri/tri98). The TRI98 website provides fast and easy access to the data overview and relevant TRI information (including tables, charts, and maps). The TRI data can be accessed with a new tool, the TRI Explorer, as well as through other tools described on this page. Since then, EPA also released the more detailed 1998 TRI Public Data Release Report and State Fact Sheets. These documents are available on the 1998 TRI website noted above or by calling EPA's National Service Center for Environmental Publications (NSCEP) at (800) 490-9198 (TRI Publication Data Release report reference EPA 745-R-00-007; and 1998 TRI State Fact Sheets reference EPA 745-F-00-003).

The 1997 Toxics Release Inventory (TRI) Public Data Release was released in 1999. The titles and publication numbers for the two documents released in 1999 include: the 1997 Toxics Release Inventory, EPA 745-R-99-003 and the 1997 Toxics Release Inventory, Public Data Release, State Fact Sheets, EPA 745-F-99-001. (Item in K-63).

(Copies of these documents may be obtained by calling the Emergency Planning and Community Right-to-Know Act (EPCRA) Hotline at (800) 535-0202 (in the Washington, DC area call (703)412-9877). Information is also found at the Web site <http://www.epa.gov/tri>

## **Toxic Substance Control Act (TSCA)**

### **Asbestos Worker Protection Rule**

EPA issued a Final Rule on November 15, 2000 (FR Page 69200) amending the Asbestos Workers Protection Rule and the Asbestos-in-School Rule (40 CFR 763 Subpart G).

The amendments protect state and local government employees by adopting the Asbestos Standards of the Occupational Safety and Health Administration for those employee that do not have OSHA approved State plans. Additionally, the Final Rule removed 40CFR763, Subpart E, Appendix B, Work Practices and Engineering Controls for Small-Scale, Short-Duration Operations,

Maintenance and Repairs (O&M) activities involving ACM. Item E-19

### **Lead; TSCA Section 403; Identification of Dangerous Levels of Lead**

In accordance with Section 403 of TSCA, as amended by the Residential Lead-Based Paint (LBP) Hazard Reduction Act of 1992, EPA is to promulgate regulations that identify lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil. An interim guidance was published in 60 FR 47276, 9/11/95 which will continue to serve as EPA's official policy until the final rule is promulgated. A proposed rule was published in 63 FR 30302, 6/3/98; Part 745, Subpart D, Lead-Based Paint Hazards. Item E-45.

### **Lead: Management and Disposal of Lead-based Paint Debris**

EPA is proposing a rule under TSCA to provide new standards for the management and disposal of LBP debris generated by contractors. EPA also is separately proposing temporary suspension of the regulations under Subtitle C of the Resource Conservation and Recovery ACT (RCRA), which currently apply to LBP debris. The new TSCA standards do not address LBP debris generated by homeowners in their own homes. The notice of the proposed rules were published in the FR 12/18/98, pp 70190 and 70233. Subpart P Item E-47.

## **General**

### **National Environmental Laboratory Accreditation Conference (NELAP)**

The 11 NELAP Accrediting Authorities (California, Florida, Illinois, Kansas, Louisiana, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, and Utah) will announce the first round of NELAP accredited laboratories in January 2001. There will be approximately 1000 laboratories that have successfully met all the National Environmental Laboratory Accreditation Conference (NELAC) standards. With this auspicious beginning, the universe of NELAP Accrediting Authorities and NELAP accredited laboratories is expected to expand rapidly in the near future.

### **Background**

NELAC is a voluntary association of State and Federal Agencies formed to establish and promote mutually acceptable performance standards for the inspection and operation of environmental laboratories. Private sector input to the process is obtained through a variety of mechanisms including open semi-annual meetings, committee participation, and the Environmental Laboratory Advisory Board (ELAB), a federally chartered committee that receives advice from a balanced representation of the private sector. NELAP is the EPA program that supports NELAC and recognizes the NELAP Accrediting Authorities.

The NELAC standards have been developed through a consensus process and are the foundation for recognition among the various accrediting authorities. The NELAC standards are primarily designed around two guidance documents that originated with the International Organization for Standardization (ISO), a body that develops consensus standards in a variety of technical fields. The two documents are ISO/IEC Guide 25-1990: "General Requirements for the Competence of Calibration and Testing Laboratories", and ISO/IEC Guide 58: "Calibration And Testing Laboratory

Accreditation Systems-General Requirements For Operation And Recognition". The NELAC standards are currently undergoing revision to comply with ISO/IEC Standard 17025.

All aspects of NELAC are voluntary, requiring neither Congressional mandate nor EPA rulemaking. However, the state, territorial and federal agencies may make participation mandatory for the laboratories under their jurisdiction. Approval as a NELAP Accrediting Authority does require that states recognize laboratories accredited by other NELAP Accrediting Authorities.

A major goal of NELAC is to assure that decisions being made from analytical data have a sound technical, scientific, and statistical basis. The standards have been designed to help assure that the NELAC-accredited laboratories deliver data of the required level of quality. NELAC standards provide a flexible system, designed to accommodate the various operational procedures and processes of the states under the regulatory programs delegated to the states by EPA.

## **EPA and States are Improving Facility Identification Information and Providing an Error Correction Service**

EPA and the States are working to improve the way regulated facilities are identified in environmental databases. One goal of this effort is to reduce duplicate reporting of facility identification information from companies, thereby reducing the reporting burden on the regulated community.

Phase 1 of this process was to establish a standard set of data elements for facility identification, such as the facility name, physical address, locational data, business classification and contact information. These data elements have an EPA data standard, which collection efforts are now incorporating into their reporting requirements. Although the data standard does NOT require any reporting requirement to expand their data elements, they do standardize the definition for the data elements that may be used to identify facilities. (To view the EPA's Environmental Data Registry go to <http://www.epa.gov/edr>.) As these standards are adopted by environmental collections, there will be opportunities to eliminate duplicate reporting elements, thus reducing the reporting burden.

Phase 2 of the project was to make the existing facility identification data available on the Internet through EPA's Envirofacts Warehouse (<http://www.epa.gov/enviro>). Using this web database, a company can search EPA's databases to find all the occurrences of the company and its related facility information. EPA and the States are continuously working to improve the accuracy of this facility identification data.

The Envirofacts Warehouse now offers a new feature that facilitates the notification to EPA if an error is found in any of the environmental information, including the facility identification information. To use this feature, simply click the red error button from the top navigation bar on each web page providing facility information. This service is available now to users who wish to correct data available from the EPA web site.

The 3<sup>rd</sup> phase of this effort is the development and creation of a master record with accurate facility identification information for each of the over 750,000 facilities that are subject to environmental regulations. Over 160,000 "master" records have been created with a goal of increasing that number to 250,000 records by the end of 2001. Many States who are developing "master" records are beginning to share these records with the EPA. The EPA records are available through the Envirofacts Warehouse web site. Once each facility has a "master" record, EPA will be able to pursue the identification of similar data and, where possible, begin to aggressively reduce and eliminate duplicate reporting. Companies are urged to visit the Internet site identified above.

## **Sector Facility Indexing Project Sector Facility Data Put on The Internet**

Information gathered under EPA's Sector Facility Indexing

Project (SFIP) on the environmental performance of hundreds of facilities in five major industries is now available through the Internet.

The industrial sectors currently covered are automobile assembly, pulp manufacturing, petroleum refining, iron and steel production, and the primary smelting and refining of aluminum, copper, lead and zinc (nonferrous metals).

The new database covers approximately 650 facilities with the five sectors, and for the first time collects in one place information the facilities must provide under a number of federal environmental statutes. The data includes information on past inspections and enforcement actions, the size of the facilities and their annual releases of chemicals into the environment, and demographic data about communities near the facilities.

The database has multiple uses, facilities can benchmark their data against that of other similar facilities, or simply monitor their own regulatory performance. The database gives environmental and community groups easier access to information they can use to learn about the environmental performance of individual facilities.

Government agencies can use the information as a planning tool.

EPA stakeholders, including environmental and community organizations, have commented on the project. Each facility included in the pilot project received a copy of its compliance and enforcement data and was given an opportunity to submit comments. State agencies also received the information for review, since a large portion of the data is provided to EPA by state governments. EPA modified the data as appropriate, but found most of the data to be accurate. The agency has developed a comment process so that all users can continue to provide feedback.

The database is available at Internet address <http://www.epa.gov/oeca/sfi>. Since it has been available, the website has been used extensively for research and is considered a valuable tool. In keeping with SFIP's policy to incorporate information as it becomes available, the data included within the project have been updated 6 times since the project's release.

The Agency has completed a formal evaluation of SFIP's initial year of availability. Obtaining feedback from all stakeholders (government, facilities, trade association, environmental groups), the evaluation has shown SFIP to be successfully meeting its goals of providing greater public access to accurate compliance and facility-level information as well as improving multimedia facility profiling and sector based analysis. The evaluation also identified widespread interest for an expansion of SFIP. This, after taking into consideration the comments received, the Agency will be expanding SFIP to include a subset of Federal facilities. The Agency's goal is to complete the expansion by year's end. The evaluation report is electronically available on the project's website. We have included more information on the Sector Facility Indexing Project in the OSBO Item A-12.

## **Environmental Technology Verification Program**

The Environmental Technology Verification Program (ETV) was started by the U.S. Environmental Protection Agency (EPA) in October 1995 to address the need for credible environmental technology performance data to help businesses and communities better utilize the available environmental technology choices. ETV operates through public/private testing partnerships to verify the performance of commercial-ready private sector environmental technologies in all media - air, water, soil, eco-systems, waste, pollution prevention, and monitoring. As of December 31, 2000, 115 private sector environmental technologies have been verified, over 100 additional technologies are in the testing process, and another 150 have submitted applications for testing. Information on the ETV program may be accessed at the ETV web site: [www.epa.gov/etv](http://www.epa.gov/etv).

The ETV program also has a listserv, ETVoice, which sends a brief monthly message to anyone interested in the ETV program highlighting new and updated information on the web site. You may subscribe to ETVoice through the web site.

The ETV Program Director is **Penelope Hansen** who may be reached at [hansen.penny@epa.gov](mailto:hansen.penny@epa.gov), or at 202-564-3211.

## **Environmental Management Systems (EMS) Implementation Guide**

Recognizing the potential difficulties faced by small and medium sized 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 elements of the ISO 14001 standard and is written in plain, easy to understand language. Several small organizations worked with EPA and NSF International (NSF) to design and review the Guide and hundreds of organizations throughout the world 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. Contact person is Jim Horne, (202) 564-0571 INTERNET: <http://www.epa.gov/owm/iso2.html>. 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. A revised version of the Guide will be issued by the end of the year 2000. Collaboration has been expanded to include OW, OECA, OPPTS, and OPEI.. For copies of the Guide, call 1- (800) 368-5888, Item B-12.

## **Participation Policies**

The Common Sense Initiative (CSI), a bold reinvention effort launched by EPA Administrator Browner in 1994, held its final meeting on December 17, 1998. Using an inclusive and unprecedented process, CSI brought together industry, state and local governments, environmental and environmental justice groups, and organized labor to work together to find strategies that work more fairly, efficiently and cost effectively for industry and other stakeholders.

One of the final and lasting accomplishments of the CSI multi-stakeholder group was for EPA to adopt a new Stakeholder Involvement Action Plan that builds on CSI experience and outlines what the Agency will do differently in the future to enhance EPA's Stakeholder Involvement Programs. The primary goal of the Action Plan is to better integrate stakeholder involvement activities throughout the Agency.

The first item in the Action Plan calls for EPA to assess and establish agency-wide principles for stakeholder involvement. This effort is a direct link to a July 1999 Report entitled, "Aiming for Excellence - Actions to Encourage Stewardship and Accelerate Environmental Progress, Report of the EPA Innovations Task Force," which pledges the Agency to evaluate and update EPA's public participation requirements. To address these joint concerns, EPA convened a workgroup that is scheduled to give a report to the Administrator by January 31, 2000, which will contain an inventory of EPA regulations and policies regarding public participation and an initial assessment of how well these regulations and policies ensure public participation in decision making. To fulfil this commitment, the workgroup is seeking public comment on two issues:

1. What changes need to be made to the 1981 Policy on Public Participation? What is working well, and how does the experience of the past nineteen years suggest the need for improvements in the general procedures for involving the public in EPA programs and decisions?

2. How can we further engage the public in the effort to revise the 1981 Policy and other EPA regulations and policies which may need to be updated in regard to public participation? What are the suggested elements of a strategy to further engage the public in updating requirements and filling gaps in EPA's regulations and

policies concerning public participation?

These questions were recently posed in a federal register notice with a 30 day public comment period that ended December 30,1999. As stated in the original notice, EPA is still seeking input on these questions and will use your comments as the Agency moves further in updating the 1981 policy and other stakeholder involvement regulations and policies. For a copy of the federal register notice, go to EPA's stakeholder website at [www.epa.gov/stakeholder](http://www.epa.gov/stakeholder). To provide comments, contact Deborah Dalton at EPA by fax at 202 260-5478 or submit comments through the stakeholder website. Keep an out on the website for a posting of all comments received on this issue.

## **Revised Small Lab Environmental Management Guide**

See the special announcement on the Guide's availability in this Newsletter. The Guide can also be found and downloaded from the EPA Small Business Ombudsman's Home Page [www.epa.gov/sbo](http://www.epa.gov/sbo) and the State Small Business Home Page [www.small.biz.enviroweb.org](http://www.small.biz.enviroweb.org). We have completed a project to update and expand the Guide. There is more comprehensive coverage of environmental management issues affecting small labs. New areas of coverage include radioactive materials and biologically active substances. A summary of hazardous waste management techniques allowing on-site treatment is included, as well as, expanded pollution prevention opportunities, and opportunities for cost efficiencies. See Item B-16

## **Consolidation of Good Laboratory Practice Standards (GLPS) Regulations Currently Under TSCA And FIFRA Into One Rule**

On November 29, 1983, EPA published Good Laboratory Practice Standards (GLPS) regulations intended to help ensure data integrity for studies required to support marketing and research permits under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). These rules were last amended on August 17, 1989. GLPS data integrity measures can be applied to a wide variety of scientific studies. Although the TSCA and FIFRA GLPS contain identical provisions, they were published as separate rules to account for statutory and program differences between TSCA and FIFRA, such as differences in records retention requirements. EPA believes it will be able to address the differences between TSCA and FIFRA, such as differences in records retention requirements. EPA believes it will be able to address the differences of those programs without duplicating the entire GLP standard in two places.

This action is intended to consolidate EPA's GLPS into one rule. Program specific requirements will be addressed in either separate sections of the consolidated rule, or in separate rules as is determined appropriate. This action is not intended to change the requirements, applicability, or enforceability of GLPS with respect to any statute.

EPA has received comments from stakeholders regarding the understandability of many aspects of the GLPS, and over the years has issued numerous clarifications. EPA believes that some clarifications, if included directly in the rule, would make the rule easier to understand and enhance compliance. Therefore, EPA intends to include such clarifications where appropriate in this rulemaking. Finally, in the interest of maintaining consistency between EPA's and Food and Drug Administration's regulations, EPA will determine any modifications that have occurred to the FDA GLP rule and consider incorporation such changes into the EPA rule. This action will serve to reduce the total regulatory text in the Code of Federal Regulations by an estimated 10 pages, by consolidating 23 pages of text to approximately 13. In the process it will provide a generic GLP rule that may be used by other programs in the Agency.

## Resource Guide For Small Business Environmental Assistance

Under a grant from the Office of the Small Business Ombudsman, the Iowa Waste Reduction Center (IWRC), University of Northern Iowa developed a multi-media Resource Guide for Small Business Assistance Providers. This Guide provides a quick and convenient reference tool for locating environmental assistance materials (regulatory and non-regulatory) that have been developed mostly by the states, and some by EPA. The Guide was prepared in cooperation with all the states and is primarily for assistance providers to be used as reference document. The information included is extremely useful in helping locate readily available materials from other states in an effort to not "reinvent the wheel."

These materials are also useful to state and local assistance providers and small businesses in becoming educated on environmental regulations and pollution prevention.

The Guide is available in electronic format with search and report generation capabilities, and detailed instructions. There is also a rating system which indicates relevance and type of use for which most suitable. The Guide has had extensive state review. See Item B-18.

## Upgraded Source Book on Environmental Auditing for Small Business

EPA's Environmental Auditing Source Book for Small Business is now an upgraded compilation of the bibliography references, training information, and a summary matrix of auditing tools for quick reference. This book also contains information on environmental auditor standards and qualifications. See B-14. Also available is the Small Business Environmental Assistance Site Visit Manual prepared by the Iowa Waste Reduction Center, University of Northern Iowa, see B-17. Both of these documents can be obtained by calling the EPA SBO's Office at 1-(800) 368-5888.

## New Booklet - Little Known But Allowable Ways to Deal With Hazardous Waste

The EPA has identified a number of allowable ways that small businesses can minimize their hazardous waste on site. This document provides information on five of these methods:

- Domestic Sewage Exclusion;
- Elementary Neutralization;
- Recycling;
- Treatment in Accumulation Containers; and
- Burning in Small Boilers and Industrial furnaces

This Guide provides information and answers the question of whether any of these methods might work for you. The Guide contains two principal sections. The introduction provides background information on the purpose of the Guide, a brief overview of the EPA Hazardous Waste Program as it applies to small businesses, and a summary of the five EPA allowed hazardous waste minimization methods identified above.

The second section is a state-by-state review of these allowable ways to minimize hazardous waste. The section provides summary information for each state including their definition of hazardous waste, allowances for each of the five EPA allowed waste minimization methods, and information on special state hazardous waste management program considerations. This document can be obtained by calling EPA SBO's Office at 1-(800) 368-5888

## EPA Compliance Assistance Tools

The Office of Compliance (OC) has produced a booklet, Item B-8, that offers a comprehensive listing of all OC projects that are currently available and/or under development. The projects are

organized by industry sector, with 20 sectors covered. The tools include: databases, documents, web sites, video, plain-language guides, sector notebooks, etcetera. A contact person is listed for each document to acquire more information. To get a copy of the document, call 1-800-368-5888.

## Performance Measurement Tools And Success Stories Always Needed!

The performance measurement tools and success stories database still has over 65 performance measurement tools and success stories available for direct downloading, revision, and use from the Small Business Environmental Home Page at the following address: [www.smallbiz-enviroweb.org/perfmeas.asp](http://www.smallbiz-enviroweb.org/perfmeas.asp).

## WE STILL NEED YOUR HELP TO IMPROVE

**THIS RESOURCE!** Please send any performance measurement tools/surveys/success stories to Audrey Zelanko at: CTC, 425 Sixth Avenue, 28<sup>th</sup> Floor, Regional Enterprise Tower, Pittsburgh, PA 15219. Electronic copies in Word Perfect or Word formats would be the most helpful. You can send disks to the above address, or email attachments to: [zelankoa@smallbiz-enviroweb.org](mailto:zelankoa@smallbiz-enviroweb.org) and [bosilovich@ctc.com](mailto:bosilovich@ctc.com). If electronic copies are not available, you can fax hard copies to: (412) 577-2660 or mail them to the above address. If you have any questions, please call **Audrey Zelanko** at: (412) 577-2649. THANKS again for your help!

### 2001 STATE SMALL BUSINESS OMBUDSMAN AND TECHNICAL ASSISTANCE PROGRAM CONFERENCE SCHEDULED FOR AUSTIN, TEXAS

**The State Small Business Ombudsman and Small Business Technical Assistance Programs, which are required under Section 507 of the 1990 Clean Air Act Amendments to aid small businesses impacted by air quality regulations, will hold their annual conference in Austin, Texas on April 2-5, 2001**

**Specialized training classes will be offered on April 2<sup>nd</sup>**

**For speeches and other presentation materials from the 2000 conference, held on June 20-22, 2000, in Missoula, Montana, they can be downloaded for the Internet via a direct link at <http://www.epa.gov/ttn/sbap/conf00a.html>**

## "WHAT OUR CUSTOMERS MEAN TO US"

- "Customers are the most important people in our business."
- "Customers do not depend on us, we depend on them."
- "Customers never interrupt our work, they are our work."
- "Customers do us a favor when they call; we don't do the favors by letting them in."
- "Customers are part of our business, not outsiders."
- "Customers are flesh-and-blood human beings, not cold statistics."
- "Customers bring us their wants; we fulfill them."
- "Customers are not to be argued with."
- "Customers deserve courteous attention."
- "Customers are the lifeblood of this and every other business."
- "Customers are who we are when we're not working (So let's treat them the way we want to be treated ourselves!)"

"All these guidelines are saying the same thing: Concentrate on the customer. "You can't make many catches if you take your eyes off the ball."



## 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 and other small entities. The Act contains the following six key areas of regulatory reform:

- ! **Regulatory Compliance Simplification:** Federal regulatory agencies must develop compliance guides written in plain English to help small businesses understand how to comply with regulations that may have a significant effect on them. Agencies must also develop a program for providing small entities with informed guidance on complying with applicable laws and 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, even when they lose.
- ! **Congressional Review:** Congress has provided itself with a process by which it can review and, if necessary, disapprove regulations with which it takes issue.
- ! **Regulatory Enforcement Reform of Penalties:** Each regulatory agency must establish a policy to reduce and, where appropriate, even waive civil penalties for minor violations under certain circumstances.
- ! **Small Business Advocacy Review Panels:** For proposed rules subject to the Regulatory Flexibility Act, EPA must solicit input from the small businesses that will be subject to the rules 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 Gail McDonald, as the Small Business and Agriculture Regulatory Enforcement Fairness Ombudsman on February 1, 2000. She also appointed the members of 10 regional Regulatory Fairness Boards to assist the National Ombudsman in receiving small businesses' comments about enforcement activities of federal regulatory agencies. The five (5) Fairness Board members appointed in each region are small business owners and operators.

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

Subtitle B of SBREFA created 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 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 "customer satisfaction rating" by evaluating the enforcement activities of regulatory agency personnel and rating the responsiveness to small business regional and program offices of the regulatory agencies.

### 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
- ! Report to the National Ombudsman about comments and issues specific 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 January, 2001

1. Roxanna Adams** Atlantic Awards, Inc 840 Hammond Street Bangor, ME 04401 (207) 942-6464	Dr. Vinh Cam, Ph.D. Global Environment P.O. Box 31134 Greenwich, CT 06831 (203) 532-1252	Doris Ballard Ballard Novelty & Party 7 Broadway Concord, NH 03301 (603) 225-5667	Ronald Auger American Ind Cast Inc 1 American Way E Greenwich, RI 02818 (401) 886-7547	Ronald Williams* W&R Bus. Affiliates. 194 Capen St. Hartford, CT 06120 (860) 727-1181
2. Joan Haberle* Joan Haberle Agency # 1 S. Main Street Lambertville, NJ 08530 (609) 397-9606	Sandra Lee Harold. Lee Insurance 31 Pell St. New York, NY 10013 (212) 962-6656	E. Peter Ruddy C WESTNY Bldg. Product 2580 Walden Ave. Buffalo, NY 14225 (716) 681-2000	Phyllis Hill Slater Hill Slater, Inc. 45 N. Station Plaza Great Neck, NY 11021 (516) 773-7779	Manuel Cidre** Pasteleria Los Cidrines Rey Federico 257 Villas De Torrima Guaynabo, PR 00965 (787) 9732
3. Wilkins McNair, Jr* Wilkins Acctg. Firm 201 N. Charles Street Suite 910 Baltimore, MD 21201 (410) 962-5252	Kenneth Ridriguez Rodriguez Enterprises po box 389 Sewickley, PA 15143 (412) 749-7810	Pamela Mazza** Pillero, Mazza & Pargament 888 17 <sup>th</sup> St NW Ste 1100 Washington, DC 20006 (202) 857-1000	Ann P. Maust, Ph.D. Research Dimens, Inc. 1108 E. Main St., #1000 Richmond, VA 23219 (804) 643-1082	Martin Shaffer American Vending 8 Armory Rd Clarksburg, WVA 26301 (304) 623-5791
4. Jeffery Adduci** Regional Invest Bankers 171 Church Street Suite 260 Charleston, SC 29401 (843) 577-2000	Robert G. Clark V Clark Communi. Corp. 149 N. Hanover Ave Lexington, KY 405023 (606) 233-7623	Nancy Archuleta Mevatech 1525 Perimeter Pkwy Ste 500 Huntsville, AL 35806 (256) 890-8000	Leroy Walker, Jr. LTM Enterprises 2310 Hwy 80 W Jackson, MS 39204 (601) 352-1742	Livia Whisenhunt* PS Energy Group, Inc. 2957 Clairmont Rd Suite 510 Atlanta, GA 30359 (404) 321-5711
5. Hardie Blake* Bethel Business, Inc. 118 Lincoln Way E. Mishawaka, IN 46544 (219) 259-1527	Lyle Clemenson Clemenson Enterprises inc dba CE Box 406 Osseo, MN 56369 (612) 425-1167 I	Donald Magett Magic P.I. & Security 529 Northhampton Rd Kalamazoo, MI 49006 (616) 381-2324	Thelma Alban Stevenson Associates. 680 N. Lake Shore Drive Chicago, IL 60611 (312) 335-0067	Irwin Haber** PDI Ground Support Systems, Inc 5905 Grant Ave Cleveland, OH 44125 (218) 271-7344
6. Elise McCullough** Staffing Sol, LLC 1305 Dublin Street New Orleans, LA 70118 (504) 864-9900	Massey Villarreal* Precisions Task Group 9801 Westheimer Suite 8 Houston, TX 77042 (713) 781-8912	David Martinez D&D Machinery & Sales 2420 WR Larson Rd San Antonio, TX 78261 (830) 438-2309	Frederick Peralta Lialac Shoppe/Townef Town of Taos 400 Camino de la Placita Taos, NM 87571 (505) 758-2006	Wallace Caradine ** Caradine & Co. 2200 S. Main Street P.O. 16430 Little Rock, AR 72206 (501) 372-4199
7. Daniel Perez South Underground PO Box 481341 13404A Holmes Rd Kan City, MO 64148 (816) 941-6894	Edith Quick* Quick Tax Acctg Svc 2536 Via Miralesta Dr St Louis, MO 63125- 3415 314-638-2937	Clark Stewart** Butler Nat't Corp 19920 W 161 <sup>st</sup> St Olathe, KS 66062 (913) 780-9695	Dan Morgan V Morgan-Davis, Intern'tl Morgan Ranch HC79 Box 42 Burrell, NE 68823 (308) 346-4394	Joanne Stockdale N. IA Die Casting Co 702 E Railroad St. Lake Park, IA 51347 (712) 832-3661
8. Donna Davis** Eagle Butte Co-op P.O. Box 370 Eagle Butte, SD 57625 (605) 964-2226	Scott Flores Die Cut Technologies 4935 Pearl St Denver, CO 80216 (303) 297-9327	Mary Thoman* Thoman Ranch HC65 Fontenelle Route Kemmerer, WY 83101 (307) 877-3718		Vernon Thompson Vern's Trucking P.O. Box 25 Minnewaukan, ND 58351 (701) 473-5720
9. Joseph Cerbone Travis Morgan Sec. 18952 McArthur Blvd Suite 315 Irvine, CA 92612 (949) 261-2906	Patricia Chevalier Blue Hawaiian Heli 105 Kahului Heli Kahului, HI 96732 (808) 871-8844	Frank Ballesteros** PPEP Microbusiness & Housing1100 E Ajo Way Ste 209 Tucson, AZ 85713 (520) 808-9513	Thomas Guthrie* So. Nevada. Certified Development Corp. 2770 S. Maryland Pkwy Suite 212 Las Vegas, NV 89109 (702) 732-3998	C. K. Tseng Northbridge Travel 9700 Reseda Blvd. Northbridge, CA 91324 (818) 886-2000
10. Keith Sattler* Sattler & Heslop 718 6 <sup>th</sup> Street Prosser, WA 99350 (509) 786-2404	Albert Adams PMC Corp, UIC Corp 6313 Brayton Dr Anchorage, AK 99507 (907) 465-3707	Milford Terrell DeBest Plumbing 11477 W President Dr Boise, ID 83713 (208) 322-4844	Faye Burch** F.M Burch & Assoc Inc 1126 NE Lija Loop Portland, OR 97211 (503) 735-9409	Serena McAlvain McAlvain Construction, Inc 5559 W. Gowen Rd. Boise, ID 83709 (208) 362-4356

\*=Chair

\*\*=Vice Chair

**Regulatory Flexibility Act (RFA)**  
**Small Business Regulatory Enforcement Fairness Act (SBREFA)**  
**Tom Kelly, EPA' s Small Business Advocacy Chair**

I want to tell you about an important new rule which demonstrates what can be accomplished when government and small business work together under RFA/SBREFA. I'm referring to the final rule on **Heavy-Duty Engine Emission Standards and Diesel Fuel Sulfur Control Requirements**, which Administrator Carol Browner signed on December 21, 2000.

**Why is this Rule needed?** Emissions from heavy-duty vehicles contribute greatly to a number of serious air-pollution problems and would continue to do so into the future absent further controls to reduce these emissions. Although the air-quality problems caused by heavy-duty diesel vehicles are challenging, we believe they can be resolved through the application of high-efficiency emissions-control technologies, which depend on the availability of low-sulfur diesel fuel.

**What are the Benefits?** Substantial benefits to public health and welfare and the environment will result through significant reductions in emissions of nitrogen oxides, particulate matter, non-methane hydrocarbons, carbon monoxide, sulfur oxides, and air toxics.

**How many Small Entities are Subject to this Rule?** We found no manufacturers of heavy-duty engines meeting the Small Business Administration's (SBA) definition of a small business. Of the approximately 158 refineries in the U.S. today, however, we estimate that 24 meet SBA's definition and produce highway diesel fuel.

**Did this rule have a Small Business Advocacy Review (SBAR) Panel?** The SBAR Panel, convened by EPA on November 12, 1999, consisted of representatives of SBA, the Office of Management and Budget and EPA. During development of the proposed rule, EPA and the Panel obtained advice and recommendations from representatives of small businesses who will be subject to the rule. The Panel considered a range of options and regulatory alternatives for providing small businesses with flexibility in complying with new sulfur standards for highway diesel fuel. The Panel's report contains recommendations on options to mitigate the adverse impacts on small businesses. In addition to the Panel process, EPA conducted its own outreach, fact-finding, and analysis of the potential impacts of this regulation on small entities.

**Where can I get more information on the SBAR Panel's Recommendations?** The Panel's report, placed in docket for this rule, has a detailed discussion of the Panel's advice and recommendations. It is also available on our RFA/SBREFA website at [www.epa.gov/sbrefa](http://www.epa.gov/sbrefa). A summary of the Panel's recommendations was included in the June 2, 2000, proposed rule at 65 FR 35541.

**What has EPA included in the Final Rule to help Small Businesses?** EPA agreed with the Panel and is offering substantial relief from the potential adverse economic impacts of the rule to qualifying small businesses. Three regulatory alternatives finalized in the rule, summarized below, will address small refiner hardship while allowing timely achievement of air-quality benefits. EPA also prepared a final regulatory flexibility analysis for the final rule, and it is available for review in the docket.

1. **500 ppm Option.** A small refiner may continue to produce and sell diesel fuel meeting the current 500 ppm sulfur standard for four additional years, until May 31, 2010, provided that it reasonably ensures the existence of sufficient volumes of 15 ppm fuel in the marketing area(s) that it serves.
2. **Small Refiner Credit Option.** A small refiner that chooses to produce 15 ppm fuel prior to June 1, 2010 may generate and sell credits under the broader temporary compliance option. Since a small refiner has no requirement to produce 15 ppm fuel under this option, any fuel it produces at or below 15 ppm sulfur will qualify for generating credits.
3. **Diesel/Gasoline Compliance Date Option.** A small refiner that is also subject to the Tier 2/Gasoline sulfur program (40 CFR Part 80), may choose to extend by two years the duration of its applicable interim gasoline standards, provided that it also produces all its highway diesel fuel at 15 ppm sulfur beginning June 1, 2006.

**Is a Small Entity Compliance Guide Available?** As required by Section 212 of SBREFA, EPA is preparing a small entity compliance guide to help small entities comply with this rule. When complete, copies will be available through the air office web site at [www.epa.gov/otaq](http://www.epa.gov/otaq) and on our RFA/SBREFA website at [www.epa.gov/sbrefa](http://www.epa.gov/sbrefa).

**Other News: What's New from us for Small Business On-Line?**

- 1) **RFA/SBREFA Website** ([www.epa.gov/sbrefa](http://www.epa.gov/sbrefa)). Check out what is new at the RFA/SBREFA website. Since the RFA/SBREFA website was launched in July 2000, it has grown exponentially. This site gives you direct access to Panel reports, Small Entity Compliance Guides, and other pertinent documents, as well as links to popular web references for small businesses. We look forward to your feedback on it, so please give it a look.
- 2) **Small Business Regulatory Library Website** ([www.epa.gov/regagenda](http://www.epa.gov/regagenda)). The Regulatory Management Staff just launched a new website: U.S. EPA's Small Business Regulatory Action Database. The site gives you access to the latest information about upcoming and recently completed regulations affecting small businesses. This database allows for refined searching of information contained in EPA's Regulatory Agenda. For additional information, contact SBREFA Team Leader, **Stuart C. Miles-Mclean**



## Update on the Office of Environmental Information

Now one year old, the Office of Environmental Information (OEI) continues to advance its mission of enhancing environmental information management, policy and technology.

The US General Accounting Office reported that “one of the office’s most pressing challenges will be to develop a plan that identifies clear priorities for the office and the resources it will need to successfully lead the Agency’s efforts to make significant improvements in information management.” The first step toward the development of the Agency’s Information Plan was the creation of the *FY 2000 OEI Action Plan*, which summarizes the key projects being initiated or advanced during this calendar year.

The next phase of developing a long-term vision that identifies priorities and resources is currently under way. The OEI Information Plan will guide the Agency on how to manage the changing nature of environmental protection and information technology, facilitate the transition to e-government, define appropriate models for governance and organization, and continue to enhance the way OEI serves its customers.

Recognizing that its customers are the top priority, OEI has recently finalized a Customer Service Plan. The Customer Service Plan will help ensure that OEI consistently excels in providing quality service to external and internal customers. The Plan outlines specific standards that OEI employees will follow to improve service and identifies opportunities for accountability, feedback, and training.

*Window To My Environment* is a new prototype tool being developed by OEI to facilitate the establishment of the Information Exchange Network. It will provide the public direct access to the wealth of local environmental information now coming online. *Window to My Environment* helps answer popular questions about a community’s air, land and water resources, and what is being done to protect the local environment. *Window to My Environment* uses state-of-the-art interactive maps to integrate local environmental information from a variety of Federal, State and local sources. These partnerships across levels of government are offering new environmental data and geographic analysis tools. The initial prototype focuses on data and information for the mid-Atlantic states (DE, DC, MD, PA, VA, and WV).

Another component of the Information Exchange Network under development by OEI is the Central Data Exchange (CDX). The CDX will serve as EPA’s enterprise-wide portal to the Information Exchange Network. It will also provide EPA and its customers with an e-commerce solution to streamline the Agency’s data collection processes. In addition, the CDX will help EPA meet the Government Paperwork Elimination Act mandate to enable electronic reporting, serve as a single data submission point, and lay the groundwork for data integration and standardization.

To learn more about OEI, visit their website at <http://www.epa.gov/oei>. For further information contact: Small Business Liaison, **Gene Stroup**, (202) 564-5716.

## **Stats on EPA Innovation Over the Past Decade**

### **Cleaner, Cheaper, Smarter, Results -**

- < EPA cleaned up over twice as many Superfund sites in last 5 years than in previous 12 years. Superfund cleanups FY 93-97 averaged over 70% savings per site. \$2.1 billion saved in remedy selection using innovative vs. conventional cleanup technologies.
- < Over 300 Brownfields sites, with nearly \$2 billion in public/private investment. Upcoming Brownfields tax (Emissions causing acid rain reduced by 30% more than law requires.) Eastern US rainfall now 25% less acidic - New England starting to recover. Cost of program 75% lower than predicted by Industry.
- < National sulfur dioxide emissions down by 4 million tons annually.
- < (Nitrogen oxide emissions down 20% lower than law requires, and 50% lower than 1990 levels. )
- < 50 States, 6 Territories, 80 Tribes completed comprehensive watershed assessments -- first coordinated overview of Water Quality priorities.
- < 670 companies voluntarily identified potential violations at 2700 facilities.

### **Partnerships -**

- < 7000 businesses participate in voluntary partnerships with EPA. Partners conserved
- < 1.8 billion gallons of water, eliminated 7.8 million tons of solid waste, and prevented air pollution equivalent to taking 17 million cars off the road each year. Saved \$3.3 billion.
- < Project XL has 48 projects underway, 10 more being developed.
- < 34 States have 40 Performance Partnership Agreements.
- < 44 States have 53 Performance Partnership Grants. Numbers reflect PPA/PPGs coming from a mix of environmental, health, and agricultural agencies.
- < By 2004, new cars, light trucks, and SUVs will be over 77-95 percent cleaner than those produced today. Sulfur in gasoline will be cut by 90 percent.

### **Stronger Public Role -**

- < (Worked with industry to develop standards for 174 categories of toxic air emissions.)
- < Citizens in 86 metro areas can get current information on local environmental quality, and the program is now expanding to provide information to citizens in hundreds of communities nationwide.

### **Improvements from Within**

The American system of environmental management is based on the consistency and stability that is integral to our environmental statutes. As a regulatory agency, EPA's principal role is to implement and enforce those statutes. This report describes EPA's efforts to transform environmental management, but those efforts are only part of the overall picture. The Agency has also invested heavily in improving its "core" regulatory and enforcement functions, and working within the existing statutory framework to achieve better environmental results. These changes, in the aggregate, have led to substantially stronger and more efficient environmental protection. The examples below illustrate EPA's progress in improving results within the existing structure.

**Cleaner Air** – Strong regulations still form the core of national air pollution control, but EPA is placing new emphasis on economic efficiency, flexible compliance options, and market incentives for environmental improvements.

- < Collaboration with auto makers and petroleum refiners led to flexibility in meeting tough new air standards for tailpipe emissions – by 2004, new cars, light trucks, and SUVs will be 77-95% cleaner than those produced today; sulfur in diesel fuel will be cut by 97%; emissions of nitrogen oxides and hydrocarbons from heavy trucks and buses will be reduced by as much as 95%.
- < State/EPA collaboration led to a cost-effective market-based emissions trading system for nitrogen oxide emissions. In 1999, this program reduced these smog-producing emissions 20% below what the law requires and 50% below 1990 levels.
- < A market-based sulfur dioxide "cap-and-trade" approach to controlling acid rain has yielded better than expected results in almost every affected state – annual emissions are now 4 million tons lower than 1980 levels, rainfall in eastern states is now 25% less acidic, and damaged forests and waterways are beginning to recover. Annual costs of the acid rain trading program are also 75% lower than originally predicted by industry.
- < Since 1992, EPA has issued 27 standards that will eliminate 1.5 million tons of air toxics suspected of causing cancer and birth defects -- eight times the reduction achieved in the previous 20 years. With the help of industry, states, and environmental groups, EPA tailored these standards to the circumstances of the affected

industries and provided flexible means of compliance.

- < Energy Star, a voluntary program run jointly by EPA and the Department of Energy, saves Americans over \$1 billion in energy bills each year. The average household can save \$400 per year.

**Cleaner Water** – Tough standards still define and protect the quality of the nation’s drinking water and waterways, but collaborative approaches that also deal with related economic, recreational, and aesthetic issues are showing real results in the field.

- < EPA fought for and won amendments that strengthened the Safe Drinking Water Act, including drinking water standards, first-ever consumer right-to-know provisions, and first-ever funding for communities to upgrade drinking water treatment facilities.
- < New controls proposed or put in place since 1993 will reduce water pollutants by nearly 650 million pounds per year, including 4 million pounds of toxics.
- < A unified national strategy jointly developed by EPA and the U.S. Dept. of Agriculture will control runoff from 450,000 animal feeding operations nationwide.
- < Collaborative multi-stakeholder partnerships created through the National Estuary Program are achieving environmental results -- shellfish beds have reopened in Seabrook Middle Ground, New Hampshire, and in Massachusetts Bay; striped bass and American shad are back in the Neuse River in North Carolina. As of May 1999, 1682 acres of seagrasses have returned to Sarasota Bay, Florida, (since 1988) and are expected to provide habitat for 310 million more shrimp, 68 million more crab, and 100 million more fish.
- < 50 States, 6 Territories, 80 Tribes completed comprehensive watershed assessments - First coordinated overview of Water Quality priorities.

**Healthy Children** – EPA recognized that children may be exposed to greater environmental risks because of their size, eating habits, and behaviors. By using a variety of tools – regulatory actions, public education, and a targeted research strategy, EPA and other agencies are reducing environmental risks to American children.

- < In 1996, EPA launched a national agenda to protect children’s health from environmental threats. EPA is conducting research on childhood susceptibility and exposure to pollutants; taking steps to ensure that relevant standards now consider heightened risks faced by children; and providing better information to parents, teachers, and health care providers on identifying and avoiding environmental risks to children.
- < EPA has accepted voluntary cancellation of methyl parathion’s use on the crops, such as apples, which are eaten most by children. Because methyl parathion poses unacceptable risks to children, this step will help to reduce the pesticide risks to children through food.
- < EPA has accepted voluntary measures to reduce the use of azinphos-methyl on food and on other vegetation which might affect drinking water. Azinphos methyl poses an unacceptable risk to children and to agricultural workers.
- < To protect children and public health, EPA and the manufacturer of the pesticide Dursban have agreed to eliminate its use for nearly all household purposes and to move to significantly reduce residues of it on several foods regularly eaten by children.

**Revitalizing Communities** – While cutting the cost of Superfund cleanups and accelerating their pace, EPA has also pushed beyond “cleanup as usual,” to help local communities clean up and redevelop thousands of less contaminated sites. The Agency has eliminated obstacles to redeveloping these “brownfields,” leveraged almost \$2.3 billion in private redevelopment funds, helped communities create 7,000 jobs in environmental cleanup, and created a \$300 million tax incentive for bringing 8000 brownfields back into productive use.

**Community Right-to-Know** – EPA has expanded public access to more information about local environmental quality and environmental risks in homes and communities.

- < Citizens now have access to information about twice the number of toxic chemicals released in their communities.
- < Consumers have new information on the quality of their tap water and on pesticide risks.
- < Clearer, more informative labels explain how to use household products safely.
- < Home buyers and renters can now find out about potential lead paint hazards before they move into a new home.
- < The Internet Ozone Map provides families with community-specific, real-time information on ozone levels in their neighborhoods.

For the foreseeable future, strong regulations and enforcement will continue to be the bedrock of the nation’s environmental protection system. In fact, they provide the “safety net” that allows EPA and the states to experiment while still protecting the health and safety of their citizens. The system can, however, be made to work better by streamlining procedures, by increasing flexibility in how to comply, and by tackling problems in more comprehensive, collaborative ways. EPA has made significant progress in these areas as it carries out its mandate to implement and enforce environmental laws. For further information contact: **Cheryl Hawkins**, (202) 564-6677

# **STATE SHOWCASE OF SUPERIOR ASSISTANCE TOOLS FOR SMALL BUSINESSES**

## **New Jersey Outreach Program**

The New Jersey Small Business Environmental Assistance Program (SBeAP) is a joint program comprised of the New Jersey Department of Environmental Protection's Small Business Assistance Program and the New Jersey Commerce and Economic Growth Commission's Small Business Ombudsman. The SBeAP has produced some outreach and compliance materials. The materials were produced using funding from one of the ten national grants from the United States Environmental Protection Agency (USEPA) to state small business assistance programs.

An informational video and a public service announcement (PSA) were produced to increase awareness within the small business community about the SBeAP. The informational video is seven minutes long and provides the viewer with an outline of services that are provided by SBeAP and some testimonials by small business owners that have received assistance from the SBeAP. The video is being sent to trade/business organizations, small business development centers, chambers of commerce, etc. and will be used at workshops and tradeshow throughout the State. Through the USEPA, the SBeAP is also sending the video and PSA to small business assistance programs in the other 49 states, plus the territories. The PSA is being sent to various television and radio stations to be aired promoting the services available to small businesses in New Jersey from the SBeAP.

A regulatory compliance calendar was also produced in English and Korean for New Jersey's dry cleaning industry. The calendar was originally borrowed from the Florida Small Business Assistance Program. The calendar is an easy to use document to keep records required by the USEPA. The SBeAP with help from two dry cleaner associations is distributing these calendars throughout the State. Through the USEPA, New Jersey has also shared electronically the calendars with the small business assistance programs nationwide.

If you have any questions or comments or would like to get more information, please feel free to contact the New Jersey SBeAP at (609) 292-3600.

## **Texas Lends Businesses a Helping Hand with Hazardous Waste!**

Do you know how to classify your hazardous waste? Do you know your hazardous waste generator status? Many small businesses and local governments can't answer these questions, so the Small Business and Environmental Assistance Division (SBEA) of the Texas Natural Resource Conservation Commission (TNRCC) thought of a way to help. In October 1999, SBEA developed the book "Industrial and Hazardous Waste: Rules and Regulations for Small Quantity Generators." "We know that waste issues are often confusing for facilities, so we wanted to consolidate the requirements and explain them in plain language, and we feel this book accomplishes exactly that," said Tamra-Shae Oatman of the TNRCC.

The book, which is aimed at small Texas facilities who often don't understand complicated waste regulations, was mailed to about 4,000 registered small quantity generators of hazardous waste. One happy customer had this to say about the book: "This is great! It's easy to understand, relatively short, and gives you the how, what, where, when and who. Great job!!!"

The book includes information about waste identification, notification/storage/management requirements, and transportation regulations. For a free copy, call (512) 239-0028, and ask for RG-234.

## **Iowa Environmental Audit Training Manual**

On April 16, 1998 Iowa passed a law on environmental self-assessment and audit privilege, known as the 'Environmental Audit Privilege and Immunity Act'. The act also establishes a 'training program' to be developed jointly by the Iowa Waste Reduction Center (IWRC) and the Iowa Department of Natural Resources (IDNR).

The 'training program' focuses on proper conduct of environmental audit; local, state, and federal environmental regulations that apply to businesses in Iowa. The training mainly focuses on 'what and how' of environmental audit and how businesses in Iowa can take advantage of the state self-audit law and the federal audit policies. This is not be a training program on environmental regulations, although media specific examples are used to illustrate various aspects of conducting a compliance audit. This program has been under development over last year and a half and recently has been finalized after pilot training and modifications.

A training manual and interactive CD-ROM has been developed for the training program and is available from IWRC upon request. Video clips, audio narration, checklists etc. are incorporated in the CD-ROM.

### **The Handbook of Environmental Regulations for Agribusiness**

The Handbook of Environmental Regulations for Agribusiness provides a "one stop" resource of pertinent environmental regulations that impact businesses that serve the agriculture industry. Areas of concern are vehicle maintenance, grain handling, agri-chemicals, and bulk fuels. Details of pertinent water regulations, air emissions, hazardous waste regulations, solid waste regulations, underground storage tanks regulations, emergency planning and community right to know reporting are provided for each of these areas.

### **Arizona's Sbam Hosts Environmental Health & Safety Seminar**

The Maricopa County Small Business Environmental Assistance Program (SBEAP) partnered with a local environmental professional group to host a seminar in October 2000. The seminar was titled "Regulatory Round-up" and was received very positively. Approximately 115 people (including staff & speakers) were in attendance for this 1/2 day seminar. The \$50 fee included breakfast, lunch and a recycled rubber padfolio. Topics included OSHA, Fire Safety, Emergency Planning, Air Permitting, P2 and mentoring. Attendants ranged from small to large businesses in various industries, along with consultants and regulatory agencies.

What was NEW: The SBEAP's web site included comprehensive information about the agenda, speakers, meals and online registration. The majority of attendants heard about this seminar through our new email marketing. We recently compiled a large email contacts list. We used this list to send seminar information and remind attendants about the seminar. Marketing by email is immediate, easy & free.

Evaluations for "Regulatory Round-up" were very positive. We received about 25% of evaluations back. Using ratings of 1-5 (1=poor & 5=excellent) we asked about usefulness, speakers, Q&A, length of seminar, facilities, lunch, information, and handouts. All of these areas rated 4.23 or higher (except for facilities - sound problems). When asked if they would attend another "Regulatory Roundup", 74% said definitely and the remainder said probably. Approximately 87% said they could attend an all-day seminar. We also inquired about what other topics they would like to see at the next seminar and decided to host an Emergency Management Systems (EMS) workshop in February based on responses. For more information, contact **Richard Polito** at (602) 506-5102.

## **State Small Business Assistance Program (SBAP) Success Stories (from the 1999 state reports)**

**Arkansas** has had a great deal of success with aerial applicator “fly ins,” where pilots fly to seminars at locations around the state. The pilots learn about pollution issues, storage tank regulations, and Department services, such as the loan program.

One of **California’s** success stories is the concept of a “pre-permit” meeting. A permit engineer is available to meet with the applicant to help them complete application forms and to explain the applicable rules and regulations. This helps the applicant and also helps the district permit engineer to get a more “complete” permit application.

In 1999, the **The South Coast Air Quality Management District’s (CA)** SBAP noted inconsistencies in how a certain permit fee exemption was being applied to small businesses, which had no prior history with the AQMD. A memo was sent to all engineering managers to alert them to this issue. In addition, whenever the SBAP staff helped complete an application that was entitled to the exemption, they included a note to the review engineer highlighting the exemption. This action saved businesses from paying a 50% surcharge for their permits.

**Colorado’s** SBO assisted a “financial hardship” dry cleaner case. As a result, the owner will be able to obtain brand new equipment and continue to operate versus being closed down due to not complying with regulations.

A dry cleaner was referred to the **Georgia** SBAP for assistance by one of the enforcement programs. The SBAP visited the cleaner and determined that his compliance problems centered around his lack of familiarity with the dry-to-dry machine and recordkeeping. Staff members assisted him with the recordkeeping requirements and brought in a Union retailer to train him in the proper use of the machine. Union provided their assistance at no charge to us or the dry cleaner. The facility was reinspected several months later by the enforcement program and was found to be in compliance.

Through free lead risk assessments, **Indiana** SBAP successfully located and assisted many childcare facilities that had high lead levels in their drinking water, paint, soil, or dusts. Asbestos inspections sometimes were cost-prohibitive for these facilities as well, so the SBAP staff are being trained to become asbestos inspectors.

**Iowa** Environmental Assistance Program (IAEAP) provided permitting assistance to an independent, 12-employee facility that produces custom aluminum and zinc castings for diverse manufacturers. After a review of the facility’s operations and air emission sources, IAEAP determined that the company needed air quality construction permits for two existing casting emission sources and for two additional (new) casting sources that it planned to install. These applications subsequently were approved by IDNR, and construction permits were issued for the four sources. The permits required particulate matter (PM10) stack testing and opacity testing for the existing sources, costing approximately \$8,600. IDNR accepted an alternative testing regime proposed by IAEAP and the company in which one stack would be tested with additional testing only if the first test results showed exceedence of allowable standards. As a result, the company saved \$4,600 on their stack testing requirements.

**Massachusetts** encouraged companies to develop integrated emergency plans that also were preventive in nature. The companies used the emergency planning process for reducing chemical use risk, which typically focused on deciding what to do after an accident. For example, one company redesigned its process to reduce the risk of loss from pumping operations. Another reduced shipments of chemicals to its facility. Other activities included enclosing transfer operations to reduce volatilization, adding secondary containment, improving training, and reviewing chemical use to reduce quantities.

Over the past year, the **Nebraska** SBAP identified four businesses that were required to submit applications for permits and assisted the business manager in understanding the requirements under state environmental laws. In the process, other business owners were called and site visits were set up and provided. Like a sales organization, SBAP asks business owners if others that he or she knows could profit from SBAP’s help.

**New York’s** SBEO advocated for several owners/managers of residential properties in New York City that had been issued an Order of Consent for failure to submit a complete Title V Facility Permit application. The SBEO opposed the DEC Title V permitting violations and civil penalties, because failure to accept the emission cap in a timely manner did not cause a threat to health, safety, or the environment. As a result of meetings between the SBEO and DEC/EPA, DEC reduced the penalty amount for facilities whose actual emissions qualify for registration.

A **West Virginia** company with a portable crusher was issued an Notice of Violation and Cease and Desist order, which would have resulted in a \$10,000 minimum fine and a \$1,000 permit fee if a permit was found to be required for this process. SBAP acted as the company liaison and facilitated an OAQ Permitting determination of “No Permit Needed” and assisted OAQ Enforcement in the withdrawal of the NOV and C&D. For more Information Contact **Angel Martin-Diaz**, (412) 577-2643.

## **TEN STATE DEMONSTRATION PROJECTS ESTABLISH THE NEED FOR AND BENEFITS OF SMALL BUSINESS COMPLIANCE ASSISTANCE**

In October 1999, EPA's Office of Small Business Ombudsman announced ten demonstration projects funded under a Small Business Assistance Cooperative Agreement Program. These projects are designed to improve state environmental assistance to small businesses with an emphasis on measuring results and benefits. The awards, for up to a two-year period, ranged from \$60,000 to \$100,000.

The ten projects, taken together, have the potential to demonstrate three major assistance program capabilities:

- the capability to approach 100% regulatory compliance in a targeted industry sector
- the capability to create partnerships that extend the reach and impact of state compliance assistance programs
- the capability to deploy powerful program assets, such as outreach channels, information systems, smart business models, one-stop shopping and referral, ... that can reach and engage small businesses

The 10 demonstration projects are following two broad strategies. Five of the projects are testing management strategies for systematically moving a specific industry sector into full compliance and toward cleaner technologies.

- **California:** South Coast Air Quality Management District. The project is testing a multi-state, public-private partnership approach to assist small businesses in reducing air emissions. The test is focusing on the water heater and boiler manufacturing industry.
- **Kansas:** State University Pollution Prevention Institute. The project is testing an approach to assure cost effective, one-on-one assistance to small businesses. Retired engineers provide direct assistance in three industries: dry cleaners, automotive repair/auto body and metal finishing.
- **Maine:** Department of Environmental Protection. The project is testing a strategy to reduce pollution by changing business practices in a targeted sector. One-on-one assistance is designed to help businesses switch to optimum, clean technologies. The test focuses on auto repair and auto body shops.
- **Minnesota:** Pollution Control Agency. The project is creating partnerships to provide on-going assistance to an entire industry. Compliance assistance is being provided to the reinforced plastics and boat manufacturing industries.
- **New York:** Environmental Facilities Corp. The project is demonstrating how a well organized information and public relations strategy can move a defined industry sector to compliance. The demonstration proposes to move 2,700 gasoline stations into compliance with leak test requirements.

The remaining five are using partnerships to extend and leverage the reach of assistance programs. They use partner organization channels to reach small business with information. Greater demand for compliance assistance and increased compliance are the expected outcomes.

- **Colorado:** Department of Public Health and the Environment. The project is developing a network of partners to expand the reach of its small business assistance program. It is integrating resources of several assistance providers, and, integrating assistance tools tailored to specific customer needs.
- **Montana:** Department of Environmental Quality. The project will develop and test marketing methods to stimulate requests for assistance from the small business community and to increase business and public awareness.
- **New Jersey:** Department of Environmental Protection. The project is using leverage to expand the reach and impact of a small compliance assistance program. The leverage will come through partnerships with other assistance providers using high impact materials. Partners are mobilized for direct outreach to small businesses.
- **South Carolina:** Department of Health and Environmental Control. The project has reached out to small auto repair shops and salvage yards that are often beyond the reach of the regulatory sector. Partnerships will be used to reach businesses with specific materials and training.
- **Wyoming:** Department of Environmental Quality. The project is building a state information system to locate small business customers for direct compliance assistance. This data base will be used to send to all affected small businesses in the state an information guide describing the full range of compliance assistance resources available. Partners will help develop the guide and distribute it.

After the projects are completed in middle of the year 2001, results will be reported to the U.S. Congress under a Congressional mandate and, published and distributed to the small business community and other interested groups. For more information contact: **Karen Brown**, at (202) 260-1390 or, by e-mail at **Brown.Karen@epa.gov**.



## NEW DOCUMENTS AVAILABLE FROM EPA!

Three new documents that provide information to small businesses and laboratories about environmental management, auditing, and hazardous waste management are available from EPA. The documents are “*Environmental Management Guide for Small Laboratories*,” “*Little Known But Allowable Ways to Manage Hazardous Waste*,” and “*The Small Business Source Book on Environmental Auditing*.”

### **“Environmental Management Guide for Small Laboratories, The Second Edition”**

When is a waste a waste? What exactly is a satellite accumulation area? Is sink disposal of hazardous waste allowed? Is an air permit required for laboratory ventilation devices? How is pollution prevention incorporated into everyday laboratory practices? To assist small labs in answering these and many more questions, EPA offers the second edition of the successful and popular “Environmental Management Guide for Small Laboratories” (Guide).

The Guide helps users manage unique environmental considerations common to labs and provides practical guidance on solving problems associated with compliance and the implementation of best management practices.

### **Special Issues about Labs**

Most labs are small independent businesses or small entities affiliated with a larger organization. In these labs, environmental management is most likely a shared responsibility or administered by part-time staff or through collateral duty. The updated Guide will be geared toward providing lab staff with current and concise information on regulations and management practices as well as pollution prevention (P2) and waste

minimization. Labs present unique environmental risks because there are numerous substances used, there is high variability in operations, there is a high likelihood of creating a new substance, and there is a high degree of independence among the individual labs. Labs further face the challenge of adopting environmental regulations that are geared toward manufacturing and industrial facilities. OSHA estimates that there are approximately 35,000 labs in the U.S.

### **What Changes were Made?**

The original Guide, published in 1998, addressed many unique issues and challenges labs face from existing environmental regulations. The success of the original Guide prompted EPA to produce a second edition that contained updated information and improvements. The result is a Guide which:

- More uniformly addresses environmental issues.
- Provides a bridge to regulatory programs not managed by the EPA (e.g., OSHA, Department of Transportation (DOT), Nuclear Regulatory Commission (NRC)).
- Expands and integrates P2 and waste

minimization opportunities.

- Adds a fifth chapter titled “Little Known But Allowable Ways to Manage Hazardous Waste.”
- Incorporates additional information including Environmental Training, Biologically Active Substances and Wastes, Radioactive Sources, Special Wastes (universal waste, used oil, and battery management), Hazardous Materials Handling and Storage, and Sustainable Practices (green purchasing, energy and water conservation).

### **Guide Organization**

- The body of the Guide consists of sections covering 15 key environmental management issues.
- Each section is organized to provide information on regulatory considerations (an overview of Federal regulations), management issues (developing procedures and plans and establishing programs), and P2.
- Management suggestions and real-life examples are presented in each section, which concludes with a checklist that is ideal for self-auditing.
- The final chapter of the Guide contains the “*Little Known but Allowable Ways to manage Hazardous Waste*” document.

### **“Little Known But Allowable Ways to Manage Hazardous Waste”**

“Little Known But Allowable Ways to Manage Hazardous Waste” provides information on allowable alternatives to the traditional and costly methods of hazardous waste disposal off-site.

### **What are the Five Methods of On-site Disposal or Treatment?**

The Clean Water Act allows for certain types of hazardous waste to be disposed of down the drain under the domestic sewage exclusion (DSE), and the Resource Conservation and Recovery Act provides for on-site generator treatment without a permit through elementary neutralization, recycling, treatment in accumulation containers, and small-quantity on-site burning.

### **Organization**

- The document describes the five methods and identifies which states allow each.
- The document also provides information on where and how to get the state hazardous waste regulations and current and tested contacts for further assistance.

### **“The Small Business Source Book on Environmental Auditing”**

“The Small Business Source Book on Environmental Auditing” (Source Book) provides information on environmental auditing resources relevant to small businesses. Large businesses have long recognized the value of auditing

as a tool that helps minimize liability, avoids compliance costs associated with new projects, and identifies opportunities for improved operating practices. However, small businesses have been slower to accept auditing as a valuable business practice. The Source Book should be useful to small business owners, representatives, and assistance providers to learn about auditing practices and the value of auditing by directing them to the most relevant sources of information and training.

### **What is Environmental Auditing?**

EPA defines environmental auditing as a periodic, objective, and documented assessment of an organization’s operations compared to audit criteria. Audit criteria may be compliance requirements such as regulations, or may be management practices that benefit the environment. In either case, an audit provides information on the operational status of an organization compared to management’s environmental performance expectations.

### **Why Conduct an Audit?**

It is useful to think of an audit as a diagnostic exam and operations tune-up. Afterwards, the business should run more smoothly. By conducting the exam, a business gains a better understanding of where its

operations stand compared to audit criteria and indicates what areas need to be addressed to improve performance. Like other tune-ups, an audit should be conducted periodically. Also, for those not sufficiently trained, the services of an expert may be needed.

### **Source Book Organization**

- The Source Book has five chapters addressing General Resources; Auditing Standards and Guidance; Audit Criteria; Audit Tools; and Audit Training Courses.
- The information within each chapter is organized by source type: Book, Checklist, Manual, Web Site, Software, Standard, Training, and Reference Web Site.
- Each source is described and then graded on a scale of 1-3 with 1 being most relevant to small business.

The “*Environmental Management Guide for Small Laboratories*,” “*Little Known But Allowable Ways to Manage Hazardous Waste*,” and “*The Small Business Source Book on Environmental Auditing*” are available from the U.S. EPA Small Business Division, Ariel Rios Building, MC 2131, 1200 Pennsylvania Avenue NW, Washington, DC 20460; the toll free hotline, 1-800-368-5888, or the Small Business Division web site [www.epa.gov/sbo](http://www.epa.gov/sbo). Ask or look for documents EPA 233-B-00-001, EPA 233-B-00-002, and EPA 233-B-00-003 respectively.



## NEW DOCUMENT UNDER DEVELOPMENT FROM EPA!

### ***“Practical Guide to Environmental Management for Small Business”***

This fact sheet has been prepared to provide information about a new document being developed on environmental management for small business.

#### **What is environmental management?**

Environmental management can be defined as:

- How your company identifies and meets environmental regulatory requirements;
- How your company manages environmental information;
- How your company responds to spills or other environmental emergencies.

Environmental management, simply put, is a collection of activities and processes a small business undertakes to ensure environmental requirements are met and environmental impact is minimized.

#### **Why is environmental management so important?**

Environmental management allows businesses to function more efficiently while maintaining compliance with environmental regulations. This can be an overwhelming task for a small business where one individual may be responsible for environmental management on a part-time basis.

#### **What EPA resources will be available?**

EPA recognizes the unique challenges associated with small businesses and is developing a document titled, “Practical Guide to

Environmental Management for Small Business” (Practical Guide).

The Practical Guide will offer relevant information to assist a businesses wading through vast quantities of information now available on the Internet and in print. The Practical Guide will provide answers to the most common questions asked by small business managers about environmental management.

The Practical Guide will address the following topics:

*Contemporary Environmental Management:* Discussion on why green is good for the bottom line, customer preferences for environmental management, environmental expectations with the new global economy, and the relationship between environment and quality.

*Organization and Staffing:* Discussion on management commitment to policy statements, job functions, including sample job descriptions, and integrating safety with environmental management.

*Practical Implementation – Establishing a System:* Recommendation on documentation and record keeping, reporting, planning, training, auditing, and how to

incorporate the information you already have into a documented system.

*Property Management:* Explanation of how environmental management relates to real estate transactions, storage and inventory management, trucks and shipping, and energy efficiency.

*Pollution Prevention:* Provides information on opportunity assessments and cost benefit analysis.

*Working with Outsiders:* Guides a small business through interviewing, hiring, and communicating with environmental consultants, lawyers, regulatory agencies, neighbors and citizen groups, customers, and suppliers and vendors.

*Environmental Management Systems (EMS) Primer (Primer):* Provides introductory information on EMS and explains why this topic is so popular now. The Primer will be published as a stand-alone document.

The Guide and Primer will be available the end of March from:

Small Business Ombudsman  
Office of Policy, Economics,  
and Innovations  
U.S. Environmental Protection  
Agency  
1200 Pennsylvania Avenue  
Washington DC 20460

# What's New In Chemical Accident Prevention

Carole L. Cameron

EPA's Chemical Emergency Preparedness and Prevention Office  
compiled Dec. 5, 2000

## Regulatory Developments

Facilities that report information under the Emergency Planning and Community Right-To-Know Act should expect to see some changes for emergency planning, accidental chemical release notifications, and hazardous chemical inventory reports by next Fall. The changes are expected to reduce reporting burdens for the small business community by streamlining reporting requirements, while preserving the public's health and "right-to-know."

New regulations will address remaining issues from EPA's proposed rule of June 8, 1999. Reporting thresholds for gasoline and diesel fuel at retail gas stations were included in a separate final rule; 64 FR 7031, Feb. 11, 1999.

Issues that remained following the 1999 final rule included: reporting thresholds for rock salt, sand, and gravel and other chemicals that pose a minimal risk; clarification of mixtures reporting and changes to the interpretation of the existing hazardous chemical exemption for solids under EPCRA Section 311; guidance on approaches to State flexibility; and revision of reporting thresholds for facilities with some similarities to gas stations (motor pools, marinas, rental car facilities and van and bus lines).

Most of the changes EPA is eyeing would be optional and would require "buy in" from States. For example, the proposal established an infinite threshold level for chemicals were thought to pose a minimal risk or minimal hazard. Regardless of what amount of such a chemical was present at a facility, it would be less than the infinite threshold amount and reporting under EPCRA Section 312 would not be required. EPA is working with States and others to craft an approach.

Eliminating unnecessary reporting will help focus emergency preparedness and planning on more significant hazards. And, local communities are best suited to judge the level of risk presented in site-specific situations.

Not all issues would have to be addressed in a rulemaking. The Agency could, for example, publish guidance or post Questions and Answers on its website to address issues such as whether companies could use the form required under the RCRA Underground Storage Tank program to fulfill the EPCRA 312 annual inventory reporting requirement.

In the future, companies may find that much of their EPCRA reporting could be handled electronically. The proposed rule discussed several ways to reduce the burden of reporting such as the development of partnership programs between SERCs, LEPCs and fire departments that would allow companies to submit reports to a single place, instead of all three.

**Timeline:** Look for a rulemaking in Fall 2001. Guidance and Q&A's will be available in Spring 2001.

**Refresh your memory:** Take a look at the proposed regulatory changes on EPA's Chemical Emergency Preparedness and Prevention Office website at <http://www.epa.gov/ceppo/lr-regs.htm#epcra>

On Aug. 4, 2000, EPA and DOJ finalized regulations governing public access to information concerning the potential off-site consequences of accidental releases. The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act required the government to assess both the chemical risk reduction benefits of allowing public access to OCA information and the increased risk of terrorist and other criminal activity from posting the information on the Internet. Based on these assessments, the final rule allows public access to the OCA portions of the RMPs in ways that minimize the likelihood of chemical accidents as well as the increased risk of terrorist and criminal activity associated with Internet posting. For a summary of the regulation go to <http://www.epa.gov/ceppo/pubs/ocafactsheet.pdf>

## Chemical Safety Alerts

Companies that outsource chemical reaction processes, distillation, drying, formulating, blending and packaging products to augment in-house production should read new guidelines developed by the American Institute of Chemical Engineers Center for Chemical Process Safety. While most of these operations proceed without incident, recent major accidents have pointed to weaknesses in some tolling arrangements. Identified shortcomings include the lack of effective communication, inadequate outsourcing procedures, incomplete technology transfer, use of improper equipment, and lack of effective management oversight.

The document is available through AIChE publications at [www.aiche.org](http://www.aiche.org) or by telephone at (800) 242-4363. Contact: **Carole L. Cameron**, 202 564-7398

# THE HIGH PRODUCTION VOLUME CHALLENGE PROGRAM AND SMALL BUSINESSES

*U.S. EPA's Office of Pollution Prevention and Toxics (OPPT)*

## **HPV Challenge Program Update: December, 2000**

The "High Production Volume" (HPV) Challenge Program is the result of separate studies by Environmental Defense (formerly the Environmental Defense Fund), the American Chemistry Council (ACC) (formerly the Chemical Manufacturers Association), and the EPA. Those studies confirmed that basic toxicity testing data were not publicly available for a great majority of the industrial chemicals used in highest volume in the U.S. economy (those produced or imported in quantities of more than one million pounds per year). Of the more than 2,800 chemicals that were identified as being HPV, 43 percent were found to have absolutely no publicly available data, while only seven percent could be characterized as having the full set of data available. Without this basic hazard information, it is difficult to make sound judgments about what potential risks these chemicals could present to people and their environment.

The lack of data in the public domain prompted the Vice President in 1998 to challenge industry to supply the missing information on a voluntary basis. The resulting HPV Challenge Program has been an ambitious effort to tackle the problem by uncovering and assembling existing toxicity data that already exist outside of the public domain and then testing chemicals where data gaps remain. The final, and by no means least important part of the Program, will be to make these important data readily available to scientists, policy makers, concerned citizens, communities, industry, environmental advocates, and the EPA.

Since the HPV Challenge Program was announced in late 1998, 469 companies, working either independently or through 187 consortia, have publicly committed to make screening level health and environmental hazard data publicly available by the year 2005 on approximately 2,155 chemicals. Commitments to the HPV Challenge Program have come from companies and consortia of all sizes around the world. There have even been commitments from companies that were not asked to participate, while others have volunteered chemicals that were not on the original list. The Agency has now updated both the HPV Challenge Program Chemical List and the 1994 List of HPV Additions to reflect all responses that have been received and processed to date. (A list of the currently sponsored HPV Challenge Program Chemicals can be found at: <http://www.epa.gov/opptintr/chemrtk/spnchems.htm>, where there is also a link to the summary report of companies and consortia, as well.) It is important to note at this time that, since the voluntary sponsorship phase of the HPV Challenge Program has ended, any HPV chemicals that have not been sponsored are subject to being included in an upcoming Test Rule under Section 4 of the Toxics Substance Control Act (TSCA).

It initially appeared that the majority of the companies who first signed up to sponsor chemicals, either individually or as part of consortia, were among the larger companies in the industry. For example, about 70 percent of the largest Fortune Magazine chemical companies are on the list of sponsoring firms (seven of the top ten firms and 18 of the top 25). Many of the sponsoring companies are also members of one or more of the larger trade associations, such as ACC or the American Petroleum Institute (API), and are participating in consortia that are sponsored by those organizations. Early in the program, the smaller firms, particularly those among the specialty and batch

producing segment of the industry, had expressed concerns about their ability to participate and were not as well represented on the sponsors' list. As the volunteer period drew to a close, however, many of the smaller firms had also begun to respond -- particularly as members of the consortia that were established by the trade associations that represent their segment of the industry. The Synthetic Organic Chemical Manufacturers Association (SOCMA) and its members can be specially recognized for their efforts here, as well as the members and trade associations of the dye and pigments, and flavors and fragrance, industries.

It is important to note here that the actual conduct of the HPV Challenge Program should have only a minimal effect on small business, since there already exists a small business exemption in TSCA-related activities, including the Inventory Update Rule (IUR) reporting. Companies that produce less than 10,000 pounds of a substance per year are exempt from reporting under the Inventory Update Rule (and it was the 1990 IUR which was used to generate the actual HPV Challenge Chemical list -- that is, those chemicals for which the aggregate production volume was one million pounds or greater). Irrespective of their participation in this program, our dialogues with the smaller companies and the trade organizations that represent them continues. We remain committed to working with small businesses, particularly those within the specialty and batch chemical industry and their representatives, on the issues of particular concern to them.

Although the December 1<sup>st</sup>, 1999 deadline to sign-up and sponsor chemicals under the voluntary phase of the Program has long passed, some companies might still decide that they wish to enter into the HPV Program, either individually or as members of the various consortia. In that case, they may still be able to participate prior to their chemicals being listed on a final test rule. For example, they might be able to participate in either the International Council of Chemical Associations (ICCA) or the Organization for Economic Cooperation and Development (OECD) international programs. In any event, they should make their desires known to the Agency as soon as possible. One of the easiest ways to send a comment or request information on the HPV program is through the ChemRTK web page at <http://www.epa.gov/chemrtk>. (Enter the site and click on the "Submit Technical Questions" button.)

Companies and consortia are now submitting the first test plans and robust summaries of the existing data that they are uncovering. As of this writing in early December, the Agency has received a total of about 15 Test Plans and Robust Summaries. (These include information for over 200 chemical substances, since plans and summaries can be submitted for categories of chemicals as well as for individual chemicals.) You may review and comment on these test plans and robust summaries by visiting our website at: <http://www.epa.gov/opptintr/chemrtk/viewsrch.htm>. Stakeholders and other interested parties are encouraged to participate in the public review process and to comment on the completeness and adequacy of these submissions by way of the "submit comments" button on the ChemRTK website.

For more information on the Program and to learn of new developments as they occur, or to submit your comments, please visit our Web Site at [www.epa.gov/chemrtk](http://www.epa.gov/chemrtk). You may also contact the Office of Pollution Prevention and Toxic's Small Business Liaison -- **Frank Neumann** at (202) 260-1772 (or by e-mail at [neumann.frank@epa.gov](mailto:neumann.frank@epa.gov).) You may also write me at:

Frank Neumann  
Office of Pollution Prevention and Toxics  
Mailcode 7408  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460





# EPA's Small Business Innovation Research (SBIR) Program

The Environmental Protection Agency (EPA) is one of 10 federal agencies that participate in the SBIR Program established by the Small Business Innovation Development Act of 1982. The purpose of this Act was to strengthen the role of small businesses in federally funded R&D and help develop a stronger national base for technical innovation. **A small business is defined as a for profit organization with no more than 500 employees.** In addition, the small business must be independently owned and operated, not dominant in the field of operation in which it is proposing, and have its principal place of business located in the United States. Joint ventures and limited partnerships are eligible for SBIR awards, provided the entity created qualifies as a small business.

EPA issues annual solicitations for Phase I and Phase II research proposals from science and technology-based firms. Under Phase I, the scientific merit and technical feasibility of the proposed concept is investigated. EPA awards firm-fixed-price Phase I contracts of up to \$70,000 and the period of performance for these contracts is typically 6 months. Through this phased approach to SBIR funding, EPA can determine whether the research idea, often on high-risk advanced concepts, is technically feasible, whether the firm can do high-quality research, and whether sufficient progress has been made to justify a larger Phase II effort. The Phase I report also serves as a basis for follow-on commitments.

Phase II contracts are limited to small businesses that have successfully completed their Phase I contracts. The objective of Phase II is to further develop the concept proven feasible in Phase I. Competitive awards are based on the results of Phase I and the scientific and technical merit and commercialization potential of the Phase II proposal. Under Phase II, EPA can award contracts of up to \$295,000 and the period of performance is typically 2 years. The goal of Phase II is to complete the R&D required to commercialize the technology.

**EPA's next Phase I Solicitation will open on March 29, 2001, and will close on May 24, 2001.** The solicitation will be posted on the National Center for Environmental Research and Quality Assurance WEBSITE at:

<http://www.epa.gov/ncerqa/sbir>

Please note that the last Phase I solicitation, which closed on May 25, 2000, is still on the WEBSITE for informational purposes only. The solicitation includes a description of the program and descriptions of typical topic areas. The solicitation also is available by fax. If you need a fax copy of last year's solicitation or if you have any questions, please call **James Gallup** at: (202) 564-6823 or the EPA SBIR Helpline at:

1-800-490-9194



## EPA's Draft Public Involvement Policy Summary

The Environmental Protection Agency (EPA) released a Draft 2000 Public Involvement Policy on December 28, 2000 and is seeking public comments on the Policy through April 27, 2001. The Policy will provide guidance and direction to EPA officials on effective means to involve the public in its regulatory and program decisions.

The purposes of the Policy are to:

- strengthen EPA's commitment to early and meaningful public involvement;
- ensure that environmental decisions are made with an understanding of the interest and concerns of affected people and entities;
- promote the use of a wide variety of techniques to create opportunities for public involvement in Agency decisions; and
- establish clear and effective procedures for conducting public involvement activities in EPA's decision-making processes.

When final, the Policy will apply to all EPA programs, including such activities as rulemaking for significant regulations, permit issuance or modification, selection of plans for cleanup of hazardous waste sites, and other significant policy decisions. The Policy will not replace public participation requirements established by existing laws or regulations, but will supplement those requirements and enable EPA to implement them in the most effective ways.

All EPA programs and regional offices will implement the Policy when it is finalized. In the interim, EPA will be applying the Policy as internal guidance. EPA is soliciting comment on how best to encourage states, tribes and local governments that implement delegated programs to adopt similar policies.

The new Draft Policy is based on an earlier policy issued in 1981 that was never fully implemented. The new Policy parallels the earlier one, except that it addresses many changes that have occurred since 1981. These include: EPA's additional responsibilities under new statutes, regulations and Executive Orders; new and expanded public participation techniques; new options for public involvement through the Internet; EPA's emphasis on achieving compliance through partnerships, technical assistance, and public access to information; increased capacity of states, tribes and local governments to carry out delegated programs; and new government-wide administrative procedures and public involvement requirements.

The Draft Policy was published in the *Federal Register* on Thursday, December 28, 2000. View the Draft Policy at: [www.epa.gov/stakeholders](http://www.epa.gov/stakeholders). Call **Loretta Schumacher** at 202-260-3096 for printed copies or request e-mail copies from [kahn.lisa@epa.gov](mailto:kahn.lisa@epa.gov).

EPA invites your comments sent to [stakeholders@epa.gov](mailto:stakeholders@epa.gov) or by mail to **Patricia Bonner**, USEPA - Office of Policy, Economics and Innovation, Mail Code 1807, 1200 Pennsylvania Ave, NW, Washington, DC 20460.

# Policy Office Builds Small Business Sector Programs

Office of Policy, Economics and Innovation / Sector Strategies Division



Since 1993, EPA has been working in partnership with industry sectors to find new ways to improve environmental performance while easing the burdens of regulation. The Office of Policy, Economics and Innovation (OPEI) directs cross-media sector programs in which government and other stakeholders team with businesses to learn about factors that influence environmental management decisions (*drivers-barriers analysis*) and then test ways to improve performance. OPEI helps put them into operation if they bring cleaner, cheaper results.

After success using this approach with the **metal finishing** industry, OPEI is now building new programs with other small business sectors: **meat processing, metal casting, specialty-batch chemicals, ship building and repair, and travel & tourism**. OPEI also is leading development of a 5-year sector strategy for EPA. Following are just a few highlights of progress in all these areas.

## TRAVEL & TOURISM: VOLUNTARY ENVIRONMENTAL IMPROVEMENTS PLANNED AT SKI AREAS

On June 14, EPA joined with the National Ski Areas Association in a partnership to assist the industry's efforts to exceed environmental compliance requirements. The voluntary initiative establishes a set of principles for a broad range of improvements in areas such as smart growth, air quality and waste management. To support the ski industry, EPA will provide technical assistance, using partnership programs such as the Water Alliance for Voluntary Efficiency, WasteWise, Energy Star, Smart Growth, and demonstration projects for environmental management systems and transportation improvements. Other federal agencies and non-profits are partners in the effort. For more information, see: [www.epa.gov/ispd/travtour.htm](http://www.epa.gov/ispd/travtour.htm)

## CASTING INDUSTRY BEGINS PERFORMANCE IMPROVEMENT PROJECTS

The metal casting industry recently decided to undertake four projects with EPA and states to address performance drivers and barriers. An air permitting *New Source Review Guidance Manual* will be prepared to help metal casters and regulators speed up the permit process and improve compliance. A *Beneficial Uses of Foundry Sand* project will help states decide safe uses for non-hazardous spent sand and open markets for the material. Various *Environmental Assistance* initiatives will improve compliance and "beyond compliance" behavior.

A *Casting Industry Stewardship Performance Track* program will provide incentives for exceptional environmental performance. EPA expects that use of these products and services will bring significant environmental improvements in metal casting—particularly air emissions reductions and waste minimization.

## BUILDING ENVIRONMENTAL STEWARDSHIP IN THE MEAT PROCESSING INDUSTRY

Meat industry leaders have joined with EPA, USDA, and states to identify opportunities for improving environmental performance and act on them. Stakeholders have proposed a five-point Meat Processing Environmental Stewardship Program: a *Performance Track* similar to the one being developed by the casting industry (see above); a sector-specific *Environmental Management System*; expanded *compliance assistance*; *External Stewardship* initiatives for processors to work with suppliers and communities; and *environmental research and technology* development. Stakeholders will define the program over the coming months.

## METAL FINISHING: OPERATING PROGRAMS UNDERWAY

OPEI's Sector Strategies Division leads the National Metal Finishing Strategic Goals Program (SGP), a first-of-its-kind, sector-wide environmental stewardship program. Participating companies voluntarily strive to achieve good compliance, resource conservation, and emission reductions. Government regulators at all levels provide assistance and remove barriers to better performance, rewarding firms that show progress. As of June, over 425 companies, 21 states, and 75 local governments are partners with EPA in the SGP. Over 100 of these stakeholders took part in the 2nd annual SGP summit meeting in Chicago, sharing success stories, tackling common problems, and reviewing data on progress made to date.

## SHAPING EPA'S SECTORS STRATEGY

OPEI/SSD is developing a five-year Agency sectors strategy. Slated for release this fall, the strategy will serve as guidebook to develop, implement, and measure progress in sector work across EPA. It is being created in concert with the multi-stakeholder National Advisory Council for Environmental Policy and Technology (NACEPT) and EPA program and regional offices. Sector work within EPA is now being assessed: what work is underway in what parts of the Agency, and how different projects are selected, managed, implemented and measured. The strategy will contain a *vision* for the future of sectors, the current *state of sectors*, and *framework, implementation and measurement* sections.

## FOR MORE INFORMATION

Visit EPA's Sustainable Industry website at [www.epa.gov/sustainableindustry](http://www.epa.gov/sustainableindustry), or contact the Sector Strategies Division, (202) 260-1246, US Environmental Protection Agency (Mail Code 2128), Washington, DC 20460.

# **DfE: Environmental Health and Safety Consultant to Small Businesses**

## **The Challenge**

The EPA's Design for Environment (DfE) Program evaluates technology alternatives based on human health and environmental risks, as well as performance and cost. DfE specializes in partnering with small business-dominated industries, such as auto refinishing and printing, to help them incorporate these concerns into their daily business practices. Small businesses usually do not have environmental, health and safety (EHS) personnel or financial resources to address these matters. Therefore, DfE serves as a facilitator by providing resources and consultation to them and their industry representatives.

## **DfE's Auto Refinish Project**

The EPA Design for the Environment (DfE) Program, in co-operation with the small business compliance center, CAR-Greenlink®, recently announced a new virtual auto body shop, on line at [www.ccar-greenlink.org/cshops](http://www.ccar-greenlink.org/cshops). The virtual auto body shop, consisting of a paint mixing room, paint spray booth, and main room, links to primary health, safety, environmental and technical information sources for auto refinishers (car painters), shop owners, technical assistance providers, and other interested parties.

The DfE Program ([www.epa.gov/dfe](http://www.epa.gov/dfe)) is working with the collision repair industry and individual shops to increase awareness of the health and environmental concerns associated with auto refinishing, particularly during spray painting and related activities. The site advances the goal of DfE's Auto Refinish Project ([www.epa.gov/dfe/autobody/autobody.html](http://www.epa.gov/dfe/autobody/autobody.html)) to bring safer, cleaner, and more efficient practices and technologies to the auto refinishing shop. The result: healthier painters and shop workers, reduced pollution and emissions to the community, and increased spray painting efficiencies that will save money.

The virtual shop provides readily accessible information including, DfE best practices and technical information, fact sheets from New Jersey's Right-to-Know program on solvents, pigments, and other chemicals used in auto refinishing; direct links to paint companies who have publicly posted their material safety data sheets (MSDS) and health and safety materials; and a link to a National Institute for Occupational Safety and Health (NIOSH) Alert for information on health effects of diisocyanates, the hardener in clear coats used by shop painters and the leading cause of occupational asthma.

## **DfE's EMS: Screen Printing**

The DfE/EMS, an enhancement of the ISO 14000 approach, is designed as a sector-specific tool for companies to make informed decisions based on EHS information. DfE is currently working on an EMS pilot project with the screen printing industry. Small businesses dominate this industry, with fifteen employees at the average shop. DfE helps educate printers so that they can develop stronger roles in managing EHS matters in their businesses. The EMS focuses on reducing wasted ink and minimizing VOC emissions, solid waste, and polluted wastewater so printers can run their shops more efficiently. Marcia Kinter of the Screenprinting & Graphic Imaging Association International (SGIA) describes the EMS as "a way of integrating environmental issues into your normal business decision-making activities."

Overall, the DfE/EMS is a useful tool for any industry aspiring to manage EHS issues more effectively. DfE encourages the use of EMS in other industry sectors. DfE has found that linking up with trade associations, especially ones demonstrating commitment to environmental leadership, is an effective way to bring EMS to an industry. If you believe your trade association may be a good DfE/EMS partner, please contact us.

## **The Bottom Line**

As these examples demonstrate, DfE plays an important role in improving business practices by analyzing current technologies and providing educational materials and training to small businesses. The result thus far has been healthier, more profitable businesses. For more information about DfE, or to obtain copies of DfE materials, please visit our website at [www.epa.gov/dfe](http://www.epa.gov/dfe). If you have an interest in a future DfE project, please call **Carol Hetfield** at 260-1745 or 202-260-1678.

# CONTINUOUS IMPROVEMENTS COMPLIANCE ASSISTANCE

## National Compliance Assistance Clearinghouse Launched

In early December, The U.S. Environmental Protection Agency announced the availability of an innovative web site, the National Compliance Assistance Clearinghouse. This site provides instantaneous access to the information everyone needs to comply and go beyond compliance with environmental regulations. For the first time ever, EPA, the states, small business assistance providers and other key stakeholders joined forces to put this Clearinghouse together by linking to all of their web sites and providing direct access to essential compliance assistance materials across all programs and sectors.

This new clearinghouse is a single repository of essential compliance assistance materials from EPA, state, local and tribal government and the private industry. The National Compliance Assistance Clearinghouse, unlike other EPA web sites, contains many cutting edge features that solicit interaction and participation from the user community. Besides providing quick access to compliance assistance information and links to experts across the country, the Clearinghouse allows the users to add links from their own web sites, tell EPA their compliance assistance needs, find out what compliance assistance activities are being developed by others, share with other users their planned compliance assistance activities, rate the usefulness of the information provided, and communicate with other compliance assistance providers.

This new clearinghouse differs from the ten existing compliance assistance centers funded by EPA in that it provides linkage to compliance assistance information across different organizations, program focus areas and sectors. Instead of duplicating the unique services the compliance assistance centers provide, the Clearinghouse supports and augments these services.

Developed in answer to requests from state and other compliance assistance providers that EPA create a central, national network to help them find information quickly and allow them to communicate with each other more effectively, the Clearinghouse is a result of Administrator Browner's initiative to enhance and expand the agency's efforts to help the compliance assistance providers, industries, businesses, and individuals meet their environmental compliance responsibilities. It is located on the World Wide Web at [www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse). Copies of the Clearinghouse brochure will be available through the National Service Clearinghouse of Environmental Publications (NSCEP) at 1-800-490-9198. For more information about the Clearinghouse, please call 202/564-7071.

## Forum 2001

As a result of the positive feedback from last year's Compliance Assistance Forum, EPA is planning a follow-up conference, the National Compliance Assistance Providers Forum 2001. The Forum will be held March 7th-9th, 2001 at the Lowes Hotel in Annapolis, Maryland.

The Forum will provide an opportunity for compliance assistance providers to share their views with EPA and other compliance assistance providers on improving compliance assistance planning, policy and implementation. The information from the Forum will be used to:

- plan projects and address priorities for fiscal year 02/03,
- identify areas where EPA can help providers and industry meet their compliance needs,
- get feedback on formulating national compliance policies, and
- identify opportunities to promote more effective use of compliance assistance resources.

To register or find out more, please call 703-247-4256 or send an mail to [caforum@marasconewton.com](mailto:caforum@marasconewton.com). To reserve a hotel room at the government per diem rate of \$90.00, please call the Loews Annapolis Hotel by 2/4/01 at 800-526-2593 or 410-263-7777 and ask for the US EPA Block. For additional information contact: **Joanne Berman** at (202) 564-7064

## EPA Audit Protocols

EPA has developed 10 compliance audit protocol manuals as part of an on-going effort to produce a set of 13 multi-media documents to assist the regulated community, including small businesses, in conducting environmental audits. The 10 protocol documents produced to date are organized by statute and provide coverage of the Resource Conservation and Recovery Act (RCRA), EPCRA, CERCLA, The Safe Drinking Water Act (SDWA), the Toxic Substance Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The RCRA protocols provide audit guidance for hazardous waste generators, RCRA treatment storage and disposal facilities, RCRA regulated storage tanks (above and underground storage tanks), facilities that manage universal waste and used oil, and RCRA Subtitle D waste. EPA also issued audit protocols for PCBs, asbestos and lead-based paint activities regulated under TSCA, reporting requirements under EPCRA and CERCLA, management and production of pesticides under FIFRA, and the management and operation of public water systems regulated under the Safe Drinking Water Act.

EPA developed these protocols in support of several EPA policies and programs, such as EPA's Small Business Policy which is designed to promote environmental compliance by providing compliance assistance and incentives like penalty waivers to eligible facilities with 100 or fewer employees. In addition, the protocols were designed to encourage businesses and organizations to perform environmental audits and disclose violations in accordance with EPA's Audit Policy. The audit protocols are intended to help provide guidance to regulated entities conducting environmental compliance audits and to ensure that audits are conducted in a thorough and comprehensive manner.

Each protocol offers guidance on key requirements, defines regulatory terms, and provides an overview of the federal laws affecting a particular environmental management area. It also includes a checklist containing detailed procedures for conducting a review of facility conditions. The checklists actually outline performance objectives for the auditor and offer a line of inquiry when evaluating a facility for compliance.

The ten audit protocols that have already been completed and are available to the public include:

***Protocol for Conducting Environmental Compliance Audits of Hazardous Waste Generators under the Resource Conservation and Recovery Act (EPA Document No., EPA-305-B-98-005)***

***Protocol for Conducting Environmental Compliance Audits of Treatment Storage and Disposal Facilities under the Resource Conservation and Recovery Act (EPA Document No., EPA-305-B-98-006)***

***Protocol for Conducting Environmental Compliance Audits Under the Emergency Planning and Community Right-to-Know Act (EPA Document No., EPA-305-B-98-007)***

***Protocol for Conducting Environmental Compliance Audits Under the Comprehensive Environmental Response, Compensation and Liability Act (EPA Document No., EPA-305-B-98-009).***

***Protocol for Conducting Environmental Compliance Audits of Facilities Regulated under Subtitle D of RCRA (EPA Document No., EPA-300-B-00-001)***

***Protocol for Conducting Environmental Compliance Audits of Used Oil and Universal Waste Generators under the Resource Conservation and Recovery Act (EPA Document No., EPA-300-B-00-002)***

***Protocol for Conducting Environmental Compliance Audits of Storage Tanks under the Resource Conservation and Recovery Act (EPA Document No., EPA-300-B-00-006)***

***Protocol for Conducting Environmental Compliance Audits of Facilities with PCBs, Asbestos, and Lead-based Paint Regulated under TSCA (EPA Document No., EPA-300-B-00-004)***

***Protocol for Conducting Environmental Compliance Audits of Public Water Systems under the Safe Drinking Water Act (EPA Document No., EPA-300-B-00-005)***

***Protocol for Conducting Environmental Compliance Audits under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (EPA Document No., EPA-300-B-00-003)***

EPA expects to issue three more audit protocols to the public between December 2000 and March 2001 including: The Clean Air Act; The Clean Water Act; and TSCA.

You can obtain hard copies of the protocols by contacting EPA's National Service Center for Environmental Publications (NSCEP) at 1-800-490-9198. When ordering copies from NSCEP, please reference the title and the document number of the protocol(s) you've selected. The protocols can also be obtained electronically via EPA's Web site: [www.epa.gov/oeca/ccsmd/profile.html](http://www.epa.gov/oeca/ccsmd/profile.html). For further information on the protocols, contact **Richard Satterfield** (202) 564- 2456.





Access the Compliance Assistance Centers at [www.assistancecenters.net](http://www.assistancecenters.net)

The U.S. Environmental Protection Agency has sponsored partnerships with industry, academic institutions, environmental groups, and other federal and state agencies to establish Compliance Assistance Centers for ten industry and government sectors.

**If you own a small business in one of these sectors, these resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply.**

#### CCAR-GreenLink®

Helps the automotive service and repair community identify flexible, common sense ways to comply with environmental requirements.

[www.ccar-greenlink.org](http://www.ccar-greenlink.org)



#### ChemAlliance

Provides innovative Web site features to direct chemical manufacturers to information resources and plain-language compliance assistance material.

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



#### Local Government Environmental Assistance Network (LGEAN)

Serves as a "first-stop-shop" by providing environmental management, planning, and regulatory information for local government officials, managers, and staff. [www.lgean.org](http://www.lgean.org)



#### National Agriculture Compliance Assistance Center (Ag Center)

Serves as the "first stop" for information about environmental requirements that affect the agriculture community. [www.epa.gov/oeca/ag](http://www.epa.gov/oeca/ag)  
*(This is a government run center)*



#### National Metal Finishing Resource Center (NMFR)

Provides comprehensive environmental compliance, technical assistance, and pollution prevention information to the metal finishing industry. [www.nmfr.org](http://www.nmfr.org)



#### Paints and Coatings Resource Center

Provides regulatory compliance and pollution prevention information to organic coating facilities, industry vendors and suppliers, and others.

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



#### Printed Wiring Board Resource Center

Provides regulatory compliance and pollution prevention information to printed wiring board manufacturers, industry vendors and suppliers, and others. [www.pwbrc.org](http://www.pwbrc.org)



#### Printers' National Environmental Assistance Center (PNEAC)

Provides compliance and pollution prevention fact sheets, case studies, and training, as well as two e-mail discussion groups on technical and regulatory issues. [www.pneac.org](http://www.pneac.org)



#### Transportation Environmental Resource Center (TERC)

Provides compliance assistance information for each mode of transportation - air, shipping and barging, rail, and trucking. [www.transource.org](http://www.transource.org)



#### Fed Site

Serves as the "first stop" for information about environmental laws and regulations that affect Federal departments and agencies. [www.epa.gov/oeca/fedfac/cfa](http://www.epa.gov/oeca/fedfac/cfa)  
*(This is a government run center)*



**For more information, contact Tracy Back, 202-564-7076 or e-mail: [back.tracy@epa.gov](mailto:back.tracy@epa.gov)**

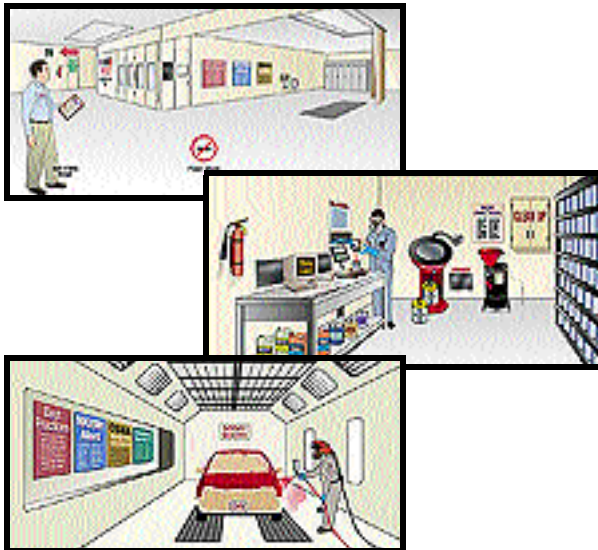
## The Centers Just Keep Getting Better !

The Centers are continually developing new features to better serve their customers. Be sure to explore the new Center developments!

CCAR-GreenLink®

At CCAR-GreenLink®, don't miss the:

- Expanded CCAR® Pollution Prevention Center - the most complete Internet gateway to pollution prevention materials designed for the automotive service and repair industry.
- New collision/body shop virtual graphics - find plain-language regulatory, pollution prevention, best-practice information -and more- applicable to repair shops, spray booths, and paint mixing rooms.



View the new streaming videos featured at Transource:

- Deicing Options and Issues
- Aviation Environmental Management
- Tenant Liability & ISO 14000
- Solid and Hazardous Waste Management
- FAA and the Environment



Get your questions answered by the "Ask the Expert" service.

Ron Joseph, Coatings Editor of Metal Finishing Magazine and author of "Organic Guidebook and



Directory," answers your e-mail questions. Also, visit the questions and answers archive.

Printers' National Environmental Assistance Center

Missed the "High Performance Flexo: Printing With A Cleaner Greener Image" live webcast? Don't despair! View the webcast or a program portion, and learn about:

- Ink Management
- Case Study: Highland Supply Corp.
- Solvents, Wipes & Towels: Issues and Choices
- Update on Management of Used Shop Towels & Wipes
- Solvent and Aqueous Plate Processing



Stay current with the latest news effecting the agriculture sector. Ag-related news is announced through the Center's list server and posted at the Center. Join the list server or log on frequently to stay current with:



- Health & safety alerts
- Upcoming & recent compliance dates
- Items for which EPA is accepting comments
- Other environmental compliance news sources.

Subscribe to the list server at [www.epa.gov/agriculture](http://www.epa.gov/agriculture), click on News and Alerts.

## EPA POLICIES ASSIST SMALL BUSINESSES WITH ENVIRONMENTAL COMPLIANCE

EPA's Office of Enforcement and Compliance Assistance (OECA) has recently revised the following policies to respond to the environmental compliance needs of small business: *Policy on Compliance Incentives for Small Business*, and the *Final Policy on Environmental Self-Auditing and Self-Disclosure*. The *Enforcement Response Policy* was not modified. 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.

### SMALL BUSINESS COMPLIANCE POLICY

EPA issued the revised *Small Businesses Compliance Policy*, effective May 11, 2000, to provide small businesses with incentives to participate in compliance assistance activities and programs, or conduct environmental audits. This policy supersedes the June 1996 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 or reduce civil penalties provided the small business satisfies all of the following four criteria:

- 7 The small business has voluntarily discovered a violation. These may be discovered by the business by participating in compliance assistance programs, mentoring, use of checklists from the Internet or by voluntary audits.
- 7 The small business voluntarily discloses the violation within 21 days. This disclosure must be sent in writing to the regulatory agency. Businesses may disclose to the EPA Region or to the appropriate State and Tribal agencies if they have similar policies.
- 7 The small business corrects the violation and remedies any associated harm within 180 days of discovery; an additional 180 days may be granted if pollution prevention technologies are being used.
- 7 The small business has not used this Policy or been subject to enforcement action for the same or similar violation in the past three years and has not been subject to two or more enforcement actions for environmental violations in the past five years. The violation has not caused serious harm to public health, safety, or the environment; it does not present imminent and substantial endangerment to public health or the environment; and it does not involve criminal conduct.

Please see the actual Policy for more specifics on the criteria and on violations that are ineligible. Information about using the Policy, questions and answers, and the types of violations that have been disclosed will be posted and periodically updated on the website. For more specific information on this policy, contact **Ann Kline**, *Office of Compliance*, at (202) 564-0119 or visit <http://www.epa.gov/oeca/smbusi.html>.

### POLICY ON ENVIRONMENTAL SELF-POLICING

EPA issued the revised Final Policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" in the Federal Register on April 11, 2000 (65 Fed. Reg. 19,617). Commonly referred to as the EPA Audit Policy, it provides regulated entities of all sizes with incentives to voluntarily discover, disclose, and correct violations of environmental laws and requirements. Under the Audit Policy:

- 7 EPA will not seek gravity-based penalties from entities that systematically discover potential environmental violations, promptly disclose them to EPA, expeditiously correct them and meet all other conditions of the Policy.
- 7 For entities that disclose violations that were not systematically discovered, EPA will reduce gravity-based penalties by 75% provided all other Policy conditions are met.
- 7 EPA will generally not recommend criminal prosecution for entities that discover, promptly disclose, and expeditiously correct violations which are potentially criminal, provided all other Policy conditions are met.

The Policy excludes repeat violations, violations that result in serious actual harm and violations that may present an imminent and substantial endangerment. EPA retains its discretion to recover any economic benefits realized as a result of noncompliance.

Issuance of the revised Policy followed a two-year evaluation of the 1995 Audit Policy. Key revisions include lengthening the period for prompt disclosure from 10 to 21 days, clarifying that the Audit Policy is available in the multiple-facility context, and clarifying how the prompt disclosure and repeat violation conditions apply in the acquisitions context.

For more information on this policy, contact **Catherine Malinin Dunn** at (202) 564-2629.

### 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:

- 7 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.
- 7 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. Under the Small Business Compliance Policy, small businesses that receive confidential assistance from the SBAP may receive a correction period if the small business voluntarily discloses the violation to the appropriate regulatory agency.

For more information on this policy, contact **Ann Kline** at (202) 564-0119.

For copies of these policies, call (800) 368-5888 and ask for Item 13.

# EPA'S REVISED AUDIT POLICY – Effective May 11, 2000

## General Information

Formal Title: “Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations”

Citation: 65 FR 19,617 (April 11, 2000)

Web Site: [www.epa.gov/oeca/auditpol.html](http://www.epa.gov/oeca/auditpol.html)

**Purpose** – To encourage regulated entities to voluntarily discover, disclose, correct and prevent violations of Federal environmental requirements

## Incentives Available Under the Audit Policy

**Penalty mitigation** – Entities that meet all of the conditions contained in the Audit Policy are eligible for 100% mitigation of all gravity-based penalties. Entities that meet all of the conditions except for “systematic discovery” of violations are eligible for 75% penalty mitigation. EPA retains its discretion to collect any economic benefit that may have been realized as a result of noncompliance.

**No recommendation for criminal prosecution** – For entities that disclose violations of criminal law and meet all applicable conditions under the Policy, the Agency will refrain from recommending criminal prosecution for the disclosing entity.

**No routine requests for audit reports** – In general, EPA will not request audit reports from those who disclose under the Audit Policy.

## To Make a Disclosure Under the Audit Policy

**Disclosures of civil violations** should be made to the EPA Region in which the entity or facility is located or, where multiple Regions are involved, to EPA Headquarters. For more information, contact Leslie Jones at 202-564-5123.

**Disclosures of criminal violations** should be made to the appropriate EPA criminal investigation division, to EPA Headquarters, or to the U.S. Department of Justice. For more information, contact Michael Penders at 202-564-2526.

**Conditions of the Audit Policy** – Entities that satisfy the following conditions are eligible for Audit Policy benefits. (Note: entities that fail to meet the first condition – systematic discovery – are eligible for 75% penalty mitigation and for no recommendation for criminal recommendation).

**Systematic discovery** of the violation through an environmental audit or a compliance management system.

**Voluntary discovery**, that is, not through a legally required monitoring, sampling or auditing procedure.

**Prompt disclosure** in writing to EPA within 21 days of discovery or such shorter time as may be required by law (discovery occurs when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has or may have occurred).

**Independent discovery and disclosure**, before EPA likely would have identified the violation through its own investigation or based on information provided by a third-party.

**Correction and remediation** within 60 calendar days, in most cases, from the date of discovery.

**Prevent recurrence** of the violation.

**Repeat violations are ineligible**, that is, those that have occurred at the same facility within the past 3 years or those that have occurred as part of a pattern of violations within the past 5 years at another facility(ies) owned or operated by the same company; if the facility has been newly acquired, the existence of a violation prior to acquisition does not trigger the repeat violations exclusion.

**Certain types of violations are ineligible** – those that result in serious actual harm, those that may have presented an imminent and substantial endangerment, and those that violate the specific terms of an administrative or judicial order or consent agreement.

**Cooperation** by the disclosing entity is required.

For more information on this policy, contact **Catherine Malinin Dunn** at (202) 564-2629.

# EPA's Small Business Compliance Policy

## Background and Purpose

- C This Policy promotes environmental compliance among small businesses by providing them with special incentives. EPA will eliminate or reduce penalties for small businesses that voluntarily discover, promptly disclose, and correct violations in a timely manner.
- C EPA wants to encourage small businesses to learn about environmental compliance and pollution prevention through the wide range of training, checklists, mentoring, and other activities now available to small businesses through regulatory agencies, private organizations, non-profit organizations, and the Internet. Therefore small businesses that voluntarily discover a violation because they utilized these types of activities may have the penalty eliminated if they meet all the criteria in the Policy.

## Effective Date and Citation

- C This Policy is effective May 11, 2000 and supersedes the June 1996 version. It was published in the Federal Register on April 11, 2000, 65 FR 19630.

## Who Qualifies to Use this Policy

- C For purposes of this Policy, a small business is defined as a person, corporation, partnership, or other entity that employs 100 or fewer individuals across all facilities and operations owned by the entity. Entities can also include small governments and small organizations.

## How to Qualify for Penalty Elimination or Reduction

- C EPA will eliminate the entire civil penalty\* if a small business satisfies all four of the criteria below:
  - Ø The small business voluntarily discovers a violation. Violations could be discovered after attending training classes or seminars, receiving on-site compliance assistance, participating in mentoring programs, or using compliance guides or checklists downloaded from the Internet.
  - Ù The small business voluntarily discloses the violation within 21 days. This disclosure must be sent in writing to the regulatory agency.
  - Ú Corrections Period -- the business corrects the violation and remedies any damage associated with the violation within 180 days of its discovery. However, if the correction will take longer than 90 days, a written schedule will be necessary. For small businesses that are correcting the violation by using pollution prevention technologies, they may have an additional period of 180 days, i.e. up to a period of 360 days.
  - Û The Policy applies if the:
    - a. violation has not caused actual serious harm to public health, safety, or the environment;
    - b. violation is not one that may present an imminent and substantial endangerment to public health or the environment;
    - c. violation does not involve criminal conduct;
    - d. facility has an appropriate compliance record. The small business hasn't used this Policy for a violation of the same or similar requirement within the past 3 years and has not been subject to two or more enforcement actions for any environmental violations in 5 years; and
    - e. violation has not already been discovered by the agency through inspections or citations, or other methods. A legally required monitoring procedure was not violated.

Please see the actual Policy for more specifics on the criteria and on violations that are ineligible.

- C \*In the rare instance where the small business has obtained a significant economic benefit from the violation(s) (i.e.,

economic advantage over its competitors), EPA will waive 100% of the gravity component of the civil penalty, but may seek the full amount of any economic benefit associated with the violations. As of March 2000, EPA has never sought to collect economic benefit since this Policy was originally issued in 1996.

### Applicability to States

C EPA will defer to comparable State and Tribal Policies if they are generally consistent with this Policy.

**For More Information contact Ann Kline at 202-564-0119 or visit <http://www.epa.gov/oeca/smbusi.html>**

Information about using the Policy, questions and answers, the types of violations that have been disclosed and any disclosures that have prompted EPA to collect economic benefit will be posted and periodically updated on the website.

Listed below are the regional contacts for the Policy and small business issues. The Small Business Liaisons may also be able to provide more general information on compliance assistance and this Policy.

#### EPA Regional Contacts

	Policy Contacts		Small Business Liaison	
Region 1:	Joel Blumstein Sam Silverman	617-918-1771 617-918-1731	Dwight Peavey	617-918-1829
Region 2:	Daniel Kraft John Wilk	732-321-6669 212-637-3918	John Wilk	212-637-3918
Region 3:	Janet Viniski Lydia Isales	215-814-2999 215-814-2648	David Byro	215-814-5563
Region 4:	Angela Blackwell Bill Anderson Carol Baschon	404-562-9527 404-562-9680 404-562-9528	Annette Hill	404-562-8287
Region 5:	Bertram Frey Tinka Hyde Jodi Swanson-Wilson	312-886-1308 312-886-9296 312-886-0879	Glynis Zywicki	312-886-4571
Region 6:	Marcia Moncrieffe Efren Ordonez Charles Sheehan	214-665-7343 214-665-2181 214-665-2175	David Gray	214-665-2200
Region 7:	Becky Dolph	913-551-7281	Jan Lambert	913-551-7768
Region 8:	David Rochlin	303-312-6892	Rob Laidlaw	303-312-7064
Region 9:	Leslie Guinan George Hays Brian Riedel	415-744-1339 415-744-1399 415-744-1380	Mark Samolis	415-744-2331
Region 10:	Jackson Fox Meg Silver Adan Schwartz	206-553-1073 206-553-1476 206-553-0015	Bill Dunbar	206-553-1138



# 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 dye 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	Furniture Manufacturers	Newspapers
Asphalt Manufacturers	Furniture Repairs	Pest Control Operators
Asphalt Applicators	Gasoline Service Stations	Photo Finishing Laboratories
Auto Body Shops	General Contractors	Printing Shops
Bakeries	Hospitals	Refrigerator/Air Conditioning
Distilleries	Laboratories	Service and Repair
Dry Cleaners	Lawnmower Repair Shops	Tar Paving Applicators
Foundries	Lumber Mills	Textile Mills
	Metal Finishers	Wood Finishers

## SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
AL	Blake Roper	(334) 394-4335 (N) (800) 533-2336	Mike Sherman	(334) 271-7873 (N) (800) 533-2336
AK	Tom Turner (Acting)	(907) 269-7582 (800)-510-2332		
AZ			Jack Bale	(602) 207-2254 (S) (800) 234-5677, x 4337
AZ MARICOPA COUNTY			Richard Polito	(602) 506-5102
AR			Joe Bob Garner	(501)682-0866
CA	Kathleen Tschogl	(916) 323-6791 (S) (800) 272-4572	Peter Venturini	(916) 445-0650 (S) (800) 272-4572
CA South Coast AQMD	Tim Brown	(909) 396-3235 (S)(800)388-2121	Larry Kolczak	(909) 396-3215 (S)(800)388-2121
CO	Cathy Heald	(303) 692-2034 (S) (800) 886-7689	Nick Melliadis	(303) 692-3175 (N) (800) 333-7798
CT	Tracy Babbidge	(860) 424-3382 (S) (800) 760-7036		
DE	To be Announced	(302) 739-6400		
DC	Sandra Handon	(202) 535-1722	Olivia Achuko	(202) 535-2997
FL	Elsa Bishop	(850) 414-8399 (S) 800-722-7457	Elsa Bishop	(850) 414-8399 (S) 800-722-7457
GA			Anita Dorsey-Word	(404) 362-4842
HI	Patrick Felling	(808) 586-4528	Robert Tam	(808) 586-4200
ID	Sally Tarowsky	(208) 373-0472		
IL	Don Squires	(217) 785-1625 (S) (888) 372-1996	Roslyn Jackson	(217) 524-0169 (S) (800) 252-3998
IA	Linda King	(N) (515) 242-4761 (S) (800) 358-5510	John Konefes	(319) 273-8905 (S) (800) 422-3109
IN	Erika Seydel-Cheney	(317) 232-8598 (S) (800) 451-6027	Cheri Storms	(317) 233-1041 (S) (800) 451-6027
KS	Janet Neff	(785) 296-0669 (N) (800) 357-6087	Richard Nelson	(785) 532-4999 (N) (800) 578-8898
KY	Rose Marie Wilmoth	(502) 564-2150 X128 (N) (800) 926-8111	Gregory Copley	(606) 257-1131 (N) (800) 562-2327
LA	Jim Friloux	(225) 765-0735 (S) (800) 259-2890	Dick Lehr	(225) 765-2453 (S) (800) 259-2890
MA				
MD	Don Jackson	(410) 631-3165 (S) (800) 633-6101, X 3772	Andrew Gosden	410-631-4158 (S) ( 800)633-6101,x4158
ME	Ron Dyer	(207) 287-4152 (S) (800) 789-9802	Roy Krout	(207) 287-8550 (S) (800) 789-9802
MI	Dana Cole	(517) 241-3518	Dave Fiedler	(517) 373-0607 (N) (800) 662-9278
MN	Charlie Kennedy	(651) 297-8615 (S) (800) 985-4247	Troy Johnson	(651) 296-7767 (S) (800)657-3938
MO	Leigh Walton	(573) 751-3222 (N) (800)361-4827	Byron Shaw	(573) 526-6627 (N) (800) 361-4827
MS	Jesse Thompson	(601) 961-5167 (N) (800) 725-6112	Randy Wolfe	(601)961-5166 (N) (800)725-6112

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
MT	Bonnie Rouse	(406) 444-3648 (N) 800-433-8773	Warren Norton	(406) 444-5281 (N) (800) 433-8773
NC	Edythe McKinney	(919) 733-0823 (N) (800) 829-4841	Tony Pendola	(919) 733-0824 (N) 800-829-4841
NE	Tom Franklin	(402) 471-8697		
NH	Rudolph Cartier	(603) 271-1379	Rudolph Cartier	(603) 271-1379
NJ	Lauren Moore	(609) 292-3863 (N) (800) 643-6090	Chuck McCarty	(609) 292-3600
NM	Sandra Ealy	(505) 827-9685 (N) (800) 810-7227	Lany Weaver	(505) 827-0042 (N) (800) 810-7227
NV	Marcia Manley	(775) 687-4670, x3162 (S) (800) 992-0900	Janet Goodman	(775) 687-4670, x3164 (S) (800) 992-0900 X4670
NY	Keith Lashway	(518) 292-5348 800-782-8369 (S)	Marian. Mudar, Ph.d	(518) 457-9135 (S) (800) 780-7227
ND	Jeff Burgess	(701) 328-5153 (S) (800) 755-1625	Tom Bachman	(701) 328-5188 (S) (800) 755-1625
OH	Mark Shanahan	(614) 728-3540 (S) (800) 225-5051	Rick Carleski	(614) 728-1742
OK	Steve Thompson	(405) 702-7100	Alwin Ning	(405) 702-6100
OR	Paul Burnet	(503) 229-5776 (800) 452-4011 (S)	Jill Inahara	(503) 229-6147 (S) (800) 452-4011
PA	Gene Delvecchio	(717) 772-8951	Cecily Beall	(215) 656-8709 (N) (800) 722-4743
PR	Luis Velez	(787) 384-8614	Maria Rivera	(787) (787) 294-0101
RI			Pam Annarummo	(401) 222-6822 X7204 (S) (800) 253-2674
SC	Phyllis Copeland	(803) 898-3997 (N) (800) 819-9001	James Robinson	(803) 898-3981 (N) (800) 819-9001
SD	Joe Nadenicek	(605) 773-3836 (S) (800) 438-3367	Tim Rogers	(605) 773-3151 (S) (800) 438-3367
TN	Ernest Blankenship	(615) 532-6262 (N) 800-734-3619	Linda Sadler	(615) 532-8012 (N) (800) 734-3619
TX	Israel Anderson	(512) 239-5319 (N) (800) 447-2827	Tamra Shae-Oatman	(512) 239-1066 (N) (800) 447-2827
UT	Renette Anderson	(801) 536-4478 (N) (800)458-0145	Ron Reece	(801) 536-4091 (N) (800) 270-4440
VT			Judy Mirro	(802) 241-3745 (S) (800) 974-9559
VA	John Daniel	(804) 698-4311 (S) (800) 592-5482	Richard Rasmussen	(804) 698-4394 (S) (800) 592-5482
VI			Marylyn A. Stapleton	(340) 774-3320 X5167
WA			Bernard Brady	(360) 407-6803
WV	Dave Bassage	(304) 558-5929 X203	Fred Durham	(304) 926-36474 (S) (800) 982-2474
WI	Pam Christenson	(608) 267-9384 (N) (800) 435-7287	Renee Lesjak-Bashel	(608) 267-6153 (N) (800) 435-7287
WY	Dan Clark	(307) 777-7388	Charles Raffelson	(307) 777-7347

Note: (S) = State (N) = National

## State Pollution Prevention Technical Assistance Programs

### Region 1

#### US EPA Region 1

Abby Swaine  
1 Congress St.  
Suite 1100 (SPN)  
Boston, MA 02214-2023  
Ph: 617/918-1841  
Fx: 617/918-1810  
[swaine.abby@epa.gov](mailto:swaine.abby@epa.gov)

#### Connecticut DEP

Kim Trella  
79 Elm St  
Hartford, CT 06106  
Ph: 860/424-3234  
Fx: 860/424-4081

#### Maine DEP

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State House Station 17  
Augusta, ME 04333  
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Fx: 207/287-2814  
[chris.rushton@state.me.us](mailto:chris.rushton@state.me.us)

#### Massachusetts OTA

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Boston, MA 02202  
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Fx: 617/6261095  
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#### MA STEP Program

Paul Richard  
100 Cambridge St. Rm 2000  
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#### Toxics Use Reduction Institute

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One University Avenue  
Lowell, MA 01854  
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Fx: 978/934-3050  
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#### New Hampshire DES

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#### Rhode Island DEM

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Fx: 401/222-3810

#### Narragansett Bay Commission

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Fx: 401/222-2584  
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#### Vermont ANR

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Boston, MA 02114  
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### Region 2

#### US EPA Region 2

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### New Jersey DEP

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### NJ TAP

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### New York DEC-P2 Unit

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### Puerto Rico Environmental

Carlos Gonzales  
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### Region 3

#### US EPA Region 3

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### Delaware DNR

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### MD Dept of Environment

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### PA Dept of Environment

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Fx: 717/783-2703  
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### PA Technical Assistance

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University Park, PA 16802  
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Fx: 814/865-5909

### Virginia DEQ

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Fx: 804/698-4277  
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### West Virginia DEP-OWR

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Danese, WV 25831  
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Fx: 304/558-2780  
[llgilbert@hotmail.com](mailto:llgilbert@hotmail.com)Region 4

### US EPA Region 4

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### Alabama DEM - P2 Unit

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Montgomery, AL 36130  
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### Florida DEP - P2 Program

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Tallahassee, FL 32399  
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Fx: 850/921-8061  
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### Georgia DNR- P2AD

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### Kentucky DEP

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### Kentucky P2 Center

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### Mississippi DEQ

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### North Carolina DEHNR

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### South Carolina DHEC

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### Tennessee DEC

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401 Church St  
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### Region 5

#### US EPA Region 5

Phil Kaplan  
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### Illinois EPA

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### Illinois Waste Mgt and Research Center

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### Indiana DEM

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### Clean Manufacturing Tech & Safe Materials Institute

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### Michigan DEQ

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### Minnesota (MN TAP)

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### MN Pollution Control Agency

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# Office of Small and Disadvantaged Business Utilization

The Office of Small and Disadvantaged Business Utilization (OSDBU), under the supervision of the Director, is responsible for developing policy and procedures implementing the functions and duties under sections 8 and 15 of the Small Business Act as amended by Public Law (P.L.) 95-507 (October 24, 1978) and P.L. 100-656 8(a) Reform Act. The Office develops policies and procedures implementing the provisions of Executive Orders 11625, 12432 and 12138 and is responsible for developing policies and procedures for implementing the requirements of Section 105(f) of P.L. 99-499 and Section 129 of P.L. 100-590. Additionally, OSDBU establishes policy, guidance and assistance to small and disadvantaged businesses in rural areas and other socioeconomic groups. The Office furnishes information and assistance to the Agency's field offices for carrying out related activities, and represents EPA at hearings, interagency meetings, conferences and other appropriate forums on matters related to the advancement of business enterprises.

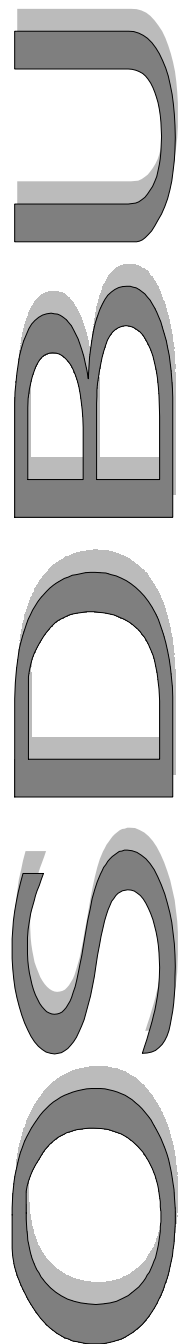
## Direct Procurement Program

### DESCRIPTION

The Office develops, in collaboration with the Director of the Office of Acquisition Management, Office of Administration and Resources Management, Office of Administration and Resources Management, and EPA senior-level officials, programs to stimulate and improve the involvement of small business, minority business, labor surplus areas and women-owned business enterprises in the overall EPA procurement process. OSDBU monitors and evaluates Agency performance in achieving EPA goals and objectives in the above areas, and recommends the assignment of EPA Small Business Representatives to assist designated Procurement Center Representatives of the Small Business Administration to carry out their duties pursuant to applicable socioeconomic laws and mandates.

### ACTIVITIES

- u Develops policy and procurements impacting socioeconomic businesses
- u Establish and monitor direct procurement goals for:
  - L Small Business
  - L 8(a) Business
  - L Small Disadvantaged Business
  - L Women-Owned Business
  - L HUBZones
  - L Subcontracting
  - L Service Disabled Veterans
- u Compile, collect and assemble statistical data on socioeconomic programs
- u Mentor-Protégé Program
- u Subcontracting Reviews and Approvals
- u Outreach Efforts (Economic Development Programs for Selected Urban Centers
- u Education Training Program (Co-sponsorships with Workshops, Seminars and Trade Fairs)  
Provides technical and management assistance to small, disadvantaged business enterprises and women-owned entities, Alaskan Indian/American Natives and HBCUs
- u Liaison with Trade Associations, Business Organizations, and Federal Agencies, including: Small Business Administration, Minority Business Development Agency of Department of Commerce, Office of Federal Procurement Policy, OMB, Congress, General Services Administration, on Socioeconomic matters



The Office of Small and Disadvantaged Business Utilization (OSDBU) has a **OUTREACH CENTER** for small, minority and women-owned firms to come in and use our facilities to surf the Internet for business opportunities. Our Center is set up in a private room with a computer, printer and informational packages that will be very informative in your journey in looking for opportunities on how to do business with EPA. You can have one-on-one counseling session with a experienced Small Business Outreach Technical Support person who can assist you. Hours of operations are 9:00 am until 4:00 pm, you can call for an appointment at (202) 564-4584.

**Assistance to Minority and Women-Owned Business Program**  
**Under Agency Financial Assistance Programs**  
 (Grants and Cooperative Agreements)

**DESCRIPTION**

The Office is responsible for assuring that small, minority, women-owned and labor surplus are firms are given the opportunity to receive a "fair share" of subagreements during the procurement phase of certain types of financial assistance awarded by the Agency. OSDBU develops policies and procedures to aid these business entities with the assistance of the Grants Administration Division, Office of Administration and the Grants, Contracts and General Law Division, Office of General Counsel. Additionally, OSDBU is responsible for the collection of data and for monitoring the effectiveness of the program and serves as the principal focal point between EPA and the Minority Business Development Agency of the U.S. Department of Commerce.

**ACTIVITIES**

- u Develops and monitors policy and procedures
- u Regions establish "Fair Share" objectives with recipients of financial assistance
- u Recipients report to delegated States or to Regional Offices
- u EPA reports data to the Cabinet Council for Commerce and Trade through the Minority Business Development Agency
- u Provides technical and management assistance to minority and women-owned businesses
- u Provides Regional technical, management assistance and support
- u Compile, collect, analyze and assemble data on DBEs, HBCUs and IAGs
- u Provides reports on financial assistance program to various entities, including Congress

**MBE/WBE COORDINATORS**

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III	Romona McQueen	DE, DC, MD, PA, VA, WV	(215) 814-5155
IV	Matt Robbins	AL, FL, GA, KY, MS, NC, SC, TN	(404) 562-8371
	Rafael Santamaria		(404) 562-8110
V	Robert Richardson	IL, IN, MI, MN, OH, WI	(312) 353-5677
VI	Debora Bradford	AR, LA, NM, OK, TX	(214) 665-7406
VII	Anthony LaMaster	IA, KS, MO, NE	(913) 551-7228
VIII	Maurice Velasquez	CO, MT, ND, SD, UT, WY	(303) 312-6862
IX	Joe Ochab	AZ, CA, HI, NV, AS, GU	(415) 744-1628
X	Michael Letourneau	AK, ID, OR, WA	(206) 553-1687
Cincinnati	Norman White		(513) 487-2024
Headquarters	Lupe Saldana		(202) 564-5353

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OSDBU has a site on the Internet of general information and publications for small businesses interested in doing with EPA. Our WEB address is: <http://www.epa.gov/OSDBU>

# REQUEST FOR PUBLICATIONS

Small Business Division (SBD)

WINTER 2001

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

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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	County Govt.	Individual	Congressional
Engineer	Environmental	City Govt.	EPA Hq.: _____	Other Fed.: _____

**PUBLICATIONS REQUESTED (Circle the Corresponding Alpha-Numeric Codes below):**

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

- |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
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| A- 2 | B-12 | C-25 | C-54 | C-78 | D- 5 | E- 8 | E-33 | F- 2 | G-12 | I- 9 | I-31 | J-13 | K-24 | K-48 |
| A- 3 | B-13 | C-26 |      | C-79 | D- 6 | E- 9 | E-34 | F- 3 | G-13 | I-10 | I-35 |      | K-25 | K-49 |
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| A-15 |      | C-10 | C-37 | C-66 | C-90 |      | E-49 | F-16 | H- 9 | I-21 | I-47 | K-12 | K-37 | K-59 |
| A-16 | C-11 | C-38 | C-67 | C-91 | D-18 | E-22 | E-50 | F-17 | H-10 | I-22 | J- 1 | K-13 | K-38 | K-60 |
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|      | C-13 | C-41 | C-69 | C-93 |      | E-24 |      | G- 2 | I- 1 | I-24 | J- 3 | K-15 | K-40 | K-62 |
| B- 1 | C-14 | C-42 | C-70 | C-94 | E- 1 | E-25 | E-53 | G- 3 | I- 2 | I-25 | J- 4 | K-16 | K-41 | K-63 |
| B- 2 | C-15 | C-43 | C-71 | C-95 | E- 2 | E-26 | E-54 | G- 4 | I- 3 | I-26 | J- 6 | K-19 | k-42 | K-64 |
| B- 3 | C-16 | C-44 | C-73 |      | E- 3 | E-27 | E-55 | G- 5 | I- 4 | I-27 | J- 8 | K-20 | K-43 | K-65 |
| B- 4 | C-17 | C-45 |      | D- 1 | E- 4 | E-28 | E-56 | G- 6 | I- 5 | I-28 | J- 9 | K-21 | K-44 |      |
| B- 5 | C-18 | C-47 | C-75 | D- 2 | E- 5 | E-29 | E-57 | G- 7 | I- 6 | I-29 | J-10 | K-22 | K-45 |      |
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| B-10 | C-22 |      |      |      |      |      |      |      |      |      |      |      |      |      |

**Mail to:**  
 Karen V. Brown, Small Business Ombudsman  
 US Environmental Protection Agency  
 Ariel Rios Building, 1200 Pennsylvania Ave, NW (1808)  
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**Or Telephone:**  
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Remarks/Other Materials Requested: \_\_\_\_\_