



Small Business Ombudsman UPDATE



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Washington, DC 20460

Small Business Division Publication
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EPA Opens Doors for America's Small Businesses

I am pleased to inform you about some exciting activities focusing on the Nation's small businesses and the environment. I recently convened EPA's first cross-Agency Small Business Workgroup to unify and coordinate the wide range of small business activities at EPA. The Workgroup members meet on a regular basis and are currently providing valuable input on revisions to EPA's Small Business Strategy.

On March 13 of this year, EPA Administrator Christine Todd Whitman will convene the first "National Summit on Small Business and the Environment" in Washington, DC in support of President Bush's plan to promote an economic and regulatory environment where small businesses can flourish. During the Summit, Administrator Whitman will highlight proposed revisions to EPA's Small Business Strategy.

Our Annual National Small Business Assistance Program Conference will be hosted by the State of Maryland in Baltimore on April 13 - 16. I anticipate that this national conference will again provide participants a forum for sharing and learning ways to assist small businesses in dealing with their environmental responsibilities.

As you read through this issue of the *Update*, I hope you learn more about how EPA is helping the Nation's small businesses succeed while also helping the environment.

Sincerely,

Karen Brown, Director
EPA Small Business Division

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.

SMALL BUSINESS DIVISION
Small Business Ombudsman Regulatory Assistance and Outreach Program

<u>FTE Employees:</u>	<u>Title</u>	<u>Contact #</u>
Karen Brown	Division Director & Small Business Ombudsman	202-566-2816
Joyce Billious	Secretary	202-566-2813
Elsa Bishop	Program Analyst	202-566-2814
Bridgette Dent	Program Assistant	202-566-2819
Daniel Eddinger	Program Analyst	202-566-2820
Eileen Mayer	Program Analyst	202-566-2812
Catherine Tunis	Regulatory Impact Analyst	202-566-2830
Angela Suber	Program Analyst	202-566-2827

Senior Environmental Employees (SEEs):

Peggy Alexander	Senior Secretarial Support Staff	202-566-2811
Howard Boddie	Computer Specialist	202-566-2815
William Crosswhite	Economist, Pesticides and Agriculture	202-566-2817
James Malcolm	Chemical Engineer, Toxic Substances and Haz Mat	202-566-2821
Esther McCrary	Senior Secretarial Support Staff	202-566-2824
Tom Nakley	Civil Engineer, CWA, SDWA and General Assistance	202-566-2826
Larry Tessier	Civil Engineer, Asbestos, Radon, and Lead	202-566-2829

Major Functions/Products:

- Serve as a port of entry for small businesses to EPA
- Advocate for small business regulatory issues and relief inside EPA
- Coordinate small business issues with program offices, regions, and states
- Focus on Asbestos regulatory requirements/handle questions and complaints
- Operate and maintain a Small Business hotline that averages 1,100 calls per month
- Participate on regulatory development workgroups representing small business interests
- Prepare semi-annual Newsletter that reaches over 20,000 internal and external customers
- Organize meeting with the Deputy Administrator and Small Business Trade Associations
- Oversee and prepare Report to Congress on the status of CAAA State Section 507 Programs
- Manage contracts, grants and cooperative agreements to strengthen State Small Business Ombudsman Technical Assistance Programs
- Sponsor Annual Small Business Regional Liaison Conference
- Develop guidance and policies for small businesses
- Resolve disputes between small businesses and EPA dealing with policies and regulations
- Distribute small business publications, regulations, guidance, and tools

Customers:

- Small Businesses/Small Business Trade Associations
- State Small Business Ombudsmen and Technical Assistance Programs
- EPA senior managers, media offices and agency staff, EPA regions and states offices
- Individual citizens
- EPA Deputy Administrator
- Congressional representatives and staff, Governors, Environmental Counsel of States (ECOS)
- Assistance providers, i.e., EPA Compliance Centers, Pollution Prevention Programs (P2), Small Business Development Centers (SBDCs), Manufacturing Extension Partners (MEPs)

Small Business Ombudsman Toll Free Hotline 800-368-5888/Local 202-566-2855
Main Line 202-566-2822 FAX Number 202-566-2848

New Initiatives for EPA's Small Business Division

EPA's Small Business Division (SBD) is focusing on a number of activities aimed at addressing the unique environmental needs of the Nation's small businesses. Recent activities include facilitating EPA's first National Summit on Small Business and the Environment, convening EPA's first Small Business Workgroup, drafting a revised EPA Small Business Strategy, serving as the point of contact for small businesses under the 2002 Paperwork Relief Act, and creating new tools and resources for small businesses and state Small Business Assistance Programs (SBAPs).

"NATIONAL SUMMIT ON SMALL BUSINESS AND THE ENVIRONMENT"

In March 2003, Administrator Whitman will host the first summit in support of President Bush's Small Business Plan, and will demonstrate EPA's commitment to helping small businesses and the environment, promote strong support of state Small Business Assistance Programs, and to stress the importance of partnerships among all stakeholders. The Summit will bring together key government and small business leaders. Administrator Whitman will highlight the Small Business Strategy.

"EPA CONVENES SMALL BUSINESS WORK GROUP"

The first meeting of the Small Business Work Group as attended by thirty-one participants, representing 31 offices of EPA, led by the Small Business Ombudsman/Division. The meeting began with opening remarks from Jay Benforado, the Director of EPA's National Center for Environmental Innovation. The group discussion began with a review of the charter and guidelines that will govern the Work Group. During this discussion it was agreed that the Work Group would coordinate the wide range of the small business activities at EPA, functioning as a "network" with a steady membership from across all Offices, addressing a variety of small business issues on a regular basis. Smaller groups may be convened when necessary and the work group will involve the Regions and sometimes include outside sources. The Work Group then discussed the draft EPA Strategy for Small Businesses. The group had a vibrant discussion, providing important input on the draft Strategy and the Implementation Plan, which will follow the Strategy. The Strategy will be presented at the National Summit on Small Business on March 13 in Washington, DC. The meeting concluded with a discussion of future topics for the Work Group.

"EPA's REVISED STRATEGY FOR SMALL BUSINESS"

Due to the vast number and types of small businesses, the environmental performance of small business is critical to the success of EPA's mission of protecting human health and the environment. EPA is in the final process of revising its Strategy for Small Businesses. The revised Strategy will guide EPA in a coordinated approach and future efforts to understand the operations and needs of small businesses, in the development and implementation of programs and policies that affect them, and to work effectively with small businesses to provide appropriate and relevant assistance to improve their environmental performance.

EPA's activities related to small businesses are as diverse as EPA itself. They range from drafting and revising regulations, to research and development, to providing assistance in understanding environmental requirements and good environmental practices, to offering incentives for good performance, to enforcement when needed. This revised Strategy is intended to unify these diverse efforts in a coordinated approach to working with and for small businesses. The strategy was developed based on a series of interviews within EPA and with focus groups, states, industry representatives, and other interested stakeholders to better understand the current issues and obstacles facing small businesses. The Strategy is undergoing final internal review and will be presented at the National Summit on Small Business and the Environment.

“SBO DESIGNATED AS PRA POINT OF CONTACT”

Small Business Ombudsman Karen Brown has been designated as EPA’s Point-of-Contact for small businesses under the “Small Business Paperwork Relief Act of 2002 (PRA).” The PRA, which amends the “Paperwork Reduction Act,” requires EPA to establish a liaison between EPA and small businesses to collect information and control paperwork regarding the concerns of small businesses. Additionally, EPA is required to reduce the information collection burden for small business concerns with fewer than 25 employees. EPA is required to develop two reports addressing the number of small entities fined and fine determinations. The final report is due on December 31, 2004.

The Act also requires the creation of a Task Force to investigate ways to streamline information collection and dissemination procedures for small businesses. The Task Force will include representatives of the Departments of Labor, Transportation, Health and Human Services, SBA (Office of Advocacy), and EPA.

“CAP TRAINING TO BE HELD AT NATIONAL CONFERENCE IN BALTIMORE”

CAP Training will again be offered at the 2003 SBO/SBAP National Conference in Baltimore, Maryland. This training will be held on Sunday, April 13, 2003 from 8:30-2:30 PM, and it is being offered for state CAP members and SBOs/SBAPs. EPA funding for participation is available, on a first-come-first-served basis, for state CAP members. This session is designed to assist CAP members in defining their roles and carrying out their missions, as well as to share information on the workings of successful, established CAPs. Based on the favorable response to last year’s format, this training session will follow a similar format. Participants will hear directly from actual CAP members about what it means to be a CAP Member and their respective experiences as such. This session is being planned as a collaborative effort between the EPA Small Business Division and the National CAP.

New Tools and Resources for Small Businesses and SBAPs

Building Capacity For Multi-Media Assistance

SBD is developing a new training program, *Building Capacity for Multi-Media Assistance*, in response to requests and feedback received over the past year. The training is needed since many SBAP programs are no longer restricted to Clean Air Act compliance issues and are now expected to provide compliance assistance in all areas of environmental regulation. Also, multi-media training will position SBAP staff to better assist small businesses with Environmental Management Systems (EMS) since by its nature, the EMS process deals with all environmental aspects and the associated regulations.

SBD is developing the program with input from state SBO/SBAP staff. The program will be piloted as a training session on April 13 in conjunction with the National SBO/SBAP Conference. It will address solid, hazardous and universal waste; water and storm water; petroleum and chemical storage tanks; and emergency preparedness regulations such as community right-to-know and spill prevention control and counter measures (SPCC) plans. It will also touch on more specific regulations that may pertain to small businesses such as those for PCBs, asbestos, lead and pesticides. The training will be presented in a dynamic and interactive manner, involving small group exercises and scenarios in which participants will have the opportunity to apply regulations to realistic small business situations.

Being Prepared for Environmental Emergencies: A Practical Guide for Small Businesses

This Guide provides the small business owner with a step-by-step method to develop a plan so that their business is prepared for hazardous spills or releases, and other environmental emergencies. A small business owner can use the Guide to be confident that when the unexpected happens, their business will

prepared to handle the emergency in a safe and efficient way. The Guide is easy to use, written in plain language, and is rich with relevant resources and examples that illustrate essential components of a plan. Further, it will allow for small businesses to develop an adaptable emergency plan, enabling them to be prepared for a range of environmental emergencies, including playing their vital role in Homeland Security.

Documenting Your Environmental Management Plan: A Workbook for Small Business

This Workbook goes hand-in-hand with the *Practical Guide to Environmental Management for Small Businesses*. The Guide describes a common sense process for improving the business's environmental activities. The Workbook shows small business owners the steps to take while going through the process and provides a convenient place to keep and organize all of the information they compile while developing their environmental management plan. The Workbook is scheduled for printing during February 2003.

Plugging into Best Environmental Management Practices for Small Businesses

Although substantial environmental improvements have been made through regulatory actions, EPA recognizes that today many sectors are willingly adopting environmental practices even though they are not required. These become BEMPs that are both good for business and good for the environment. To help businesses take advantage of these BEMPs, the SBD is compiling a compendium of ten sector-specific fact sheets provides small businesses ideas on how to apply pollution prevention techniques to everyday business activities, while improving their bottom line in the process. The completed fact sheets will be posted on the SBO web page.

Interactive Expert Systems for Small Businesses

SBD has completed two interactive web-based tools to help small business understand and comply with regulations. These are the *Class V Motor Vehicle Waste Disposal Wells Advisor* and the *Auto Dismantler & Recycler Environmental Audit Advisor*

The *Class V Advisor* system helps firms understand requirements and timetables for compliance with the Class V Injection Wells regulation. Each state has individual requirements and a different timetable for compliance. This system provides current information on requirements and contact information.

The second interactive system, *Auto Recycler Advisor*, assists automotive salvage and recycling operations in learning about specific environmental problems associated with the materials that are routinely handled in recycling operations. Information on over 20 different subjects from air bags to fluids and filters is customized for each state.

The two systems are located on the Internet at:

http://www.smallbiz_enviroweb.org/compliance/exsys.html

Ongoing Activities in the Small Business Division to Better Serve You

- ▶ Facilitating meetings between EPA Deputy Administrator, senior management, and industry to give the Agency an opportunity to hear first hand the concerns of small business, and ensuring that program offices follow up on issues raised.
- ▶ Advocating for and participating in the Small Business Regulatory Enforcement Fairness Act (SBREFA) process and in reviewing EPA regulatory actions to address small business issues and concerns. Providing outreach and assistance to the small business community on SBREFA.
- ▶ Providing recommendations to program offices on several rules in the development stage, and continuing to participate as workgroup members on numerous rules to help shape initiatives prior to proposal.
- ▶ Coordinating with the Office of Air Quality Planning and Standards to provide a grant to the State of California for the eleventh annual SBO/SBAP Conference to be held in Sacramento, California, April 2004.
- ▶ Hosting the Small Business Regional Liaison Conference for EPA regions and SBO/SBAP Steering Committee Members and alternate in August 2003 in Washington, DC.
- ▶ Supporting the development and distribution of promotional materials designed by the SBO/SBAP Promotional Subcommittee, to better communicate the availability of technical and other assistance provided by the State SBO/SBAP Programs to small businesses. The materials developed by the Subcommittee include: a national logo, fact sheet, pocket folder, letterhead, and brochure. The Subcommittee is now developing a public service announcement.
- ▶ Supporting the development of a SBO-SBAP Listserve as an opportunity for small business assistance providers and others in the small business community to share information and ideas.
- ▶ Responding to over 15,000 calls on the Small Business Ombudsman Hotline throughout the year.
- ▶ Issuing a fall, winter, spring, and summer electronic newsletter, *SBO Quarterly News Alert*, as a means to give state small business programs and EPA regional programs an opportunity to share success stories and information about small business activities in their state or region.
- ▶ Compiling a listing of all small business initiatives underway at EPA. Over 100 initiatives were identified. The complete list will be posted on the SBO web site.



**HOLD THESE DATES
MARK YOUR CALENDARS
for the
2003 SBO/SBAP NATIONAL CONFERENCE
APRIL 13-16, 2003
BALTIMORE, MARYLAND**

The 2003 Small Business Assistance Program Annual Conference has been scheduled for **April 13-16, 2003 at the Sheraton Inner Harbor Hotel, 300 South Charles Street, Baltimore, Maryland. The phone number for the Sheraton is 410-962-8300.** The conference rate is \$137.00 a night plus tax. You will be able to register for the conference on-line. Watch for information about the website soon.

The Annual Conference for the Clean Air Act, Section 507 program will start with training sessions for Compliance Advisory Panel members, Building Capacity for Multi-media Assistance, and Newcomers Orientation, on Sunday, April 13, 2003 please join us.

Break-out sessions for State Small Business Ombudsmen and Small Business Assistance Program staff starts April 14 with sessions for technical issues, program development, and interesting site visits.

Attendees are encouraged to stay for the site visit to the International Fabricare Institute immediately following the conference on Wednesday, April 16. The visit is scheduled from 1:00pm-5:00pm, and the facility can accommodate up to 80 people. Transportation will be provided.

The Section 507 program helps small businesses understand and comply with Clean Air Act regulations while remaining economically competitive.

For more information about the conference contact **Andrew Gosden, Small Business Assistance Coordinator**, at (410) 537-4158 or via e-mail at agosden@mde.state.md.us.

Practical Guide to Environmental Management *for* Small Businesses



The *Practical Guide to Environmental Management for Small Businesses (Guide)*, produced by US EPA's Small Business Division, is now available! This new publication, based on Environmental Management System (EMS) concepts, is designed to help small businesses organize their environmental management responsibilities in a productive and cost-effective way. The final version of the Guide has been strengthened by the suggestions of SBO/SBAP staff, small business owners, trade and industry organizations, and EMS experts within State environmental agencies and EPA. The Guide has been dubbed "the on-ramp to EMS for small businesses," and lauded for its pragmatic, step-by-step approach.

The *Guide* is written in plain, straightforward language, free of jargon, so that readers can benefit whether or not they know about environmental regulations or good practices of environmental management. It leads the small business person through the steps to put in place a functional, yet efficient, environmental management program. It allows small business personnel to proceed at their own pace and see immediate results. If they choose to follow *Guide* recommendations from beginning to end, they will find that they have developed all of the elements necessary to put in place a fully functional EMS.

Last Spring, the EPA Small Business Division provided a series of workshops to enable assistance providers to help small businesses work through the Guide's recommended process and make the best use of its ideas. The EPA Small Business Division is also developing a workbook to accompany the Guide. The goal of this multi-faceted approach is to make multiple tools and avenues of assistance available to small business owner who want to make their business environmental performance better and less costly.

The six sections of the *Guide* build on each other in a logical way:

- Section I explains that the Guide is about the getting environmental efforts organized so staff can use their valuable time effectively, and the small business can save money, be efficient, and look good to customers and the community.
- Section II is about basics: how a business may affect the environment, what environmental rules may apply, and how to deal with practical matters like being prepared for spills and keeping records.
- Section III shows ways to save money by using less energy, conserving water, and reducing waste; and how to do a simple cost-benefit analysis.
- Section IV is about organizing environmental management efforts so that they will be easier. It gives ideas for getting employees more involved, streamlining who does what, and measuring progress.
- Section V explains how to show off environmental efforts to customers and the community and build outside relationships to further improve the small business' environmental performance.
- Section VI explains what an Environmental Management System (EMS) is and why a small business person may want to have one, and how the previous Guide sections fit into an EMS.

If you would like to obtain additional copies of the Guide, or if you need contact information for the State Small Business Assistance Program in your area, call the EPA Small Business Division at 800-368-5888.

New Guide Helps Small Businesses Navigate EPA

EPA's newest publication, *Opening Doors for America's Small Businesses*, is a great introduction to the key EPA services that are available to help America's small businesses.

EPA has initiated over 100 activities designed to help small businesses fulfill their environmental responsibilities. Although not every EPA small business initiative is described in the new publication, it is a useful guide to begin exploring the available resources.

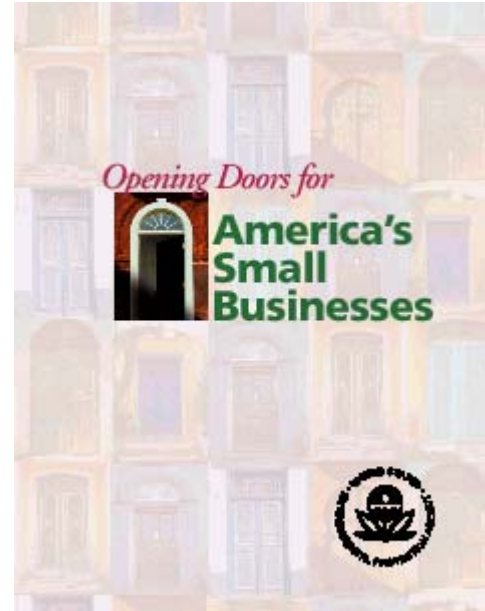
The publication addresses five critical areas for small businesses including utilizing "one-stop" assistance, improving regulations, managing environmental compliance, encouraging environmental leadership, and preparing for the future.

It also provides pertinent overviews of over 16 programs as well as contact information so small businesses can go straight to the source for more information. In addition, the publication includes testimonials on how small businesses have used the programs to their benefit.

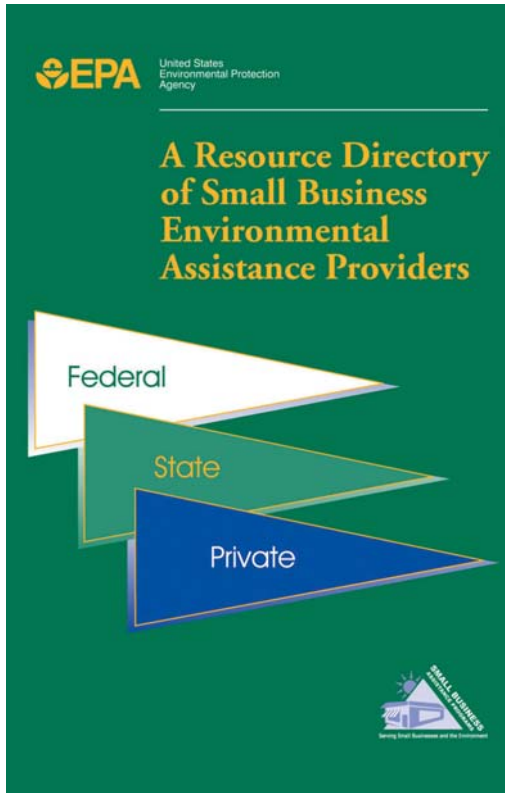
Programs that are highlighted in the *Opening Doors* publication include:

- ✓ *Compliance Assistance Centers*
- ✓ *Design for the Environment*
- ✓ *Environmental Results Program*
- ✓ *National Environmental Performance Track*
- ✓ *Practical Guide to Environmental Management*
- ✓ *Plain Language Initiative*
- ✓ *SectorSTAR*
- ✓ *Small Business Innovation Research*
- ✓ *TRI-ME Software*
- ✓ *Compliance Clearinghouse*
- ✓ *Energy Star for Small Business*
- ✓ *EPA Dockets*
- ✓ *Partners for the Environment*
- ✓ *Pollution Prevention Resource Exchange*
- ✓ *SBREFA*
- ✓ *Small Business Compliance Policy*
- ✓ *Small Business Ombudsman*

To order a copy of the new publication, contact the Small Business Division at 1800-368-5888. The publication is available for download at www.epa.gov/sbo.



A Resource Directory of Small Business Assistance Providers



The Small Business Division is pleased to announce the release of its latest publication, “*A Resource Directory of Small Business Environmental Assistance Providers.*”

As part of EPA’s continued effort to support small business, the directory was created to foster a partnership between small business and environmental assistance providers.

The Directory is an easy-to-use reference of the key federal, state and private programs that can address small business environmental compliance, pollution prevention and other related questions and concerns. It provides all of the relevant environmental contacts a small business needs in one convenient location.

We trust that this directory will prove to be a useful resource and would appreciate your feedback to ensure that we are serving the needs of small business.



Due to the overwhelming response to the new publication, additional copies have been ordered. As a result, the SBD is able to accommodate additional requests for bulk orders.

To order a copy of the new publication, contact the Small Business Division at 1-800-368-5888

In addition, if you would like to distribute this free publication to your membership, please specify how many copies you would like to receive.

Sample Page:

Maine	
Small Business Ombudsman (SBO) Maine Small Business Ombudsman http://www.state.me.us/dep/oia/p2about.htm	(800) 789-9802 (S) or (207) 287-4152
Small Business Assistance Program (SBAP) Maine Small Business Technical Assistance Program http://www.state.me.us/dep/oia/smbusta.htm	(800) 789-9802 (S) or (207) 287-7881
Pollution Prevention (P2) Maine Pollution Prevention Program http://www.state.me.us/dep/oia/p2home.htm	(207) 287-7100
Small Business Development Center (SBDC) Maine Small Business Development Centers http://www.mainesbdc.org	(207) 780-4420

Tools You Can Use In 2003

Good News!

Now you can directly access multimedia compliance guides, pollution prevention checklists, and a comprehensive book of small business assistance resources. Even better, you can readily adapt these materials for use with your state regulations and resources. Your small business assistance colleagues, funded in part by a grant from the USEPA's Small Business Ombudsman's Office, developed these tools.

Tools for Small Business Assistance Providers

Outreach and Partners:

Resource book of small business assistance providers in Wyoming. Use this to get ideas for potential partners in your state. <http://deq.state.wy.us/out/index.asp?pageid=15> After viewing the Small Business Guide, you can browse the department site at: www.deq.state.wy.us. Contact: **Dan Clark** at: 307-777-7388, dclark@state.wy.us

Tools for Small Business Owners/Operators

Industry Sectors:

Dry Cleaners – This Compliance Calendar from the New Jersey Clean Air Small Business Ombudsman is available in English and Korean at: www.state.nj.us/dep/oppcc/sbap.htm Scroll down to the bottom of the page for the publication you want.

Contact: **Ky Asral** at: 609-292-0112, ky.asral@dep.state.nj.us

You can visit the ombudsman's home page at: www.state.nj.us/commerce/caasbo.htm

Fiberglass Fabricators – This multi media guide is downloadable in sections (how to determine potential to emit, water regulations, air regulations, etc.). Contains compliance information for federal regulations as well as for those pertaining to the state of MN. Very useful and easy to understand. <http://www.pca.state.mn.us/air/pubs/index.html#fiberglass>. Or, you may visit their website at: www.pca.state.mn.us. They also have a new small business website at: www.pca.state.mn.us/programs/sbap_p.html. Contact: **Phyllis Strong** at: 651-282-5847, phyllis.strong@pca.state.mn.us

Printers – A multi-media pollution prevention checklist from New Jersey is available at: www.state.nj.us/dep/oppcc/pcl.pdf.

Contact: **Ky Asral** at: 877-753-1151, ky.asral@dep.state.nj.us

The Pollution Prevention Institute in Kansas has created a comprehensive workbook called, “Compliance for Printers”. It is available through the Kansas Small Business Ombudsman’s office. Get it on line at: <http://www.sbeap.org/ppi/industry/printers.htm> or at: www.sbeap.org/publications.asp

Contact: **Sherry Davis** at: 785-532-4998, sbd@ksu.edu

Motor Vehicle Repair Facilities-

Maine developed “The Model Facility Guide for Motor Vehicle Repair Facilities.” This multi-media guide was designed to answer questions and ease compliance. It is easy to use and available online at: <http://www.state.me.us/dep/oia/sbguide.htm>. You may visit Maine’s general website at: www.state.me.us/dep/oia.

Contact: **Julie M. Churchill** at: 207-287-7881 Julie.M.Churchill@state.me.us

Gasoline transfer and dispensing facilities-

New York’s SBAP developed Vapor Recovery manuals and a video on vapor recovery. The manuals will soon be available through the main website at: www.nysefc.org. Scroll down to the small business assistance link on the left side of the page.

Contact: Marian Mudar at: 518-457-9135, mudar@nysefc.org

Tools for Teachers

Along with its vapor recovery manuals, New York’s SBAP developed an educational module for grades 5-8. The module educates students about air quality issues related to gasoline filling stations and helps them recognize compliant stations when they see them. The module consists of an 11-part lesson plan, information for a gasoline fueling station field trip, in-class activity sheets for teachers, and review sheets suitable group discussion or an individual quiz. The program is suitable for a science, health, or business class. A CD containing the educational module is also available. Contact: **Marian Mudar**, Program Manager for the Small Business Assistance program, at 518-457-9135, mudar@nysefc.org.

While these products were developed with grants from USEPA, many other useful compliance-related publications may be accessed through the Ombudsman’s small business website at: http://www.smallbiz-enviroweb.org/pub_video/publications.asp. The small business assistance selected documents page also contains links you may find useful. http://www.smallbiz-enviroweb.org/sba/state_helpfullinks.html.

If there are tools that you need that are not available, let EPA’s Small Business Ombudsman know. Contact: **Karen Brown** at 202-566-2816 or via e-mail at Brown.Karen@epa.gov.

UPCOMING EVENTS

(SAVE THESE DATES AND MARK YOUR CALENDARS)

March 5 - March 6, 2003

***Great Lakes Pollution Prevention Roundtable Winter Meeting
Chicago, Illinois***

This meeting will cover a variety of topics ranging from recycling in public schools to the research and technology of new alternative fuels. It will be held at the EPA Region 5 offices.

Contact: Debra Jacobson, GLRPPR Executive Director, 630-472-5019

Web Site: www.glrppr.org **E-Mail:** djacobson@wmrc.uiuc.edu

April 8 - April 11, 2003

***National Pollution Prevention Roundtable 2003 Spring Conference
Louisville, Kentucky***

This meeting will feature special tracks on Environmental Management Systems and P2, international sustainability policy discussions as a follow-up to the World Summit role in addressing global climate change challenges.

Contact: National Pollution Prevention Roundtable at 202-299-9701.

Web Site: www.p2.org/events/spring2003/ **E-Mail:** ealonso@p2.org or talk@p2.org

April 8 - April 12, 2003

***Institute of Scrap Recycling Industries 2003 Annual Convention and Exposition
Orlando, Florida***

The Institute of Scrap Recycling Industries presents the world's largest scrap recycling industry trade show.

Contact: ISRI Show Manager, Dawn Thomasson at 919-388-9600

Web Site: www.isri.org/convention/ **E-Mail:** isri@meetinginsites.com

April 13 - April 16, 2003

2003 SBO/SBAP National Conference

Plan now for the 2003 SBO/SBAP National Conference at the Sheraton Inner Harbor Hotel, 300 South Charles Street, Baltimore, MD, 410-962-8300.

Contact: Andrew Gosden, Maryland Department of the Environment, SBAP at 410-537-4158.

Web Site: To be announced **E-Mail:** agosden@mde.state.md.us

August 12 - August 15, 2003

***2003 Resource Conservation and Recovery Act (RCRA) National Meeting
Washington, D.C.***

This year's meeting will highlight the New Resource Conservation Challenge, a national program designed to find flexible and productive ways to conserve our nation's resources through waste reduction and energy recovery. It will be held at the Hyatt Regency Washington Hotel on Capitol Hill, 400 New Jersey Avenue, NW, Washington, DC, (202) 737-1234.

Web Site: Visit <http://www.awma.org> and click on "2003 RCRA National Meeting"

**CHECK FOR SPECIFIC INDUSTRY TRADE ASSOCIATION MEETINGS AND CONFERENCES AT:
www.smallbiz.enviroweb.org/events/allevts.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 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 Small Business Division/Small Business Ombudsman's Office. 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.

NEW on the Home Page is a **scrolling banner** on the top page and slightly different top page design. The banner includes information on small business compliance news, what's new on the Home Page, and what is coming soon. You can click on the news items for direct links. Check back often for updates.

Also new is the **Compliance Advisory Panels (CAPs) button** on the top page, as well as the updated State and National CAP subpages. The National CAP page now includes history and mission statement, list of members, notes from meetings and conference calls, new National CAP newsletter, guidelines, and National CAP logo for downloading. Go to: http://www.smallbiz-enviroweb.org/cap/CAP_Natl_home.html.

The **1999 and 2000 SBTCP Reports to Congress** are now online. Go to: http://www.smallbiz-enviroweb.org/sba/programs_report.html.

Just added is the **Expert Systems** web page, including the Class V Motor Vehicle Waste Disposal Wells Advisor and Auto Dismantler & Recycler Environmental Audit Advisor developed by Consad Research Corporation. Go to: <http://www.smallbiz-enviroweb.org/compliance/exsys.html>.

Look for **helpful documents** on the EPA SBO List of Publications, which is now on the Small Business Environmental Home Page. The online list now has approximately 80% of the documents directly linked (350+ documents). Go to: http://www.smallbiz-enviroweb.org/pub_video/epadocs/sbdocs.html. Also added small business specific documents on web pages and in the publications database: Opening Doors for America's Small Business, Practical Guide to Environmental Management for Small Business, A Resource Directory of Small Business Assistance Providers, Small Business Assistance Programs factsheet, EPA Report on Ten State Demonstration Projects (1999-2001), and Small Business Quarterly News Alerts.

The **SBO-SBAP Listserve** has more than 160 members currently subscribed. Share information and ideas with SBAPs, SBOs, small businesses, trade associations, technical assistance programs, and others interested in environmental compliance and pollution prevention issues for the small business community. Go to: http://www.smallbiz-enviroweb.org/SBO-SBAP_Listserve.html.

Added **SBO/SBAP National Steering Committee Notes and Minutes** to the SBO/SBAP National Steering Committee web page. The web page has notes and minutes, Steering Committee guidelines, and a list of Steering Committee representatives and alternatives. Go to: http://www.smallbiz-enviroweb.org/sba/steering_committee.html.

Remember you can find full page SBAP ads, SBAP logos including a state example, and SBAP logos in Spanish on the Small Business Assistance Program National Logo page (<http://www.smallbiz-enviroweb.org/sba/sbaplogo.html>). Now you can find **National CAP logos** to download in pdf, gif, jpeg, and word formats as well. Go to: http://www.smallbiz-enviroweb.org/cap/CAP_Natl_logo.html.

Coming soon—**online information forms for financial assistance and general SBAP programs**, including questions related to multimedia capabilities. Information learned from these online forms will be shared on the Home Page. Please plan to participate—your time and effort in filling out these forms will enable all programs to benefit from your experience.

Don't forget to send in updates and use the five databases on the Home Page—publications (over 5,600), videos, upcoming events, performance measurement tools, and regulatory updates. Check back for updated contact information, web sites, news, and publications. Keep sending news/events, contacts, publications/fact sheets, videos, performance measurement tools, CAP information, links to include on the Home Page, and any comments to: **Audrey G. Zelanko** at zelanko@smallbiz-enviroweb.org or 412/577-2649.

Presidential Documents

Title 3—

Executive Order 13272 of August 13, 2002

The President

Proper Consideration of Small Entities in Agency Rulemaking

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *General Requirements.* Each agency shall establish procedures and policies to promote compliance with the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*) (the “Act”). Agencies shall thoroughly review draft rules to assess and take appropriate account of the potential impact on small businesses, small governmental jurisdictions, and small organizations, as provided by the Act. The Chief Counsel for Advocacy of the Small Business Administration (Advocacy) shall remain available to advise agencies in performing that review consistent with the provisions of the Act.

Sec. 2. *Responsibilities of Advocacy.* Consistent with the requirements of the Act, other applicable law, and Executive Order 12866 of September 30, 1993, as amended, Advocacy:

(a) shall notify agency heads from time to time of the requirements of the Act, including by issuing notifications with respect to the basic requirements of the Act within 90 days of the date of this order;

(b) shall provide training to agencies on compliance with the Act; and

(c) may provide comment on draft rules to the agency that has proposed or intends to propose the rules and to the Office of Information and Regulatory Affairs of the Office of Management and Budget (OIRA).

Sec. 3. *Responsibilities of Federal Agencies.* Consistent with the requirements of the Act and applicable law, agencies shall:

(a) Within 180 days of the date of this order, issue written procedures and policies, consistent with the Act, to ensure that the potential impacts of agencies’ draft rules on small businesses, small governmental jurisdictions, and small organizations are properly considered during the rulemaking process. Agency heads shall submit, no later than 90 days from the date of this order, their written procedures and policies to Advocacy for comment. Prior to issuing final procedures and policies, agencies shall consider any such comments received within 60 days from the date of the submission of the agencies’ procedures and policies to Advocacy. Except to the extent otherwise specifically provided by statute or Executive Order, agencies shall make the final procedures and policies available to the public through the Internet or other easily accessible means;

(b) Notify Advocacy of any draft rules that may have a significant economic impact on a substantial number of small entities under the Act. Such notifications shall be made (i) when the agency submits a draft rule to OIRA under Executive Order 12866 if that order requires such submission, or (ii) if no submission to OIRA is so required, at a reasonable time prior to publication of the rule by the agency; and

(c) Give every appropriate consideration to any comments provided by Advocacy regarding a draft rule. Consistent with applicable law and appropriate protection of executive deliberations and legal privileges, an agency shall include, in any explanation or discussion accompanying publication in the **Federal Register** of a final rule, the agency’s response to any written comments submitted by Advocacy on the proposed rule that preceded the

final rule; provided, however, that such inclusion is not required if the head of the agency certifies that the public interest is not served thereby. Agencies and Advocacy may, to the extent permitted by law, engage in an exchange of data and research, as appropriate, to foster the purposes of the Act.

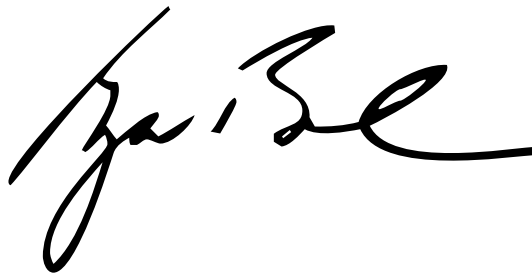
Sec. 4. Definitions. Terms defined in section 601 of title 5, United States Code, including the term “agency,” shall have the same meaning in this order.

Sec. 5. Preservation of Authority. Nothing in this order shall be construed to impair or affect the authority of the Administrator of the Small Business Administration to supervise the Small Business Administration as provided in the first sentence of section 2(b)(1) of Public Law 85–09536 (15 U.S.C. 633(b)(1)).

Sec. 6. Reporting. For the purpose of promoting compliance with this order, Advocacy shall submit a report not less than annually to the Director of the Office of Management and Budget on the extent of compliance with this order by agencies.

Sec. 7. Confidentiality. Consistent with existing law, Advocacy may publicly disclose information that it receives from the agencies in the course of carrying out this order only to the extent that such information already has been lawfully and publicly disclosed by OIRA or the relevant rulemaking agency.

Sec. 8. Judicial Review. This order is intended only to improve the internal management of the Federal Government. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
August 13, 2002.

H.R. 327: Small Business Paperwork Relief Act of 2002

This Act amends the Paperwork Reduction Act. Under the Act, the Environmental Protection Agency (EPA) is required to establish a liaison between EPA and small businesses. The liaison will collect information and control paperwork regarding the concerns of small businesses as defined by the Small Business Act. The Agency has one year to fill this liaison position. In addition, the Agency is required to reduce the information collection burden for small business concerns with fewer than 25 employees.

This Act also establishes a task force that will investigate ways to streamline information collection and dissemination procedures for small businesses. The task force will emphasize electronic methods for handling small business concerns, and will make recommendations to integrate the various Federal agency requirements for collecting information. EPA is required to have at least one representative on the task force, which must report on its findings next year and again in 2004. Other agencies represented on the task force include the Department of Labor, the Department of Transportation, Department of Health and Human Services, and the Office of Advocacy of the Small Business Administration.

Finally, this Act mandates EPA to submit two enforcement action reports. These reports will compare the number of small entities EPA fined over a one year period with the number of all other entities. The reports will also mention whether or not the fine was reduced or waived. Record-keeping for the first initial report will begin on October 1, 2002, and record-keeping for the second final report will begin on October 1, 2003. The final report is due on December 31, 2004.

EPA and OMB Announce Greater Public Involvement in Government Through On-Line-Rulemaking

The U.S. Environmental Protection Agency (EPA) and the Office of Management and Budget (OMB) launched eRulemaking, the expansion of electronic government through online rulemaking, with a demonstration of Regulations.gov, (<http://www.regulations.gov/>), the new Internet portal for accessing all federal agencies regulations from one Web site. OMB selected EPA to be the lead agency on the eRulemaking initiative, which will give the public ready access to proposed regulations that directly impact their lives. The new Web site also streamlines methods for submitting comments. As outlined in the President's E-Government Initiative, eRulemaking will make the information and the regulatory process more transparent and accessible to citizens. EPA's Deputy Administrator Linda Fisher stated, "Today we will launch the first milestone of the E-Government Online Rulemaking Initiative designed to foster true participatory democracy. eRulemaking will allow citizens to participate actively by enabling them to be involved in federal rulemaking on their own terms in a location and time of their choice. Fisher went on to say, "It is our hope that the cooperation and collaboration that have distinguished the development of Regulations.gov will lead to continued progress in the transformation of our government towards one that is citizen-centered, results-oriented, market-based and truly innovative." OMB Director Mitch Daniels and Associate Director for Information Technology and E-Government, Mark Forman also spoke at the January 23rd launch and acknowledged EPA's partnership with and contribution of the National Archives and Records Administration, the U.S. Department of Transportation, the General Services Administration, the Food and Drug Administration, and other federal partners. Kim Nelson, EPA's Chief Information Officer, demonstrated the brand new Internet-site and showed how Regulations.gov will make it quicker and easier for the public to search and comment on hundreds of proposed rules.

The eRulemaking initiative has three components:

- A new Internet Web site that provides a single point of access to existing online dockets systems and obtaining information about paper-based docket systems for all federal agencies.
- A single, electronic docket system for all federal agencies to store, index, and maintain documents throughout their lifecycle.
- Creation of a seamless, integrated electronic desktop system that will standardize the federal rulemaking process, and be used for developing, reviewing, and publishing federal regulations. (The design of the eRulemaking desktop is scheduled to be completed by December 2003.)

OEI Reaches Out to the Academic Community on eRulemaking

As EPA assumes a leadership role for the eRulemaking Initiative under the E-Government Initiative in the President's Management Agenda, OEI is sharing its experience and knowledge with the academic community. OEI's Deputy Assistant Administrator Rick Otis and the eRulemaking Project Director, Oscar Morales, recently presented the on-line rulemaking project's early successes and challenges at Harvard University's John F. Kennedy School of Government, Regulatory Policy Program. The two-day conference titled, "E-Rulemaking: New Directions for Technology and Regulation," was designed to bring together a group of faculty, academics, and representatives from across the federal government. The conference focused on understanding the role of Information Technology in the regulatory arena along with the barriers and possible research projects which could contribute to the success of eRulemaking.



Clear Skies

Cleaner Air, Better Health, Brighter Future

Clear Skies proposes the most aggressive legislative improvements to the Clean Air Act since 1990 to create a simpler and more effective approach to clean air.

Clear Skies is a mandatory program that would dramatically reduce and cap emissions of nitrogen oxides (NO_x), sulfur dioxide (SO₂), and mercury from electric power generation by approximately 70%, phasing in reductions beginning in 2008.

This action would provide additional regulatory certainty for new and existing power plants, allowing for cost-efficient planning, compliance and energy efficiency improvements while providing guaranteed environmental results for the American public.

Clear Skies would do much more than clean up our air – it would increase energy security, improve public health and protect our lakes, streams and forests. Clear Skies would do all this while maintaining energy diversity and continuing the national trend of lower electricity prices.

Clear Skies Reduces and Caps Emissions From Power Plants

- **Sulfur dioxide** (SO₂) emissions would be reduced by 73 percent, from 2000 emissions of 11 million tons to a cap of 4.5 million tons in 2010 and a cap of 3 million tons in 2018.
- **Nitrogen oxides** (NO_x) emissions would be reduced by 67 percent, from 2000 emissions of 5 million tons to a cap of 2.1 million tons in 2008 and a cap of 1.7 million tons in 2018.
- **Mercury** emissions would be reduced by 69 percent, from 1999 emissions of 48 tons to a cap of 26 tons in 2010 and a cap of 15 tons in 2018.

“Clear Skies will reduce air pollution from power plants by 70 percent – the most significant step America has ever taken to address this problem – while using a market-based system to keep electricity prices affordable for hardworking Americans.”
– President George W. Bush
July 1, 2002

Clear Skies' NO_x and SO₂ requirements affect all fossil fuel-fired electric generators greater than 25 megawatts (MW). Mercury requirements affect only coal-fired electric generators greater than 25 MW.

Over the next decade, Clear Skies would achieve substantially greater reductions in pollution from these sources than otherwise attainable under current law, eliminating an additional 35 million tons of emissions.

Clear Skies Provides Significant Benefits at a Reasonable Cost

Clear Skies would result in significant benefits to public health and the environment.

- EPA projects that, by 2020, the public health benefits from Clear Skies would include

12,000 avoided premature deaths and total \$93 billion per year, substantially outweighing the annual costs of \$6.5 billion.

- A more conservative methodology for calculating health-related benefits projects over 7,000 premature deaths prevented and \$11 billion in health benefits - still far greater than the costs.
- Americans would also experience approximately 11,900 fewer visits to the hospital and emergency room, 370,000 fewer days with asthma attacks, and 2 million fewer work loss days each year under Clear Skies by 2020.
- The benefit of improvements in visibility in our national parks and wilderness areas would total \$3 billion annually by 2020.
- Clear Skies would help state and local governments attain the National Ambient Air Quality Standards (NAAQS) for fine particles (PM_{2.5}) and ozone:
 - By 2010, an estimated 34 additional counties with 10 million people would meet the fine particle standard, and an estimated 10 additional counties with 7 million people would meet the 8 hour ozone standard.
 - By 2020, an estimated 54 additional counties with 21 million people would meet the fine particle standard, and an estimated 8 additional counties with 4 million people would meet the 8 hour ozone standard.

Clear Skies is Based on Proven Successful Cap and Trade Provisions

Clear Skies is based on the SO₂ trading provisions of the 1990 Clean Air Act's Acid Rain Program. This program has reduced SO₂ emissions by more than 5 million tons since 1990 at a fraction of the expected cost. The Clear Skies program builds on this success by:

- Establishing federally enforceable emissions limits (or "caps") for all three pollutants.
- Providing the ability for sources to transfer these authorized emission limits among themselves to achieve the required reductions at the lowest cost.
- Maintaining the authority of state and local government to set source-specific emissions limits to ensure that ambient air quality standards are met.

Multipollutant Legislation for the Power Sector Is a Better Approach to Clean Air

While the Clean Air Act has resulted in significant improvements, additional reductions in emissions of SO₂, NO_x, and mercury are necessary to address persistent public health and environmental problems.

Because these pollutants move beyond state and regional boundaries, individual states or localities experiencing the direct environmental effects cannot always control them. While current law tends to address each environmental problem independently, Clear Skies takes advantage of synergies in controlling multiple pollutants to protect human health and our environment at a lower cost.

Clear Skies is a simple, cost-effective way of improving air quality over broad, multi-state areas in a way that makes sense for everyone.

For more information, please visit our website at www.epa.gov/clearskies

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 67. 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 **202-566-2855**.

Clean Air Act (CAA)

Implementation Tool Development Plan for new Surface Coating Rules, Update

In the near future, EPA's Office of Air Quality Planning and Standards (OAQPS) will be publishing ten new Maximum Achievable Control Technology (MACT) standards that regulate hazardous air pollutant emissions from various surface coating operations. To help industry and regulators prepare for the implementation phase that comes after these new rules are promulgated (finalized), EPA is in the process of determining what types of implementation tools are needed for each new coating MACT. You can keep abreast of what types of implementation activities we (EPA) have planned for these surface coating rules by periodically checking the Implementation Tool Development Plan. Implementation Plans will be developed for each new coating MACT and will tell you: (1) what we're planning for that rule; (2) who we're partnering with to develop tools; and (3) when we expect tools to be available for use. To find out more about our tool development efforts and for website addresses for these new coating rules, please see our brochure entitled "Implementation Activities for the New Surface coating MACTs - An Overview and Partnership Opportunities" at <http://www.epa.gov/ttn/atw/powc/partner.pdf>.

If you have questions regarding implementation activities under this effort, please feel free to contact **Ingrid Ward**, USEPA, 919-541-0300 or ward.ingrid@epa.gov.

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/atw/urban/urbanpg.html or call EPA's Office of Air Quality, Planning and Standards at 919-541-2798.

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 sources, each of which need only submit information covering its eligibility for the general permit. The Rule was proposed to be revised in 1994, to provide for more flexibility in the revision of permits: more flexibility was proposed in 1995. Neither of these proposed rule changes have been promulgated.

In addition, six categories of non-major sources subject to MACT standards have been deferred from title V permitting. Currently, only two categories of non-major sources subject to MACT standards are required to obtain Title V permits; these are hazardous waste combustors (HWC's) and portland cement plants., see our Item I-25.

Stratospheric Ozone Protection Rules

A final rule to reduce consumption of Methyl Bromide, a commonly used fumigant and pesticide, by 50% of historical 1991 use, was issued in 2001, Item I-15, (November 28, 2000, 65 FR 70795). A 70% baseline reduction is scheduled to occur in 2003 and a complete phaseout of Methyl Bromide is scheduled to take effect on January 1, 2005, Item I-15. An interim final rule to create an exemption which would allow production and/or import of Methyl Bromide for quarantine and preshipment uses was published, Item I-15 (July 19, 2001, 66 FR 37752). EPA is engaging stakeholders from industry and from State government at this time to inform them of the critical use exemption process which would allow production and/or import of Methyl Bromide for critical end uses in pre-plant and post-harvest applications. EPA will issue a notice requesting application for exemption to the 2005 methyl bromide phaseout for critical uses, Item I-15. HCFCs are ozone depleting substances that are scheduled to be completely phased out by 2030, the first of which, HCFC-141b, is scheduled to be phased out beginning January 1, 2003. EPA issued a proposal to allocate allowances to HCFC producers and importers to limit and begin the phaseout process for HCFCs (July 20, 2001, 66 FR 38064), Item I-. In finalizing the proposed allowance allocations for HCFC in 2002, EPA will issue a supplemental proposal seeking comments regarding an exemption for small business sectors needing relief from the 141b phaseout. EPA also evaluates alternatives to ozone depleting substances for use in refrigerants, air conditioning, foam manufacture, solvents, and fire extinguishing applications and either approved or banned them based upon their environmental, health, and safety properties through the Significant New Alternatives Program. EPA will continue to review alternatives as they are developed. The last update was published 5/23/01 66FR 28379 Item I-19.

CAA Incinerator Rules

The Agency issued final rules on September 15, 1997, which apply to medical waste incinerators (MWI). The incinerators are used to burn hospital waste and/or medical/infectious waste. The final rules cover MWI located at hospitals, other health care type facilities, and commercial waste disposal facilities which burn those types of wastes. The final rules cover both new and existing MWI. Those built before June 20, 1996 are considered existing MWI, and those built after that date are considered new MWI. New MWI are required to meet the requirements upon start-up. Existing MWI are required to meet the requirements by September 15, 2002. Small existing MWI, located in rural areas, are required to meet less stringent requirements.

The Agency issued final rules on December 6, 2000, which apply to small municipal waste combustors (MWC). Those are incinerators which have a capacity to burn more than 35 tons per day of

municipal waste, but less than 250 tons per day. [Final rules for MWC with a capacity to burn 250 tons per day or more of municipal waste were issued in December 1995.] The final rules cover both new and existing small MWC. Small MWC built before August 30, 1999 are considered existing, and those built after that date are considered new. New small MWC must meet the requirements upon start-up, and existing small MWC must meet the requirements by August 30, 2004.

The EPA issued final rules on December 1, 2000, which apply to commercial and industrial solid waste incinerators (CISWI). Those final rules apply to incinerators located at commercial or industrial facilities which burn solid waste without energy recovery. The final rules cover both new and existing CISWI. Commercial and Industrial Solid Waste Incinerators built before November 30, 1999 are considered existing, and those built after that date are considered new. New CISWI must meet the requirements upon start-up, and existing CISWI must meet the requirements by November 30, 2004.

National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules Update

The Emissions Standards Division of the Office of Air Quality Planning and Standards is in the process of completing NESHAP for 170 source categories, many of which contain small businesses. These standards are also called Maximum Achievable Control Technology, or MACT, standards. Standards for 103 source categories are final. Standards have been proposed for 43 of the remaining 94 source categories. Eleven source categories on the original list have been delisted.

The EPA website <http://www.epa.gov/ttn/atw/eparules.html> lists information on the rule applicability and rule requirements. Implementation materials are also available for some rules.

One key date is the Section 112(j) "hammer date" of May 15, 2002. Section 112(j) applies to major sources in categories and subcategories on the EPA's source category list for which EPA has not promulgated standards by May 15, 2002. Major sources are those that emit from the entire contiguous facility 10 tons or more of any single HAP or 25 tons or more of any combination of HAP.

Major sources subject to section 112(j) regulations (40 CFR 63, subpart B) must submit a title V permit application to its permitting authority by May 15, 2002 to incorporate case-by-case MACT EPA promulgated Part 1 amendments to the 112(j) rule on April 5, 2002. Sources must submit a Part 1 application on May 15, 2002, followed by a Part 2 application by May 15, 2004. The amendments discuss in more detail what is required to be in the permit application.

Affected sources should review 40 CFR 63, subpart 63.50 through 63.56 for further information. For more information on the amendments, see the April 5, 2002, Federal Register, page 16582. Additional information is also on EPA's Air Toxics Website at <http://www.epa.gov/ttn/atw/112j/112jaypg.html>.

Hazardous Air Pollutant Standards for Several Categories of Industrial Combustion Sources

The Agency is developing rules under Section 112 of the Clean Air Act (CAA) to limit emissions of hazardous air pollutants from several industrial combustion sources. This may include rules for boilers, process heaters, stationary combustion turbines, and/or stationary reciprocating internal combustion engines. These sources are used primarily for energy generation in a wide variety of industries and they burn a variety of fuels (e.g., wood, oil, coal, natural gas). The rules could affect thousands of sources nationwide and have significant environmental, health, and cost impacts.

Organic Liquids Distribution (Non-Gasoline)

This project is to develop national emission standards for hazardous air pollutants by establishing maximum achievable control technology (MACT) for facilities distributing organic liquids. This project should include but is not limited to those activities associated with the storage and distribution of organic liquids other than gasoline at sites that serve as distribution points from which organic liquids may be obtained for further use and processing. www.epa.gov/fedrgrstr/epa-air/2002/april/day-02/a7095.htm. Item I-48

Perchloroethylene (PCE) Health Effect Assessment

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 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 late calendar year 2002. 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.

Public Access to Off-Site Consequences Analysis (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

Clean Water Act (CWA)

Effluent Guidelines Program

Effluent guidelines are regulations for industrial discharges to surface waters and to publicly-owned treatment systems. In December 2002, EPA's issued revisions to the effluent guidelines for concentrated animal feeding operations. We continue to work on effluent guidelines for the following industries: metal products and machinery, construction and development, meat and poultry products, and aquatic animal production (often called aquaculture). You can check for updates on all of the effluent guidelines on the Internet at <http://www.epa.gov/guide/>. Below, EPA reports on important progress on several effluent guidelines.

In addition, EPA published the Effluent Guidelines Program Plan for 2002/2003 in August 2002. The Plan provides background information on clean water industrial regulations and describes the role these regulations play in improving water quality. In November 2002, EPA announced a draft Strategy that describes a process EPA may use to identify industries for which effluent guidelines need to be revised or developed, in compliance with Section 304(m) of the Clean Water Act.

EPA encourages small businesses to review and provide comments on the draft Strategy. The draft Strategy, along with a Federal Register announcement and a Fact Sheet, are available on the Internet at <http://www.epa.gov/guide/strategy>. The 90-day comment period on the draft Strategy closes on February 27, 2003. There will be a public meeting to discuss the draft Strategy on Wednesday, January 15, 2003 at EPA headquarters in Washington, DC; details are included in the Federal Register announcement.

Metal Products and Machinery

The public notice for the proposed effluent guidelines for the Metal Products and Machinery industry appeared in the Federal Register on January 3, 2001, and the public comment period closed on July 2, 2001. Prior to issuing the proposed rule, EPA convened a Small Business Advocacy Review Panel. The proposal incorporated all of the Panel's recommendations such as reduced monitoring, best management practices (BMPs), pollution prevention alternatives, and no regulation options for low flow facilities.

EPA received more than 1,000 comments on the proposed rule from State and local regulatory authorities, environmental groups, individual industrial facilities and industry groups, and private citizens. Many of the commenters stated that the proposal overestimated pollutant reductions and environmental benefits and underestimated costs and impacts to the regulated community.

On June 5, 2002, EPA published a Notice of Data Availability to present a summary of data received in proposal comments and additional data collected by EPA. The Notice also explained how EPA might use these data to develop the final MP&M regulations. In addition, the Notice discussed many of the proposal comments and how this information might affect the underlying methodology and data that EPA uses to estimate the costs, pollutant reductions, environmental benefits, impacts, and regulatory options. EPA held a public meeting on June 7, 2002 to discuss the notice; the meeting materials are posted on the website. EPA accepted comments on the Notice until July 22, 2002. The rule is scheduled for final action in February 2003.

Construction and Development

The public notice for the proposed effluent guidelines for Construction and Development appeared in the Federal Register on June 24, 2002; the public comment period closed on December 23. EPA proposed three options that relate to the discharge of pollutants from construction sites. The proposal, supporting documents, and related information are available on the C&D website at <http://www.epa.gov/waterscience/guide/construction>. The proposal included options that work in conjunction with existing National Pollutant Discharge Elimination System (NPDES) storm water regulations. One option is an effluent guideline that specifies design criteria for construction site runoff controls and includes requirements for site inspection and certification that controls have been properly installed. Another option includes site inspections and certification requirements only. The third option is a "no regulation" option that relies on the existing regulations.

Prior to issuing the proposed rule, EPA convened a Small Business Advocacy Review Panel. The recommendations from the Panel played a significant role in many aspects of the proposed rule. The Panel recommended that EPA, during the development of the proposed effluent guidelines, evaluate the adequacy of the current NPDES storm water program. The Panel also recommended that EPA proceed with the development of proposed effluent guidelines, but that in doing so, keep open the option of ultimately declining to promulgate final guidelines until the effectiveness of the storm water permit regulations, without national effluent guidelines, can be more fully evaluated. The Panel

further recommended the inclusion in the proposal of regulatory language that would provide a mechanism by which construction sites could meet the effluent guidelines requirement by complying with existing State and/or local regulations that provide a comparable level of environmental protection. EPA considered the Panel's recommendations and generally included the recommendations or their equivalents in the proposal.

EPA conducted a series of public information meetings on the proposed rule from July to September, 2002. The rule is scheduled for final action in March, 2004.

Concentrated Aquatic Animal Production

The public notice for the proposed effluent guidelines for Concentrated Aquatic Animal Production appeared in the Federal Register on September 12, 2002; the public comment period will be open until January 27, 2003.

Prior to proposal, EPA convened a Small Business Advocacy Review Panel and solicited feedback from 22 small entity representatives on various aspects of the proposal, including the scope of the proposed rule in terms of production systems, species and sizes of facilities to be covered. Specifically, pond production systems were not included in the scope of the proposed rule as a result of the input from the small entity representatives and others. EPA also refined aspects such as best management practices and reporting requirements. Many of these requirements reflect comments provided by the small entity representatives.

The proposed rule applies to commercial, academic, government, and other non-profit organizations which meet the definition of a Concentrated Aquatic Animal Production facility (as already set forth in the Code of Federal Regulations) and produce 100,000 pounds of aquatic animals or more per year through flow-through, recirculating, or net pen production systems. The proposed regulation would establish limits on the discharge of total suspended solids as a means of addressing concerns about conventional and nutrient pollutants. The proposed regulation also addresses concerns related to drugs and other chemicals entering the Nation's waters from these facilities.

EPA encourages all facilities that may be affected by this regulation, especially small businesses, to review and comment on the proposal. EPA conducted three public meetings on the proposed rule in late October to mid-November. The rule is scheduled for final action in June 2004.

Meat and Poultry Products

The proposed effluent guidelines for Meat and Poultry Products cover process water generated as a result of meat and poultry slaughtering, further processing, and rendering activities. In general, the proposal focuses on the larger facilities in the industry. EPA does not expect the proposed regulations to affect many small businesses. Specifically, EPA proposed to revise new source standards and Best Practicable Technology (BPT) limits, and to establish Best Available Technology (BAT) limits for the meat and rendering facilities that exceed specific production thresholds. EPA also proposed to establish new source standards and limits based on the application of BPT, BAT, and Best Conventional Pollutant Control Technologies (BCT) for poultry slaughtering and processing facilities that exceed specific production thresholds. EPA did not propose to establish pretreatment standards for any Meat and Poultry Products facilities, although the proposal solicits data and information on interferences in Publicly Owned Treatment Works (POTW) operations caused by Meat and Poultry Products discharges.

By proposing not to establish pretreatment standards, and to

establish or revise requirements for just the larger direct discharging facilities, the regulations are not expected to affect many small businesses. In the preamble to the proposed rule, the Administrator certified that the proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, EPA did not convene a Small Business Advocacy Review Panel for the Meat and Poultry Products effluent guideline. EPA provided an analysis of small businesses that might be affected by the proposal and solicited comment on this analysis in the preamble to the proposed rule, which was published in the Federal Register on February 25, 2002. The comment period closed on June 25, 2002. The rule is scheduled for final action in December 2003.

Concentrated Animal Feeding Operations

The final rule for the Concentrated Animal Feeding Operations (CAFOs) revises and clarifies the EPA's regulatory requirements for CAFOs under the Clean Water Act. This final rule will ensure that CAFOs take appropriate actions to manage manure effectively in order to protect the nation's water quality. The Administrator signed the CAFO rule on December 15, 2002. EPA submitted the rule for publication in the Federal Register (FR), and it is expected to be published in the FR around the end of January, 2003. You may check for updates and other information on this rule at <http://cfpub.epa.gov/npdes/afo/cafofinalrule.cfm>

Cooling Water Intake Structures

Section 316(b) of the Clean Water Act 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.

On December 18, 2001, EPA published final regulations to protect fish and other aquatic organisms from being killed or injured by cooling water intake structures at new facilities. The Administrator certified that the rule would not have a significant economic impact on a substantial number of small entities. On April 9, 2002, EPA published proposed regulations for cooling water intake structures at existing electric power generating plants that use 50 million or more gallons of cooling water a day. EPA concluded that the proposed rule would not have a significant economic impact on a substantial number of small entities. EPA must take final action on the proposal by February 16, 2004. By November 1, 2004, EPA must propose regulations for existing manufacturing facilities and for existing electric power generating plants that use less than 50 million gallons of cooling water a day. EPA anticipates convening a Small Business Advocacy Review Panel for the November 2004 proposed rule.

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

Storm Water - NPDES Construction General Permit (CGP)

On December 20, 2002, EPA proposed in the Federal Register (67FR78116) a Storm Water Construction General Permit (CGP). The comment period closes 2/3/03. Please note that this is not a rule and therefore it is not subject to the normal rulemaking requirements

including the Regulatory Flexibility Act.

The proposed permit would replace existing permits that expire on 2/17/03 for large construction sites in certain areas of the country. The permit would also include coverage of small construction activity in certain areas.

The proposal includes: a summary of significant changes from the 1998 CGP, additions and deletions in the permit areas covered, the limitations on coverage, deadlines and permit application process, and a discussion of the Storm Water Pollution Prevention Plan (SWPP) that the general permit would require.

EPA will hold a series of informal public meetings that will include a presentation on the CGP followed by a question and answer session. You can find more information on these meetings as well as if and how the CGP changes may apply to you on the Internet at <http://www.epa.gov/npdes/stormwater> and on various EPA Regional Web sites (e.g. <http://www.epa.gov/region6/sws> for EPA region 6, <http://www.epa.gov/r10earth/stormwater.htm> for EPA Region 10).

BEACH ACT

In October 2000, Congress passed the Beaches Environmental Assessment and Coastal Health (BEACH) Act. The BEACH Act among other things, asked EPA to provide technical assistance to States and local governments in assessing and monitoring their floatable materials. In partially fulfilling that directive, EPA made available to the public a document, entitled "Assessing and Monitoring Floatable Debris," in August 2002. The purpose of this document is to assist States, Tribes, and local governments in developing programs to assess and monitor their coastal recreation waters for floatable debris. These programs will be used to help identify sources of floatable debris, protect human health and the environment, as well as protect the coastal watershed.

National Coastal Condition Report

EPA issued the first environmental report card on the nation's coastal waters in March 2002. The *National Coastal Condition Report* was prepared to help decision-makers manage coastal resources and increase public awareness of the condition of coastal waters. The findings in this Report serve to monitor the progress of coastal programs as EPA continues to assess the condition of coastal waters.

Seven indicators were evaluated to assess the overall condition of the nation's coasts. These indicators were consolidated from many environmental measures and include: water clarity; dissolved oxygen; fish tissue contaminants; eutrophic condition; sediment contamination; benthic condition; and coastal wetlands loss. Based on these indicators, the Report describes the nation's coastal waters as ranging from fair to poor.

The Report is the result of a collaboration among the EPA, the National Oceanic and Atmospheric Administration, the Department of Interior, and the Department of Agriculture with contributions from numerous other Federal, State, and Tribal organizations. This Report demonstrates the value of forging close scientific collaboration among Federal, State and other organizations. The full text of the Report as well as a fact sheet can be found at <http://www.epa.gov/owow/oceans/nccr/index.html>. Copies of the Report are available by calling 1-800-490-9198. The next Report is planned for 2004.

Safe Drinking Water Act (SDWA)

Long Term 1 Enhanced Surface Water Treatment Rule Update

EPA finalized the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) on January 14, 2002 (*Federal Register*, vol. 67, no. 9, pages 1812-1844). 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. Under the LT1ESWTR, finished water reservoirs must be covered if construction begins on or after March 15, 2002. The rule also ensures that microbial protection is not jeopardized if systems make changes to comply with the requirements of the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR). This is accomplished by requiring systems to evaluate their disinfection practices through a process called disinfection profiling, beginning either July 1, 2003, or January 1, 2004 (based on system size). Finally, systems must meet strengthened filtration performance standards by January 2005. 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. The Environmental Protection Agency will conduct a training of the Surface Water Treatment Rules, including LT1ESWTR, transmitted by satellite broadcasts to designated downlink sites throughout the nation. The broadcast will take place on January 30th, 2003, from 11:00am - 5:00pm EST. This broadcast has been developed for State, Tribal, and local water utility personnel and technical assistance providers active in the water program. For a downlink site near you, please visit www.epa.gov/oar/oaqps/eog/apdln.html. For training materials and additional information, please visit www.epa.gov/safewater/dwa/satellite.html. The full text of the LT1ESWTR as well as fact sheets and guidance materials may be found at www.epa.gov/safewater/mdbp/lt1eswtr.html.

Filter Backwash Recycle Rule Update

EPA published the Filter Backwash Recycling Rule (FBRR) on June 8, 2001 (National Primary Drinking Water Regulations: Filter Backwash Recycling Rule - Final Rule) in the *Federal Register* (vol. 66, no. 111, pages 31085-31105). The purpose of the FBRR is to further protect public health by requiring public water systems (PWSs), where needed, to institute changes to the return of recycle flows to a plant's treatment process that may otherwise compromise microbial control. Systems are required to submit notification of their recycle practices to the State by December 8, 2003. In addition, systems must comply with an approved recycle return location as well as maintain additional recycle information on file for State review by June 8, 2004. The Environmental Protection Agency will conduct a training of the Surface Water Treatment Rules, including FBRR, transmitted by satellite broadcasts to designated downlink sites throughout the nation. The broadcast will take place on January 30, 2003, from 11:00am - 5:00pm EST. This broadcast has been developed for State, Tribal, and local water utility personnel and technical assistance providers active in the water program. For a downlink site near you, please visit www.epa.gov/oar/oaqps/eog/apdln.html. For training materials and additional information, please visit www.epa.gov/safewater/dwa/satellite.html. The full text of the FBRR as well as several fact sheets and guidance materials may be found at www.epa.gov/safewater/filterbackwash.html.

Ground Water Rule Update

On May 10, 2000, EPA proposed rules to protect consumers of public drinking water supplies, which draw water from wells, springs or other ground water sources, from microbial contaminants (*Federal Register*, vol.65, no.91, pages 30194-30274). The 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. The Ground Water Rule is expected to be promulgate in late 2003.

Stage 2 Disinfectants/Disinfection Byproducts Rule

EPA plans to propose a Stage 2 Disinfectants/Disinfection Byproducts Rule (DBPR) in mid 2003. [Note: Most small systems that serve fewer than 500 people 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 that serve between 500 and 10,000 people may have an additional monitoring point, in addition to the Stage 1 requirements. If a small system is a "consecutive system," it 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 Safe Drinking Water Act requirements for risk balancing, EPA will 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 the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) in mid 2003. The purpose of the LT2ESWTR is to improve upon the microbial protections provided by the Interim Enhanced Surface Water Treatment Rule and Long Term 1 Enhanced Surface Water Treatment Rule, 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 has *Cryptosporidium* concentrations that exceed 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.

Six-Year Review - Publication of Notice with Preliminary Decisions

Section 1412(b)(9) of the Safe Drinking Water Act (SDWA), as amended in 1996, requires the Agency to conduct a periodic review of existing National Primary Drinking Water Regulations (NPDWRs). On April 17, 2002, the Agency announced in the *Federal Register* its preliminary revise/not revise decisions for 68 chemical NPDWRs and the Total Coliform Rule (TCR). The *Federal Register* also described the protocol that the Agency used to perform the review. Based on its review, the Agency preliminarily decided that the 68 chemical NPDWRs remain appropriate at the time and that the TCR should be revised. The Agency requested public comments on these preliminary decisions and the protocol. The 60-day public comment period ended on June 17, 2002. Final revise/not revise decisions are expected to be announced in the *Federal Register* in early 2003.

Contaminant Candidate List - Publication of Notice of Preliminary Regulatory Determinations

The Safe Drinking Water Act (SDWA), as amended in 1996, directs EPA to publish a list of contaminants (referred to as the CCL) to assist in priority-setting efforts. SDWA also directs the Agency to determine by August 2001 whether or not to regulate at least five contaminants from the current CCL with a National Primary Drinking Water Regulation (NPDWR). EPA developed an approach, or protocol to the Agency's 1998 CCL. The review focused on 8 chemical and 1 microbiological contaminants (aldrin, dieldrin, hexachlorobutadiene, manganese, metribuzin, naphthalene, sodium, sulfate, and *Acanthamoeba*). EPA's preliminary determination is that no regulatory action is appropriate or necessary for the 9 contaminants. EPA will make final determinations on these contaminants after a 60-day comment period, Science Advisory Board (SAB) review, and a public meeting. EPA held a public meeting on the Agency's preliminary regulatory determinations on July 16, 2002 in Washington, D.C. The 60-day public comment period on the CCL preliminary regulatory determinations ended on July 16, 2002 and a *Federal Register* notice of the Agency's final determinations is expected in early 2003.

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 each year. 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 first two years indicate that over 90% of systems required to prepare and distribute these reports did so by the required deadline. The fourth report is due by July 1, 2002.

EPA is currently piloting a new, internet-based tool, CCRiWriter, to help water systems with their CCRs. This web version replaces the earlier CD-based software and is intended to take the burden off end users by walking them through CCR requirements and regulations. The website allows systems to enter data, edit information, save reports and store information on-line. Standard information, such as definitions and other required information, is already included to save time. Users answer a series of questions about regulated contaminants, source water and other required topics. With your monitoring results handy, you should be able

to use the CCRiWriter to create your CCR more easily and quickly. The new version of CCR Writer 2.0 is available for download through the EPA website at <http://www.epa.gov/safewater/ccr/ccrwriter/html>.

Minor Revisions Made to the PN, CCR, and Primacy Rules

On November 27, 2002, the Agency finalized minor revisions to the Public Notification (PN) Rule, the Consumer Confidence Report (CCR) Rule, and the Primacy Rule. The Environmental Protection Agency (EPA) made changes to the health effects language for two contaminants, di(2-ethylhexyl) adipate (DEHA) and di(2-ethylhexyl) phthalate (DEHP) in the PN Rule and the CCR Rule under the Safe Drinking Water Act (SDWA). Minor corrections were also made to Appendix A of the CCR Rule. Changes included: correcting drinking water source information listed for copper, changing the placement of regulatory and health effects information for disinfection byproducts (i.e., bromate, chloramines, chlorite, chlorine, and chlorine dioxide), and correcting the reference "chloride dioxide" to "chlorine dioxide." The Agency also amended the listing for three contaminants (i.e., bromate, chlorite, and total trihalomethanes) to correct source information given in Appendix A. The appendix listed "by-product of chlorination," a specific method of disinfection, as the major source for these contaminants in drinking water. The source information in Appendix A was amended to include the more general term "by-product of drinking water disinfection" for these contaminants. In addition, the Agency revised the Primacy Rule to remove regulations pertaining to the Administrator's authority to waive national primary drinking water regulations (NPDWRs) for Federally owned or operated public water systems. This authority was removed by Congress in the 1996 amendments to the Safe Drinking Water Act.

Arsenic

The 1996 amendments to the Safe Drinking Water Act required EPA to revise the Arsenic drinking water standard. EPA published the revised standard on January 22, 2001. The final rule lowers the Maximum Contaminant Level (MCL) from 50 ppb to 10 ppb and applies to all community water systems and non-transient non-community water systems. Systems must be in compliance with the new rule by January 23, 2006. EPA has published a **final Implementation Guidance for the Arsenic Rule (available on EPA's website at:**

<http://www.epa.gov/safewater/ars/implement.html>) to aid states, tribes and EPA's regional staff with rule implementation. EPA has also **finalized a small community compliance guide called the STEP Guide: Complying with the New Drinking Water Standard for Arsenic** and a *Centrally Managed Point of Use Compliance Strategy*. **Both of these documents are available at**

<http://www.epa.gov/safewater/ars/implement.html>. EPA is developing an *Arsenic Treatment Technology Design Manual for Small Systems* which is expected to be completed in **January 2003**. The Agency has **held** training sessions throughout the U.S. for State and Regional personnel, drinking water providers, technical assistance providers, and consultants. **On January 29, 2003, the Agency is hosting a national satellite training on the arsenic rule. For additional information regarding this training visit our web site at** <http://www.epa.gov/safewater/dwa/satellite.html> **or call** the Safe Drinking Water Hotline at 1-800-426-4791.

A Small System Guide to the Total Coliform Rule: Monitoring Drinking Water Systems to Protect Public Health: This product is a self-help workbook that describes the need for coliform monitoring and how the Total Coliform Rule (TCR) applies to small drinking water systems serving 3,300 people or less. Worksheets are provided along with step-by-step instructions on how to complete them and interpret

the results of TCR monitoring. Additional blank monitoring worksheets can be requested separately. Copies of these products can be obtained from the Office of Water Resources Center or by calling the Safe Drinking Water Hotline at 1-800-426-4791. Please reference EPA Document Number EPA 816-R-01-017A for the workbook and EPA Document Number EPA 816-R-01-017B for additional blank monitoring worksheets. Copies of this document can also be obtained from the EPA website at http://www.epa.gov/safewater/smallsys/small_tcr.pdf.

Small System Partnership Solutions: Water system capacity is the ability to plan for, achieve, and continually provide safe and affordable drinking water to customers, thereby increasing public health protection. Capacity development is the process through which drinking water systems acquire and maintain the technical, managerial and financial capabilities to consistently provide safe drinking water. One tool that can be used to build capacity is system partnership solutions. This product provides an overview of steps that promote partnerships between systems. The product also provides examples of successful case studies of systems that have partnered with each other as a solution to achieving capacity. Copies of this document can be obtained from the EPA Safe Drinking Water Hotline at 800-426-4791 or at <http://www.epa.gov/safewater>. Please reference EPA document # 816-R-02-022.

Sources of Financial and Technical Assistance for Small Systems: This brochure identifies major sources of technical and financial assistance specifically targeted at small drinking water systems. Each source listed in this document contains a description about each source's mission, types of assistance that can be provided, and contact information. Copies of this document can be obtained from the EPA Safe Drinking Water Hotline at 800-426-4791 or at <http://www.epa.gov/safewater>. Please reference EPA document # 816-K-02-005.

Complying With the Revised Drinking Water Standard for Arsenic: Small Entity Compliance Guide (One of the Simple Tools for Effective Performance (STEP) Guide Series

This product is a self-help workbook that is designed to help small drinking water systems understand and achieve compliance with the revised Arsenic Rule. The workbook provides information for small drinking water systems to help in their selection of appropriate arsenic compliance options. Worksheets are also provided along with step-by-step instructions on how to complete them and interpret monitoring results. Additional blank worksheets can be requested separately. This product is currently at the printers and will be made available from the Office of Water Resources Center, or by calling the Safe Drinking Water Hotline at 1-800-426-4791. Please reference EPA Document Number EPA 816-R-02-008A for the workbook and EPA Document Number EPA 816-R-02-008B for additional blank worksheets. Copies of this document will also be made available on EPA's website.

Asset Inventory Workbook for Mobile Home Parks and Homeowners Associations:

EPA is currently developing a workbook to assist mobile home parks and homeowners associations in conducting a simple inventory of infrastructure for capital planning purposes. This workbook will be essential in keeping these types of water systems running properly and making sure that the drinking water produced by these systems is reliable, safe and affordable. EPA is expecting to have this workbook completed by Spring 2003.

Safe Drinking Water Act (SDWA) Regulation Overview Workbook:

EPA is currently developing a workbook that explains how current and future SDWA regulations relate to each other to achieve public health protection. This workbook focuses on why compliance is important, what knowledge is needed in order to comply, and when compliance is required. EPA is expecting to have this workbook completed by Spring 2003.

Asset Management Workbook

EPA is currently developing a workbook that will emphasize how effective asset management is a key element of a small system sustainability. Various sample worksheets will be provided to help small systems organize data and determine the best approach to maintenance and replacement of major physical assets. EPA is expecting to have this workbook completed by Spring 2003.

Disinfection Byproducts (DBP) Workbook

EPA is currently developing a simple workbook to guide small systems in achieving compliance with the Stage 1 Disinfectants and Disinfection By-Products rule. The workbook will include worksheets and other tabular and graphical tools to help systems organize their data and think through compliance options. EPA is expecting to have this workbook completed by Spring 2003.

Strategic Planning Workbook

EPA is currently developing a simple workbook to assist small systems in strategic planning. The workbook will provide worksheets and related tools to help systems organize data and systematically assess their strengths, weaknesses, challenges, and opportunities. This workbook is based on the strategic planning workshops held around the country in 2000. EPA is expecting to have this workbook completed by Spring 2003.

Preventative Maintenance Tool for Small Ground Water Systems (Card File)

EPA is currently developing a simple preventative maintenance tool for small ground water systems. The tool will consist of index cards that give preventative maintenance tasks to be accomplished on a daily, weekly, and monthly basis. The tool will also incorporate security-related tasks that could be accomplished in conjunction with the maintenance tasks. EPA is expecting to have this product completed by Spring 2003.

Arsenic Treatment Technology Design Manual

EPA is currently developing a manual that addresses state-of-the-art arsenic treatment for small systems and includes discussion of process theory, design parameters, cost estimation, compatibility with existing treatment processes, necessary pre- and post-treatment, residual disposal, and process operation and maintenance. Detailed example design calculations will be provided. The manual is intended for use by consulting engineers, state engineers, and technical assistance providers. EPA is expecting to have this manual completed by Spring 2003.

Drinking Water System Security Workbook for Systems Serving Populations of Fewer Than 3,300 People

EPA is currently developing a simple workbook to assist small systems with drinking water system security. The workbook will emphasize the importance of security to these small drinking water systems and how certain basic methods and measures can be used to raise system security.

It will also provide guidance to these small drinking water systems on how to conduct vulnerability assessments, prepare emergency response plans, and address threats from attacks or other intentional actions that would disrupt the supply of safe drinking water that these systems provide. EPA is expecting to have this manual completed by Fall 2003.

Hazardous Waste Management Resource Conservation & Recovery Act (RCRA)

Revised Standards for Hazardous Waste Combustion Facilities

Background

Congress amended the Clean Air Act (CAA) in 1990 to require that hazardous air pollutants be controlled by technology-based standards – standards based on the technical capabilities of control strategies for the emitting industry in question, with further controls required later if significant risk remains after imposition of the technology-based standards.

On September 30, 1999, we promulgated standards (referred to as the “Phase I” rule, 64 FR 52828) to control emissions of hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes. These emission standards created a technology-based national cap for hazardous air pollutant emissions, assuring that combustion of hazardous waste in these devices is properly controlled. Additionally, the rule satisfied our obligation under the Resource Conservation and Recovery Act (RCRA) to ensure that hazardous waste combustion is conducted in a manner protective of human health and the environment. By using both CAA and RCRA authorities in a coordinated fashion, we consolidated regulatory control of hazardous waste combustion into a single set of regulations, thereby minimizing the potential for conflicting or duplicative federal requirements.

Recent Activities

A number of parties, representing interests of both industrial sources and of the environmental community, sought judicial review of the rule. On July 24, 2001, the United States Court of Appeals for the District of Columbia Circuit (the Court) granted the Sierra Club’s petition for review and vacated the challenged portions of the rule. However, the Court invited us (or any of the parties to the proceeding) to file a motion to delay issuance of its mandate to request either that the current Phase I standards remain in place, or that we be allowed reasonable time to develop interim standards.

On October 19, 2001, after several months of negotiation, we, together with all other petitioners that challenged the hazardous waste combustor emission standards, filed a joint motion asking the Court to stay the issuance of its mandate for four months to allow us time to develop interim standards, and the Court granted this request. In the joint motion, we agree to take several actions. First, we agreed to issue a one-year extension to the compliance date of September 30, 2002. On December 6, 2001 we published a final rule to extend for one year the compliance date for Phase I sources (66 FR 63313). Second, we committed to publish an interim rule with revised emission standards and to finalize several compliance and implementation amendments to the rule. These stop-gap interim standards and compliance and implementation amendments were promulgated on February 13 and 14,

2002 (67 FR 6792 and 67 FR 6968). The interim standards replace the vacated standards temporarily, until we finalize replacement standards that comply with the Court’s mandate. Finally, we agreed to issue these final replacement standards that fully comply with the Court’s opinion by June 14, 2005.

Also, we are developing MACT standards for hazardous waste burning industrial and institutional/commercial boilers, process heaters, and hydrochloric acid production furnaces. These sources are referred to as Phase II sources because the MACT standards for these sources were originally scheduled to be promulgated after the Phase I source MACT standards were finalized.

Additional information is available from EPA’s Hazardous Waste Combustion website <http://www.epa.gov/hwcmact>.

RCRA Reporting And Recordkeeping Burden Reduction

To meet the goals of the Paperwork Reduction Act of 1995, EPA is reducing the reporting and recordkeeping burden imposed by RCRA on the regulated community, states, and the public.

On January 17, 2002, the RCRA Burden Reduction Initiative Proposed Rule was published in the Federal Register. It contained many proposals for reducing paperwork burden. The comment period for the Rule closed April 17, 2002. The Proposed Rule may be found at the web site www.epa.gov/epaoswer/hazwaste/data/burdenreduction.

The proposals in the Rule are:

- (1) Eliminating or streamlining a third of the RCRA reporting and recordkeeping requirements;
- (2) Reducing records retention time to three years in most cases;
- (3) Reducing facility self-inspection frequencies;
- (4) Streamlining personnel training requirements; and
- (5) Eliminating and reducing requirements of the Land Disposal Restrictions Program which regulates the disposal of hazardous wastes.

EPA is currently reviewing the comments in anticipation of writing a final rulemaking.

Dyes and Pigments

This action addresses the potential human health and environmental risks posed by wastes from the manufacture of dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under RCRA to control any potentially unacceptable risks. If listed under RCRA, these wastes also would be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. We have not yet determined whether there will be small business impacts. EPA previously proposed listing decisions for the wastes of concern in 1994 (D&P I) and 1999 (D&P II). The 1994 and 1999 proposals have not been finalized because they relied on redacted data claimed to be confidential by industry. These data are subject to a court injunction prohibiting publication until the CBI claims are resolved. We recently have developed a new approach to this action that we believe will allow us to re-propose listing determinations for the wastes of concern without relying on the contested data.

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. Federal regulatory requirements for hazardous waste are found in 40 CFR 261-266, 268 and 270 and currently 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, so long as specified conditions, such as not containing free liquids and being transported off-site in closed containers, are met. However, more stringent requirements would apply for wipes disposed in a landfill in order to obtain an exemption from RCRA Subtitle C regulations.

Standardized Permit For RCRA Hazardous Waste Management Facilities

This rulemaking, as proposed, 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) was published on October 12, 2001 in the *Federal Register* (66 FR 52191). The Agency is currently assessing public comments and expects to publish a final rulemaking in early 2003.

Metal Finishers (F006) rulemaking

The Office of Solid Waste is in the process of developing a draft rule that would provide an alternative regulatory framework for the recycling of F006 electroplating sludges. Instead of having to manage F006 sludges under RCRA Subtitle C hazardous waste regulations, both generators and handlers of F006 would obtain an exemption from these regulations provided they met specified conditions equally protective of human health and the environment. Conditions under consideration include notification to the EPA or authorized State, proper recordkeeping, ability to exceed a minimum concentration threshold for the recovery of targeted metals, and proper management of the materials from generation to entering the recycling process.

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." These regulations are included in the Item C-51.

Recycling of Cathode Ray Tubes (CRTs): Proposed Changes to Hazardous Waste Regulations

This action proposes to revise the existing federal regulations to encourage reuse, recycling, and better management 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, many of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, many CRTs could be hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations when they are disposed of or recycled under certain circumstances. Recycling can include using used CRT glass to make new CRTs, reclamation at lead smelters, or other uses. The notice proposes to exclude CRTs from RCRA regulation if they are recycled under certain conditions.

This action is taken in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to The Environmental Protection Agency (EPA). The recommendation urged minimizing RCRA requirements for CRT 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 recycling, thereby minimizing disposal of lead, increasing resource recovery, and enhancing protection of human health and the environment.

A Rule was published in the June 12, 2002 Federal Register pp.40507-28.

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. The EPA in conjunction with the Department of Energy has conducted several treatability studies on elemental mercury and mercury-contaminated soils. Several of the vendors who expressed interest in processing the Department of Defense's mercury stockpile participated in this effort. These studies are currently being peer-reviewed. EPA expects to publish a Notice of Data Availability in the fall of 2002 which will describe the results of the treatability studies and the peer review and discuss alternatives to the current requirements, such as treatment variances.

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 was published on May 22, 2001. The comment period closed on October 4, 2001. EPA received about 60 sets of comments, and the agency is now reviewing and analyzing these comments. The work group resumed meetings in March 2002, and is deliberating now on issues and rule language for the final rule. A final rule is anticipated around May, 2003.

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 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. A Proposed rule was published (FR 12/2/97, pages 63812-20), which is included in Item C-77. A Final Rule was published, on July 17, 2002, which, among other provisions, amends some of the capacity requirements. However, following concerns expressed by several trade associations reflecting impacts foreseen by their facility members, EPA has published an Interim Final Rule, January 9, 2003, FR pp. 1347-51 extending the dates for sixty days, for a facility to amend and implement its SPCC plan, and a Proposed Rule, same date, FR. pp 1352-55 which proposes to provide a one year extension plan amendment and implementation. Copies of these rules are also included in the publications Item C-77.

The rule, 40 CFR Part 112, 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) with corrections (FR 7/14/00 p. 43840, and FR 6/29/01 pp. 34559-61) all of which are included in Item C-77.

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.

On June 8, 1998, EPA proposed modifications to 40 CFR Part 370, the regulations codifying sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The proposed rule, FR item on 6/8/98, as included in Item K-30, addressed 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 and subsequent years. This final rule is included in Item K-30. After reviewing the public comments on the proposed rule, EPA decided that the proposal involving the relief from routine reporting for substances with minimal hazards and minimal risk needed clarification and further development prior to promulgating a final rule. This supplemental notice will further clarify EPA's intent and proposes an alternative modification to Part 370 to reduce the number of chemicals on which facilities must report annually under EPCRA section 312.

The publication of the supplemental notice is currently postponed in order to focus on other homeland security issues.

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 (20,000 hours); (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 solvent recovery services on a contract or fee basis)), or the facility is a federal facility; 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 began reporting their releases and other waste management information for activities conducted in 1998 in reports due July 1, 1999. The seven new industry groups are: 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 certain 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 began to apply for TRI reports on releases and other waste management for the year 2000 which had to 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 included modifications to certain reporting exemptions and requirements for lead and lead compounds. (Also included in K-29).

Toxics Release Inventory (TRI) Public Data Release

EPA released the 2000 TRI data on May 23, 2002. TRI summary information and data access is available via the web at <http://www.epa.gov/tri/tridata/tri00/index.htm>. The 2000 TRI Data Release website provides fast and easy access to the data overview and relevant TRI information (including tables, charts, maps, and press materials). The TRI data can be accessed using the TRI Explorer (<http://www.epa.gov/triexplorer/>) as well as several other tools available

on the TRI website. EPA also released two electronic publications summarizing the 2000 data: the 2000 TRI Public Data Release (PDR) Report; and the 2000 State Fact Sheets. The 2000 TRI PDR Report (EPA 260-R-02-003) provides an overview of the 2000 TRI reporting year data. This report provides: a detailed analyses and supporting tables for TRI releases and other waste management activities; an overview of the persistent bioaccumulative toxic (PBT) chemicals reported to TRI for the first time in the 2000 reporting year; an analysis of the geographic distribution of TRI releases and other waste management activities; and other information relating to TRI data. The PDR report serves as a companion volume to EPA's 2000 TRI State Fact Sheets (EPA 260-F-02-004). The State Fact Sheets provide: a general overview of TRI and the 2000 TRI data by state; a description of the information included in the state fact sheet; and data summary tables. EPA provides this type of analysis as a snapshot of each state's releases and other waste management activities. Electronic copies of these publications are available via the Internet at <http://www.epa.gov/tri/tridata/tri00/index.htm>.

EPA released the 1999 TRI Data on April 11, 2001. TRI summary information and data access is available via the web at <http://www.epa.gov/tri/tridata/tri99/index.htm>. The TRI 1999 Data Release (TRI99) website provides fast and easy access to the data overview and relevant TRI information (including tables, charts, maps, and press materials). EPA also released two publications summarizing the 1999 data: the 1999 TRI Public Data Release Report; and the 1999 State Fact Sheets. These documents are available on the TRI99 website noted above or by calling (202) 564-9554 or by emailing TRIDOCS@epa.gov (reference EPA 260-R-01-001 for the Public Data Release Report; and EPA 260-F-01-001 for the State Fact Sheets). The Toxic Release Inventory 1999 Executive Summary (11 pp.) is available as Item K-66.

The 1998 TRI Public Data Release report was released in May 2000. Similar to the 1999 data access page, the 1998 Data Release (TRI98) website provides fast and easy access to the data overview and relevant TRI information (available at <http://www.epa.gov/tri/tridata/tri98/index.htm>). Both the 1998 TRI Public Data Release Report and the 1998 Public Data Release State Fact Sheets are available on the TRI98 website noted above or by calling (202) 564-9554 or by emailing TRIDOCS@epa.gov (reference EPA 745-R-00-007 for the Public Data Release report; and EPA 745-F00-003 for the State Fact Sheets). The 1998 Toxic Release Inventory (TRI) Data Summary, EPA 745-R-00-002, May 2000 (48 pp.) is available as Item K-64.

Copies of these documents may be obtained by calling (202) 564-9554 or by emailing TRIDOCS@epa.gov. More information is also available via the TRI website at www.epa.gov/tri.

Toxic Substance Control Act (TSCA)

Lead: Notification Requirements for Lead-Based Paint Abatement Activities and Training

A rule is being proposed to establish notification procedures for lead abatement professionals conducting lead-based paint activities, and training programs providing lead-based paint activities courses. Specifically, the rule seeks to establish procedures to notify the Agency prior to commencement of lead-based paint abatement activities as required by 40CFR745.227(e)(4). In addition, this rule seeks to establish provisions which would require training programs accredited under 40CFR745.225 to notify the Agency under the following conditions: (1) prior to providing lead-based paint activities training and (2) following completion of lead-based paint activities courses. FR 1/22/01, Page 7207-16. Item E-58

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 was published in the FR 12/18/98, pp 70190 and 70233.40 CFR, Part 745, Subpart P Item E-47.

Lead: Disposal of Residential Lead-Based Paint Waste

A direct Final Rule has been published to allow residential lead-based paint waste to be disposed of in construction and demolition landfills, effective January 22, 2002. The rule adds a definition which states: "Residential lead-based paint waste means waste generated as a result of lead-based paint activities (including abatement, rehabilitation, renovation and remodeling) in homes and other residences. The term residential lead-based paint waste includes, but is not limited to, lead-based paint debris, chips, dust and sludge. Not included is LBP waste from non-residential structures such as public and commercial buildings, warehouses, bridges, water towers and transmission towers. Also, not included in the residential LBP waste definitions are residential LBP demolitions and deconstruction waste. EPA does not consider demolition and deconstruction waste to be household since it is not similar to those wastes generated by a consumer in the home in the course of daily living. FR Oct 23, 2001, Page 53535-53542, 40 CFR Parts 257 & 258. Item E-48

General

National Environmental Laboratory Accreditation Conference (NELAP)

There are currently 12 NELAP Accrediting Authorities (California, Florida, Illinois, Kansas, Louisiana Department of Health, Louisiana Department of Environmental Quality, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, and Utah). Since January 2001 the list of accredited laboratories that successfully met all the National Environmental Laboratory Accreditation Conference (NELAC) standards has grown to nearly 1000. Over 300 of those laboratories have accreditations in more than one state. The list of NELAP accredited laboratories continues to grow. In addition, EPA has recently applied to become a NELAP Accrediting Authority and expects to have a program operational this year. Other states have passed legislation to become NELAP Accrediting Authorities and applications from those states are expected 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 NELAP-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.

The 1000 laboratories that are now NELAP accredited range from small municipal to large commercial environmental laboratories. NELAC is focusing on an outreach program to address the needs of the over 5,000 smaller commercial labs that are not in the program and is presently preparing a documentation package specifically designed to help small labs meet NELAC requirements. NELAP accredited laboratories are located across the country - in 45 states - and in 3 foreign countries.

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. By June , 2002, 171 private sector environmental technologies had been verified, 120 additional technologies were in the testing process, and another 142 had submitted applications for testing. Information on the ETV program may be accessed at the ETV web site: 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 **Teresa Harten** who may be reached at harten.teresa@epa.gov, or at 513-569-7565.

Small Business by the Numbers

Answers to Frequently Asked Questions

Small businesses . . .

- represent more than 99% of all employers
- employ 51% of private-sector workers, 51% of workers on public assistance, and 38% of workers in high-tech jobs
- represent nearly all of the self-employed, which are 7.0% of the work force
- provide two-thirds to three-quarters of the net new jobs
- produce 51% of private-sector output
- represent 96% of all exporters of goods
- obtain 33.3% of federal prime and subcontract dollars
- are 53% home-based and 3% franchises

Sources: U.S. Department of Commerce, Bureau of the Census; U.S. Department of Labor, Bureau of Labor Statistics; Advocacy-funded study by Joel Popkin & Company; U.S. Department of Commerce, International Trade Administration; SBA Office of Government Contracting.

Q: What is a small business?

A: A business with fewer than 500 employees. For research purposes, the Office of Advocacy uses the small business definition of fewer than 500 employees and provides information for firms of various sizes. For technical purposes such as government contracting, the definition varies by number of employees and by gross revenues. You can learn more from the SBA's Office of Size Standards at (202) 205-6618 or visit www.sba.gov/size/.

Q: How many total businesses are there?

A: About 22.4 million in 2001. Business tax returns totaled 25.6 million in 2001. This number may overstate the number of businesses because, for example, one business may operate more than one taxable entity. Given:

- There were 16.15 million small businesses without employees in 1999, the latest data year for Census Bureau nonemployer statistics, and
- The number of sole proprietorships—roughly equivalent to nonemployers—increased by 1.1 percent in 2000 and 1.6 percent in 2001 (Internal Revenue Service Statistics of Income), and
- There were 5.61 million businesses with employees in 1999 (Bureau of the Census, Statistics of U.S. Business).
By applying the sole proprietorship growth rates to the

nonemployer figures, applying similar growth rates from the Department of Labor to the employer figures, and adding together the resulting numbers for employer and nonemployer firms, the Office of Advocacy finds that 22.4 million is a fair approximation of the number of existing businesses.

Q: How many *small* businesses are there?

A: About 22.4 million. Subtracting the 17,000 businesses that are large (with 500 or more employees) from the 22.4 million total (22.4 million minus .017 million) still leaves a total of about 22.4 million small businesses.

Q: How many businesses do women own?

A: Women were full or part owners of 9 million businesses and the primary owners in 5.4 million of these (Bureau of the Census). The number of women-owned businesses increased by 16 percent over the 1992-1997 period, the most recent period for which comparative data are available.

Number of Firms by Various Measures, 1991–2001 (Millions)

	1991	2000	2001	Annual Change
Nonfarm Firms				
Total	NA	22.06*	22.41*	1.6%
Nonemployers	NA	16.33*	16.59*	-
Employers	5.05	5.73*	5.82*	-
Nonfarm Bus. Tax Returns	20.50	25.11*	25.55*	1.8%

* Estimate.

NA = not available.

Sources: Advocacy estimates using U.S. Census Bureau and U.S. Department of Labor data; U.S. Census Bureau, Statistics of U.S. Business (Advocacy funded); and Internal Revenue Service.

Q: How many businesses do minorities own?

A: In 1997 there were 1.2 million Hispanic-owned firms, 820,000 African-American-owned firms, 913,000 Asian- and Pacific-Islander-owned firms, and 197,300 firms owned by American Indians and Alaska Natives (Bureau of the Census). Over the 1992-1997 period, Native American-owned firms increased 84 percent; Asian-owned, 30 percent; Hispanic-owned, 30 percent; and African-American-owned, 26 percent.

The SBA's Office of Advocacy was created by an act of Congress in 1976 to protect, strengthen, and effectively represent the nation's small businesses within the federal government. As part of this mandate, the office conducts policy studies and economic research on issues of concern to small business and publishes data on small business characteristics and contributions. For instant access to small business resources, statistics, and research, visit the Office of Advocacy's home page at <http://www.sba.gov/adv/>.

Updated May 2002

Q: How many businesses open and close each year?

A: In 2001, of the businesses with employees, about 574,500 (10.0 percent) were new and about 585,800 (10.2 percent) closed (Advocacy estimates). Not all business closings are failures: 57.4 percent of business owners with employees and 38.2 percent of those without employees reported they were successful at closure. In 2001 the number of bankruptcies totaled 39,719, up from the previous year, but below the levels of the early 1990s.

Business Turnover, 1991–2001

	1991	2000	2001	Annual change
New Employer Firms	541,141	604,500*	574,500*	-5.0%
Employer Firm Closures	546,518	560,600*	585,800*	4.5%
Bankruptcies	70,605	35,219	39,719	12.8%

* Estimate.

Sources: Advocacy estimates; U.S. Census Bureau; U.S. Department of Labor, Employment and Training Administration; Administrative Office of the U.S. Courts.

Q: What is the survival rate for new firms?

A: Two-thirds survive at least two years. According to an Advocacy study of businesses over the 1989-1992 period, about 66 percent of businesses with employees remain open at least two years after startup, 49.6 percent are open at least four years, and 39.5 percent are open after six years.

Q: How many new jobs do small businesses create?

A: Two-thirds to three-quarters of net new jobs. The number depends on the years studied and reflects economic trends. In 1998-1999, the most recent data period, small businesses created 1.74 million (67.4 percent) of 2.59 million net new jobs.

Q: What is small firms' share of employment?

A: About 50 percent. Although small firms create more than half of the new jobs, their share of employment has remained steady at about 50 percent because in creating jobs, some small firms become large firms. Of 110.7 million nonfarm private sector workers in 1999, small firms with fewer than 500 workers employed 55.7 million and large firms employed 55 million; smaller firms with fewer than 100 employees employed 40.1 million.

Q: How are small businesses financed?

A: About 82.5 percent of small firms used some form of credit in 1998. Small firms use many different sources of

capital, including their own savings, loans from family and friends, and business loans from financial institutions. About 55 percent used loans from depository institutions. Forty-five percent had personal credit cards and 33 percent had business credit cards (Federal Reserve Board, *Survey of Small Business Finances*).

Small Firms using Financial Services, 1998

(Percent reporting use of various types of credit)

Credit Type	Total	Owner Type			
	Small	Women	Asian*	Black	Hispanic
Credit Lines, Loans,					
Capital Leases	55.1	46.1	46.4	48.2	52.7
Business Credit Cards	33.3	28.2	26.9	28.8	29.0
Personal Credit Cards	45.1	46.7	52.8	44.1	41.8

* Includes Pacific Islander.

Source: Federal Reserve Board, *Survey of Small Business Finances*, 1998.

Q: How do regulations affect small firms?

A: Very small firms with fewer than 20 employees spend about double the amount per employee spent by larger firms to comply with federal regulations.

Cost of Federal Regulations by Firm Size, All Business Sectors (Dollars)

Type of Regulation	Cost per Employee for Firms with:	
	<20 Employees	500+ Employees
All Federal Regulation	6,975	4,463
Environmental	3,328	717
Economic	1,616	2,485
Workplace	829	698
Tax Compliance	1,202	562

Source: *The Impact of Regulatory Costs on Small Firms*, an Advocacy-funded study by W. Mark Crain and Thomas D. Hopkins.

Q: Whom do I contact about regulatory impacts?

A: To submit comments on proposed regulations, send email to advocacy@sba.gov. To follow up on regulatory enforcement issues, email regfair@sba.gov.

Q: How can I get more information?

A: For more detailed information from the Office of Advocacy, visit www.sba.gov/advo/. Please sign up at <http://web.sba.gov/list> for email delivery of news releases, *The Small Business Advocate* newsletter, small business research findings and statistics, and regulatory communications. For technical or financial assistance, call the SBA Answer Desk at 1-800-U-ASK-SBA.

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 businesses and other small entities. The Act is comprised of the following six key areas:

- **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 Act 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, 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. SBA's Office of Advocacy and the Office of Management and Budget aid this process.
- **Regulatory Enforcement Reforms:** The Act created the Small Business and Agriculture Regulatory Enforcement Fairness Ombudsman. In August, 2001, President Bush appointed Michael L. Barrera as National Ombudsman. The Act also created the Regional Regulatory Fairness Boards, the members of which assist the National Ombudsman in receiving small businesses' comments about enforcement activities of federal regulatory agencies. The appointed Fairness Board members 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 Regulatory 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 of the regulatory agencies to small business regional and program offices..

Regulatory Enforcement Ombudsman

- Receives comments from small businesses on federal agencies' compliance and enforcement actions
- Reviews small businesses' comments
- Rates federal agencies on their responsiveness to small businesses' comments
- Reports 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
- Provide input regarding federal agency compliance activities affecting small entities in their region
- Contribute to the annual report to Congress

For additional information about the Ombudsman or the Regulatory Fairness Boards, call SBA's toll free number: 1-888-REG-FAIR (734-3247) or visit their Web site at www.sba.gov/ombudsman.

SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS

Regions/Members January, 2003

Region 1 Roxanna Adams** Atlantic Awards, Inc 840 Hammond Street Bangor, ME 04401 (207) 942-6464	Leo R. Blais Pawtuxet Valley Prescription Ctr. 85 Sandy Bottom Road Coventry, RI 02816	James M. Knott, Sr. Riverdale Mills Corporation 456 Hill Street Whitinsville, MA 01588		
Region 2. Sandra Lee Harold. Lee Insurance 31 Pell St. New York, NY 10013 (212) 962-6656	W. Timothy Howes Howes & Howes 26 Anderson Street Raritan, NJ 08869			
Region 3. Wilkins McNair, Jr* Wilkins Acctg. Firm 201 N. Charles Street Suite 910 Baltimore, MD 21201 (410) 962-5252	Kenneth Rodriguez Rodriguez Enterprises P. O. Box 389 Sewickley, PA 15143 (412) 749-7810	Stephen Dawson Creative Direct Response, Inc. 3905 Aldie Road Catharpin, VA 20143	Martin L. Shaffer American Vending 8 Army Road Clarksburg, WV 26301 23219 (304) 623-5791	Pamela Mazza Piliero, Mazza & Pargament 888 17th St. NW, Suite 1100 Washington, DC 20006
Region 4 Robert G. Clark V Clark Communi. Corp. 149 N. Hanover Ave Lexington, KY 405023 (606) 233-7623		Livia Whisenhunt* PS Energy Group, Inc. 2957 Clairmont Rd Suite 510 Atlanta, GA 30359 (404) 321-5711	R. Bruce McCrory Kiker Corporation 3150 Lees Lane Mobile, AL 36693-5227	Paul Hsu, Ph.D. Manufacturing Technology, Inc. 70 Ready Avenue, N.W. Fort Walton Beach, FL 32548
Region 5. Noelle Clark (On leave until January '03) Hasselbring-Clark Company 5858 Aurelius Road Lansing, MI 48911	Lyle J. Clemenson Clemenson Enterprises, Inc PO Box 406 Brookly Park, MN 55445 (763) 425-1167	Irwin G.Haber PDI Ground Support Systems, Inc. 5905 Grant Avenue Cleveland, Ohio 44125 (216) 271-7344		
Region 6. Wallace Caradine Caradine & Co, Inc PO Box 16430 Little Rock, AR 72206 (501) 372-4199	Elise E. McCullough Staffing Solutions, LLC 1305 Dublin Street New Orleans, LA 70118 (504) 864-9900	A. Joseph Shepard Regent Capital Partners, Inc. 6611 Hillcrest Avenue, #501 Dallas, TX 75205-1301	Frederick A. Peralta Lialac Shoppe/Tows of Taos 710C Paseo Del Pueblo Sur Taos, NM 87571 (505) 751-2006	
Region 7. Clark D. Stewart Butler National Corp 19920 W 161 st Street Olathe, KS 66062 (913) 780-9595	Paul Kinyon Realty Advisors LLC 4800 N. River Blvd. NE, Ste 200 Cedar Rapids, IA 52411	Jeanette Prenger ECCO Select 3101 Broadway, Suite 460 Kansas City, MO 64111	James J. Ziebarth RR 1, Box 14A Wilcox, NE 68982	
Region 8. Mary Thoman* Thoman Ranch HC65 Fontenelle Route Kemmerer, WY 83101 (307) 877-3718	James J. Larsen 416 Lee Street Vermillion, SD 57069			
Region 9. Joseph Cerbone Travis Morgan Sec. 18952 McArthur Blvd Suite 315 Irvine, CA 92612 (949) 261-2906	Frank T. Ballesteros PPEP Microbusiness & Housing 1100 E. Ajo Way, #209 Tucson, AZ 85713 (520) 806-8513	Patricia A. Chevalier Blue Hawaiian Helicopters 105 Kahului Heliport Kahului, HI 96732 (808) 871-8844	Barry M. Gold Barry M. Gold & Co. 2402 Michelson, Ste 225 Irvine, CA 92612-1323	
Region 10. Faye M. Burch F.M. Burch & Associates, Inc. 1126 NE Lija Loop Portland, OR 97211 (907) 561-5144	Milford E. Terrell DeBest Plumbing & Mechanical, Inc 11477 W. President Dr. Boise, ID 83713 (208) 322-4844	Frances "Frankie" DeWitt DeWitt Investigations P.O. Box 14844 (1511 S. Bowdish Road Zip 99206) Spokane, WA 99214	Michael Dahmer Systems Associates, Inc. 573 Glacier Drive (PO Box F) Jerome, ID 83338	

*=Chair

**=Vice Chair

Update on the Office of Environmental Information

The Office of Environmental Information (OEI) supports the Agency's mission to protect public health and the environment by integrating quality environmental information to make it useful for informing decisions, improving management, documenting performance, and measuring success. Working with our many different internal and external stakeholders and data partners, OEI establishes and oversees information-related policies and procedures that reflect the concerns of small businesses; local, state, and federal government; tribes; interest groups; and the general public.

Update on 2001 Toxic Release Inventory (TRI) Data Release and TRI ME

The TRI Program is working on the Public Data Release for FY2001 data. The Annual Report is expected to be released in Spring 2003. Small businesses can use the TRI data to obtain an overview of the release and other waste management of toxic chemicals, to identify and reduce costs associated with toxic chemicals in waste, to identify promising areas of pollution prevention, to establish reduction targets, and to measure and document progress towards reduction goals. For further information, please contact **Susan Lundquist** (202-566-0756).

For Toxic Release Inventory (TRI) chemical reports submitted in RY2001, forty-three percent, or 10,799 TRI reporting facilities, took advantage of EPA's TRI interactive, intelligent reporting software tool, called "*TRI-ME*" or "TRI Made Easy." This program, which assists facilities in determining and completing their TRI reporting obligations was sent to all reporting facilities in spring 2002 for the TRI reports that were due July 2002. *TRI-ME* is designed both to simplify and expedite reporting, and to improve the quality of the data submitted to TRI.

Recently, the TRI Program conducted an analysis to determine whether or not the use of the *TRI-ME* software reduced the number of errors made by facilities in reporting year 2000. The key finding of this analysis was that *TRI-ME* users had substantially fewer forms with errors than non-*TRI-ME* users in reporting year 2000. While *TRI-ME* users and non-*TRI-ME* users both had substantial reductions in errors from reporting year 1999 to 2000, *TRI-ME* users had a greater decrease in error rate. For further information please contact **David Hindin** (202-566-0721) or **Annette Marion** (202-566-0731).

New EPA docket system(EDOCKET) online

On May 31, 2002, EPA published a Federal Register notice announcing the availability of a new electronic docket and comment system, EPA Dockets (EDOCKET), at <http://www.epa.gov/edocket>. Dockets contain Federal Register notices, support documents, and public comments for Agency actions for regulations and various non-regulatory activities. EDOCKET allows members of the public to search, download and print the documents in a docket, as well as submit comments online to EPA, all via the Internet. EDOCKET has greatly expanded access to EPA's public dockets and facilitates the submission of public comments to EPA. In addition, it supports the E-Government Initiative under the President's Management Agenda. EDOCKET currently includes the following EPA Headquarter's dockets: Air Docket, Enforcement and Compliance Docket, Office of Environmental Information Docket, Pesticides Docket, RCRA Docket, Superfund Docket, Toxics Docket, UST (Underground Storage Tank) Docket, and the Water Docket. In addition, the associated paper dockets (with the exception of the Pesticide Docket) have been consolidated in one location in Washington, DC and can be viewed in the EPA Docket Center (EPA West Building, Room 102, 1301 Constitution Ave., NW, Washington, DC, Tel: (202) 566-1744). For more information on EDOCKET, contact **Constance Downs**, at 202-566-1640 or by e-mail at: downs.constance@epa.gov.

To learn more about **OEI**, the **TRI data release**, or **EDOCKET**, visit the **OEI** website at <http://www.epa.gov/oei>.

EPA's National Environmental Performance Track Program Continues to Add New Members

Launched in mid-2000, EPA's National Environmental Performance Track Program provides recognition and incentives to top environmental performers. It is open to facilities of all types, sizes, and complexity; public or private; manufacturing or service-oriented. Current membership totals 276 facilities; EPA is reviewing an additional 59 facility applications and expects to announce the new members in late January, 2003. Facilities are selected based on their systematic approach to environmental management, commitments to continuous improvement, a sound compliance history, and a willingness to reach out to the community. Of the current membership, approximately 8% have fewer than 50 employees, 10% have 50-99 employees, and 34% have 100-499 employees. Additional information on the Program, including application materials, can be found at www.epa.gov/performancectrack or call 1-888-339-PTRK.

To help build the capacity of small businesses who might be interested in joining the Performance Track Program, EPA has been engaged in the Performance Track Assistance Project (PTAP). Under PTAP, EPA is working with a number of small business trade associations and other stakeholders to provide assistance to those that would like to participate in the Performance Track Program but are presently unable to meet the requirements. The effort addresses the four pillars of the Performance Track: Environmental management systems (EMSs), continuous improvement, community outreach, and sustained compliance.

To date, PTAP has focused on helping trade associations work with their members to develop "better than compliance" environmental management systems (EMSs) that will meet the requirements of the Performance Track Program as well as help members reduce costs, increase competitiveness, and protect the environment. This effort includes EPA representatives from the Small Business Office, the Compliance Assistance Program, the Design for the Environment Program, the Sustainable Industries Program and the Performance Track Program. As a part of this effort, we are:

- ▶ developing the *Pathfinder* CD that will provide trade associations with ready access to the information they need to develop sector-specific EMS guidance for their members;
- ▶ working with a number of trade associations to review their EMS guidance and help them improve their guidance as needed;
- ▶ developing EMS materials useful to trade associations for engaging their members in developing EMSs and EMS marketing tools addressed to higher management in companies; and
- ▶ revising the existing EPA EMS web page at www.epa.gov/ems to better reflect current EPA EMS activities.

For additional information on PTAP, contact **Tim Stuart** at 202-566-2946 or via e-mail at stuart.tim@epa.gov.

What's New in Chemical Accident Prevention

EPA's Chemical Emergency Preparedness and Prevention Office

Regulatory Developments

- ***Tier2 Submit Reporting Software Available***

We released *Tier2 Submit* in January, 2002. Tier II reports are required under the Emergency Planning and Community Right-to-Know Act (EPCRA) and provide information to state and local officials, responders, and the public on chemical inventories in covered facilities. *Tier2 Submit* is a free software program that facilities may choose to use for EPCRA Tier II submissions in states that allow the use of the software. *Tier2 Submit* and the accompanying user manual can be downloaded free of charge from the CEPPPO website:

<http://www.epa.gov/ceppo/tier2.htm#t2forms>

Site Security

- **[Chemical Accident Prevention Prevention: Site Security](#)** (EPA-K-550-F00-002, February 2000)

In light of September 11, EPA re-issued this alert which highlights sources of information to assist businesses in their efforts to have secure and accident-free operations.

- **[Site Security: Guidelines for the U.S. Chemical Industry](#)** (October 2001) and **[Transportation Security: Guidelines for the U.S. Chemical Industry](#)** (November, 2001)

Through a partnership of the American Chemistry Council (ACC), the Chlorine Institute, the Synthetic Organic Chemical Manufacturers Association (SOCMA), and National Association of Chemical Distributors (NACD), the chemical industry has published these guides related to site security. These guides (in Adobe Acrobat pdf format) are available from the partner trade association web sites. The American Chemistry Council (ACC) web site is www.americanchemistry.com and general phone number for ACC is (703) 741-5000. The Synthetic Organic Chemical Manufacturers Association (SOCMA) web site is www.socma.com. The Chlorine Institute's website is www.cl2.com. And, the National Association of Chemical Distributors (NACD) web site is www.nacd.com/index.cfm.

- **[Chemical Facility Vulnerability Assessment Methodology \(June 2002\)](#)**

The Department of Justice (DOJ) released a new tool to help companies that make or use chemical products assess potential security threats and vulnerabilities. The

tool will help these companies take further steps to enhance security at facilities and in neighborhoods across America. The twelve-step assessment methodology was developed by DOJ in partnership with the U.S. Department of Energy's Sandia National Laboratories, with the cooperation and assistance of chemical industry representatives. The methodology can be downloaded from the web site: <http://www.ojp.usdoj.gov/nij/pubs-sum/195171.htm>

CAMEOfm Software Available

We released *CAMEOfm* in May, 2002. *CAMEOfm* is a system of software applications used widely to plan for and respond to chemical emergencies. It is one of the tools developed by EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) and the National Oceanic and Atmospheric Administration Office of Response and Restoration (NOAA), to assist front-line chemical emergency planners and responders. *CAMEOfm* and the user manual can be downloaded free of charge from the CAMEO website: <http://www.epa.gov/ceppo/cameo/>

For additional information about EPA's risk management programs:

Visit the CEPPO Website: www.epa.gov/ceppo

Our publications are available (in Adobe Acrobat pdf format) from the website.

To order publications, Contact the National Service Center for Environmental Publications (NSCEP):

Online: www.epa.gov/ncepihom/orderpub.html

By E-Mail: ncepimal@one.net

By Fax: (513) 489-8695, 24 hours a day, 7 days a week.

By Phone: 1-800-490-9198 or in Cincinnati (513) 490-8190

For regulatory questions or to order publications, contact the RCRA, Superfund & EPCRA Call Center:

By Phone: 1-800-424-9346 or in DC metro area (703) 412-9810

TDD: 1-800-553-7672 or in DC metro area (703) 412-3323

Subscribe to our weekly e-mail updates:

- 1) Send an e-mail to: listserv@unixmail.rtpnc.epa.gov
- 2) Leave the subject area blank.
- 3) Type the following in the body of the message
subscribe EPA-CEPP Your First Name Your Last Name
- 4) Within 24 hours, you should receive confirmation.

Contact: **Breeda Reilly** at (202) 564-7983 or reilly.breeda@epa.gov



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. EPA uses this phased approach to help 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. Research topics include nanotechnology and pollution prevention, water and air pollution control, management of solid and hazardous waste, environmental monitoring and measurement and bioterrorism detection and decontamination.

Under Phase I, the scientific merit and technical feasibility of the proposed concept is investigated. EPA plans to award firm-fixed-price Phase I contracts of **\$80,000** with up to 10 months performance periods. Phase II contracts are limited to small businesses that have successfully completed Phase I. The objective of Phase II is to further develop and commercialize the concept proven feasible in Phase I. Competitive awards are based on the results of Phase I, the Phase II workplan and the commercialization potential of the Phase II technology. EPA plans to conduct the Phase II solicitation during Phase I and award Phase II contracts of **\$225,000** or **\$325,000** at the end of the Phase I contract period.

EPA's next Phase I Solicitation will open on March 27, 2003 and will close on May 23, 2003. The Phase I SBIR Solicitation will be posted on the National Center for Environmental Research WEBSITE at:

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

Please note that last year's Phase I solicitation is still on the WEBSITE for informational purposes only. The solicitation includes a description of the program and typical research topic areas. This solicitation is also available by fax. If you need a fax copy of last year's solicitation or if you have any questions, please call the SBIR Helpline at:

1-800-490-9194



MACT Implementation Tools

What MACTs have tools available?

- Aerospace manufacturing and rework
- Consumer Products rule
- Flexible Polyurethane Foam
- Halogenated Solvents
- Large Appliances
- Municipal Solid Waste Landfills
- Off-Site Waste and Recovery Operations
- Perc Dry Cleaner
- Petroleum Refineries
- Polyether Polyols production
- Primary Aluminum
- Secondary Aluminum
- Wood Building Products
- Boat Manufacturing
- Ethylene Oxide Sterilizers
- General Provisions
- Hazardous Organic NESHAP
- Metal Can
- Municipal Waste Combustors
- Paper and Other Web Coating
- Pesticide Active Ingredient
- Pharmaceutical production
- Portland Cement
- Pulp and Paper I, II, & III
- Wood Furniture

Where can I find the MACT tools?

- **EPA's Air Toxics Website** www.epa.gov/ttn/atw/mactfnl.html
- **EPA's National Compliance Assistance Clearinghouse**
www.epa.gov/clearinghouse

State Websites

Some states have tools on their websites, for example:

Colorado http://www.cdphe.state.co.us/ap/rcs_main.html

Texas <http://www.tnrcc.state.tx.us/permitting/airperm/opd/63/63hmpg.htm>

Contact: Christine Adams at OAPQS (919) 541-5590 adams.christine@epa.gov

Introducing Three New Compliance Assistance Centers:

- US / Mexican Border Compliance Assistance Center <www.envcap.org/border>
- Assist Construction Industry Compliance <www.envcap.org/cica>
- Automotive Recycling Compliance Assistance Center <www.envcap.org/envcar>

The National Center for Manufacturing Sciences (NCMS), in partnership with industry, EPA, and state agencies, is developing three new Compliance Assistance Centers (Center) to help industry comply with environmental regulations. **Please provide your comments on the Centers and suggestions for new features to Paul Chalmer (paulc@ncms.org or 734-995-4911) at NCMS.**

US / Mexican Border Compliance Assistance Center

The Border Compliance Assistance Center (Border Center) is **Open** for your review.

The Border Center will help both English and Spanish speaking individuals involved in importing hazardous waste into the U.S. from Mexico understand and comply with environmental regulations.

The Border Center will provide a one-stop location for compliance assistance information that explains environmental requirements applicable to transporters, importers, exporters, generators, and warehouse/storage facilities involved in sending hazardous waste between the United States and Mexico.

The Border Center is being developed in partnership with the National Center for Manufacturing Sciences (NCMS), EPA's Office of Compliance, Office of Federal Activities, Region VI, and Region IX, and the four border states.

Construction Industry Compliance Assistance

NCMS has teamed up with a group of industry trade organizations to create a Center for the construction industry. While initial Center development has focussed on compliance with stormwater, and wetlands and asbestos regulations, the Center will soon comprehensively address all environmental regulations that apply to the construction industry.

Although still under development, the Center already contains a wealth of information for the construction industry. Explore the Center features

presented under the tabs designated Stormwater and Wetlands/Water Bodies for examples of how the Center will help you quickly locate information you need.

Automotive Recycling Compliance Assistance Center

The Automotive Recycling Association (ARA) and the National Center for Manufacturing Sciences (NCMS) have partnered to develop a Center for the automotive recycling industrial sector, Environmental Compliance for Automotive Recyclers or EnvCAR. EnvCAR visitors will find answers to important questions like:

- What do I do when an inspector comes?
- How can I follow rules with out going out of business?
- If I have to make changes, is there any way I can actually save money?

Because regulations can vary from state to state, EnvCAR is arranged to provide information specific to each state. The states for which information has already been compiled are listed in a pull-down menu on EnvCAR's home page. Visitors can select their topic of interest via a virtual facility tour. Simply select an "activity" and learn about applicable regulations, best management practices, and more.

ComplianceAssistance
Centers

THE COMPLIANCE ASSISTANCE
PLATFORM
Making Sense of Compliance

EPA's Agriculture Center

Ag Center News Service:

If you would like to be notified by e-mail when updated information about environmental compliance is added to the Ag Center's web site, sign up for the EPA's Ag Center News Service. You'll receive timely messages about compliance developments that could affect your agricultural operation. Growers, livestock producers, agribusiness, and agricultural information/education providers can access this information easily through the Internet.

The Ag Center News Service provides the latest information on a variety of topics including:

- * Pesticides
- * Manure management
- * Ground/surface water
- * Best management practices
- * Emergency planning
- * Sustainability
- * Air issues
- * Solid/hazardous waste

The Ag Center News Service is not a "discussion group" list serve. The only messages you will receive are the periodic notifications from the Ag Center about new items on the web site, or other EPA-related information that might be of interest to you. This is generally not more than one message per week.

To subscribe to this list, send a blank e-mail to:

join-agcenter@lists.epa.gov

To unsubscribe, send a blank e-mail to:

unsubscribe-agcenter@lists.epa.gov

In addition to the News Service, the Ag Center offers:

- * An internet site that is regularly updated and expanded
- * User friendly materials
- * A toll-free number for compliance assistance questions and information
- * Easy to understand information about approaches to compliance that are both environmentally protective and agriculturally sound.

For questions or comments, please contact the Ag Center:

Toll-Free: 1-888-663-2155

Fax: 913-551-7270

Web: www.epa.gov/agriculture

E-Mail: agcenter@epa.gov

Mailing Address: 901 N. 5th St., Kansas City, KS 66101



Access the Compliance Assistance Centers at www.assistancecenters.net

CCAR-GreenLink®

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



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



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/agriculture
(This is a government run center)



National Metal Finishing Resource Center (NMFRC)

Provides comprehensive environmental compliance, technical assistance, and pollution prevention information to the metal finishing industry. www.nmfrc.org



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.

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



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



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



Transportation Environmental Resource Center (TERC)

Provides compliance assistance information for each mode of transportation - air, shipping and barging, rail, and trucking. 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/beca/fedfac/kfa
(This is a government run center)



For more information, contact Tracy Back, 202-564-7076 or e-mail: back.tracy@epa.gov

What do the Centers Provide?

Each Center can help small businesses in specific sectors by providing relevant federal environmental regulations in plain language. Visit the Centers to obtain:

- Updates on industry-specific regulatory developments
- Sector-specific regulatory explanations
- Compliance tools
- Process-specific training
- A place to ask questions and get answers
- Databases on technologies and techniques
- Pollution prevention tips and ideas
- Links to other assistance providers, vendors, & suppliers
- Contact points for responses to specific compliance questions and answers

Are the Centers being used?

Businesses, local governments, and assistance providers are using the Centers to get answers to their compliance questions. In 1999, the Centers experienced over 260,000 visits. And we see that use of the Centers is increasing steadily.

The Centers are being used -- and use is on the rise. And through use, the Centers are helping the regulated community address environmental problems, save money through actions taken, and make environmental improvements.

ly. At the time of this printing, the Centers are visited over 890 times a day by businesses, farmers, local governments, federal facilities, and technical assistance providers.

“I am made aware of topics that I normally would not be notified for several months.”

“Identified requirements that I was unaware of and information on different means to comply”

Do the Centers help businesses and local governments better understand applicable environmental requirements?

Survey data demonstrates that Center users find the Centers very useful -- and use improves environmental performance! Based on eight voluntary Internet surveys, over 70% of the company and local government respondents said they took one or more positive action (e.g., changing the handling of waste, obtaining a permit, changing a production process, contacting a regulatory agency) as a result of Center use and over 50% of these companies and local governments felt they had a cost savings resulting from these actions when applicable. Furthermore, over 58% of company and local government respondents stated that they realized one or more environmental improvements as a result of using a Center (e.g. reduced air emissions, conserved water).

Visit the Centers as a “first stop” for sector-specific compliance assistance support.

What's New With The Centers?

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

ChemAlliance News Service for Pollution Prevention and Compliance Assistance Web Sites



ChemAlliance has developed a web service providing machine-readable versions of its "ChemAlliance News" content. This service makes it easy for ChemAlliance partners to provide regularly updated news on their web sites, without the cost of maintaining an in-house news clipping service.

ChemAlliance news focuses on items of interest to environmental managers in the chemical manufacturing and distribution industry, as well as technical assistance providers who work with these industries. Typical news items include workshop and conference announcements, regulatory updates, announcements of new regulatory, compliance assistance, or pollution prevention tools and software, and related items which deal with effective environmental management in the target industries. ChemAlliance news is collected from a variety of sources, including the US EPA Federal Register Announcements and program offices, state and regional regulatory agencies, chemical industry trade associations, and business wire services. Each item is reviewed for relevance by ChemAlliance staff and edited for use prior to publication. [Full documentation of the web service is provided at <www.chemalliance.org/webservices/news.asp>](http://www.chemalliance.org/webservices/news.asp).

To access the ChemAlliance news service, or to submit news for inclusion at ChemAlliance, contact Scott Butner, ChemAlliance Director, at 509-372-4946 or scott.butner@pnl.gov.

Local Government Environmental Assistance Network



LGEAN developed "A Primer for Local Governments on Environmental Liability" to raise awareness about local government environmental liability and provide information that can be used to develop a system-wide response to environmental risks. The primer contains information that forms the basis for a local governments assessment of their environmental risks and the formation of a program that prevents liabilities both now and into the future. For more information, visit: <http://www.lgean.org/html/whatsnew.cfm?>

"S/P2" Online Training Available to Automotive Industry CCAR-GreenLink®



The Coordinating Committee For Automotive Repair's (CCAR) **S/P2** online training in Safety and Pollution Prevention has been adopted by automotive training schools in all 50 states. As of December 2002, 750 training programs in the U.S. have registered for **S/P2**, which has modules available for both auto repair/mechanical service and auto body/ collision repair. These programs represent a student population of approximately 45,000.

Commercial versions of the training are also available to the automotive service and repair industry. Complete information on CCAR's **S/P2** is available at www.sp2.org.

New from EP's Ag Center



Visit the Ag Center to:

- Learn about recent changes to two regulations that address the impacts of manure, wastewater, and other process waters generated by concentrated animal feeding operations (CAFOs) on water quality. These two regulations are the National Pollutant Discharge Elimination System (NPDES) provisions that define which operations are CAFOs, and the Effluent Limitations Guidelines for feedlots (beef, dairy, swine and poultry subcategories).
- Obtain a curriculum of nationally developed and regionally piloted training materials for livestock and poultry operators. The curriculum, developed by a group of national experts from over 16 land grant and other universities with support from USDA, includes 26 lessons grouped in six modules, with environmental stewardship and regulatory compliance assessment tools.

View and print the lessons on-line at <http://www.lpes.org> or purchase hard copy and CD materials from the Mid West Plan Service at <http://www.mwpshq.org> or by calling 1-800-562-3618.

To join the Ag Center's News Service, send a blank e-mail to join-agcenter@lists.epa.gov.

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:

- 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.
- 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.
- 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.
- 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/compliance/incentives/smallbusiness>.

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:

- 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.
- 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.
- 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 **Jon Silberman** at (202) 564-2429.

ENFORCEMENT RESPONSE POLICY

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

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

Background and Purpose

- 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.
- 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

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

Who Qualifies to Use this Policy

- 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

- EPA will eliminate the entire civil penalty* if a small business satisfies all four of the criteria below:
 - ① 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.
 - ② The small business voluntarily discloses the violation within 21 days. This disclosure must be sent in writing to the regulatory agency.
 - ③ 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.
 - ④ 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.

- *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 December 2002, EPA has never sought to collect economic benefit since this Policy was originally issued in 1996.

Applicability to States

- 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/compliance/incentives/smallbusiness>

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	732-321-6669	Ronald Lockwood	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	Maureen Kiely	303-312-6262
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	Robyn Meeker	206-553-7154

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

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 **Jon Silberman** (202) 564-2429.

WHERE TO CALL FOR MORE INFORMATION AND HELP

EPA SMALL BUSINESS OMBUDSMAN

Toll Free (800) 368-5888	Local and DC Area (202) 566-2855	Fax (202) 566-2848
smallbiz.ombudsman@epa.gov	Homepage www.epa.gov/sbo	asbestos.ombudsman@epa.gov

EPA Web Pages and Hotlines

Phone Number

● National Service Center for Environmental Publications (www.epa.gov/ncepihom/)	800-490-9198 513-489-8190
● Indoor Air Quality Information Clearinghouse (www.epa.gov/iaq)	800-438-4318
● Radon (www.epa.gov/iaq/radon)	800-767-7236
● EPA Energy Star (www.energystar.gov)	888-782-7937
● Clean Air Technology Center (www.epa.gov/ttn/catc)	919-541-0800 (English) 919-541-1800 (Spanish)
● Office of Transportation and Air Quality (www.epa.gov/omswww)	734-214-4333
● Emission Measurement Center (www.epa.gov/ttn/emc)	919-541-0200
● Stratospheric Ozone Information (www.epa.gov/ozone)	800-296-1996
● Acid Rain (emission trading, auctions, Information) (www.epa.gov/airmarkets)	202-564-9620
● Safe Drinking Water Hotline (www.epa.gov/safewater)	800-426-4791
● National Small Flows Clearinghouse (WV Univ) (www.nsfcwvu.edu)	800-624-8301
● Storm Water Phase II Information (www.epa.gov/owm/sw/phase2/index.htm)	202-566-1729
● Water Resource Center National Solid & Hazardous Waste Ombudsman	202-566-1729 800-262-7937
● Washington Metro Area	202-566-2920
● Wetlands Information (www.epa.gov/owow/wetlands)	800-832-7828
● U.S. EPA RCRA, Superfund & Underground Storage Tanks Hotline Washington Metro Area	800-424-9346 703-412-9810
● (www.epa.gov/epaoswer/hotline/)	
● Emergency Planning & Community Right to Know Title III (EPCRA)	800-424-9346
● Toxic Substance Control Act (TSCA) Information Service	202-554-1404
● Office of Pesticide Program Registration Division (Ombudsman) (www.epa.gov/pesticides)	703-305-5446
● Bio-Pesticide Contact www.epa.gov/pesticides/biopesticides)	703-305-7973
● National Pesticide Information Center (Http://npic.orst.edu/index/html)	800-858-7378
● EPA Waste Wise/Waste Reduction (www.epa.gov/wastewise)	800-372-9473
● Office of Environmental Justice Information Line	800-962-6215
● Office of Pollution Prevention & Toxics (www.epa.gov/opptintr)	202-554-1404
● Chemical Emergency Preparedness & Prevention Office (CEPPO) Small Business Liaison	202-564-8600
● (www.epa.gov/ceppo)	
● Small Business Innovation Research (SBIR) (http://es.epa.gov/ncerqa/sbir)	800-490-9194
● EPA Inspector General (IG) (www.epa.gov/oigearth)	888-546-8740
● Compliance Assistance Centers (Http://es.epa.gov/oeca/main/compasst/compcenters.html)	202-564-7076
● Small and Disadvantaged Business Utilization (www.epa.gov/osdbu)	202-564-4100

OTHER WEBSITES & HOTLINES

Phone Number

- Small Business Environmental Home Page (412) 577-2649
(www.smallbiz-enviroweb.org)
- Recycling Hotline (800) 253-2687
(www.recycle.net/recycle)
- National Technical Information Service (NTIS) (800) 553-6847
(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)
- Department of Energy (DOE)--National Alternative Fuels Hotline (800) 423-1363
(www.afdc.nrel.gov/hotline.html)
- Energy-efficiency & Renewable Energy Clearinghouse (800) 363-3732
(Operated by the DOE)
(www.eren.doe.gov)
- DOT--Hazardous Materials. (800) 467-4922
(<http://hazmat.dot.gov>)
- CHEMTREC Chemical Transportation Emergency Line, operated by (800) 262-8200
Chemical Manufacturers Association
([Http://chemtrec.org](http://chemtrec.org))
- Center for Management Courses on ISO 9000/14000 (800) 745-5565
(www.ceem.com)
- National Lead Technical Information Center (800) 424-5323
(www.epa.gov/lead/nlic.htm)
- Small Business Administration (800) 827-5722
(www.sba.gov)
- Regulatory Fairness Boards (SBA) (888) 734-3247
(www.sba.gov/ombudsman)
- Occupational Safety & Health Administration (OSHA) (800) 321-6742
(Worker Safety Referral Services)
(www.osha.gov)
- American Lung Association (800) 586-4872
(www.lungusa.org)
- Consumer Product Safety Commission (800) 638-2772
(www.cpsc.gov)
- Radon Auto Emission & Sun Safety(National Safety Council) (800) 557-2366
(www.nsc.org/ehc/radon.htm)
- INFOTERRA/USA (202) 566-0544
(www.epa.gov/INFOTERRA)
- Government Printing Office (202) 512-1800
(www.gpo.gov/#info)
- National Institute of Occupational Safety and Health (800) 356-4674
(www.cdc.gov/niosh/homepage.html)
- National Environmental Service Center (Water) (800) 624-8301
(www.estd.wvu.edu/netc/netcsc_homepage.html)
- Information Services - Additional Hotlines
(www.epa.gov/epahome/hotlines.htm)

EPA REGIONAL REGULATORY SMALL BUSINESS LIAISONS

REGION	1	CT, ME, MA, NH, RI, VT	Dwight Peavey & Larry Wells	(617) 918-1829
	2	NJ, NY, PR, VI	Ronald Lockwood	(212) 637-3413
	3	DE, DC, MD, PA, VA, WV	David Byro	(215) 814-5563
	4	AL, FL, GA, KY, MS, NC, SC, TN	Annette N. Hill	(404) 562-8287
	5	IL, IN, MI, MN, OH, WI	Glynis Zywicki	(312) 886-4571
	6	AR, LA, NM, OK, TX	David Gray	(214) 665-2200
	7	IA, KS, MO, NE	Janette Lambert	(913) 551-7768
	8	CO, MT, ND, SD, UT, WY	Maureen Kiely	(303) 312-6262
	9	AZ, CA, HI, NV, GU	Mark Samolis	(415) 947-4273
	10	AK, ID, OR, WA	Robyn Meeker	(206) 553-7154

EPA SMALL BUSINESS CONTACTS AND PROJECTS

Office of Air and Radiation

Air Control Technology Assistance Center	919-541-0800
Dennis Doll (Satellite Broadcasts/Training)	919-541-5693
Dona Canales-Higgins (Energy Star - Small Business)	202-564-1353
Jerry Lawson (Energy Star - Small Business)	202-564-9314
Kim Teal (Coatings Rules)	919-541-5580
Lalit Banker (Federal Small Business Assistance)	919-541-5420
State SBO/SBAP CAAA Section 507 Contacts	Separate listing
Tom Eagles (Regulatory Steering Committee)	202-564-1952

Office of Water

Carey Johnston, Lead (Metal Products and Machinery Rule)	202-566-1014
Cynthia Puskar (Regulatory Steering Committee)	202-564-0476
Deborah McCray (Small Systems & Tech. Assist Ctrs-(TACs)	202-564-3843
Jan Pickrel (Pretreatment Streamlining Rule)	202-564-7904
Jim Horne (Environmental Management Systems)	202-564-0571
John Flowers (Water Alliance for Voluntary Efficiency)	202-564-0624
Kitty Miller (General)	202-564-0474
Marta Jordan (Concentrated Aquatic Animal Production)	202-566-1049
Ron Jordan (Concentrated Animal Feeding Operations,CAFO)	202-566-1003
Shari Barash, Alternate (Metal Products and Machinery Rule)	202-566-0996
Tom Grubbs (Stage 1 DBPR Small Systems Compliance Guide)	202-564-5262
Wendy Bell (Stormwater Permits/Phase II)	202-564-0746

Office of Prevention, Pesticides & Toxic Substances

Angela Hofmann (Regulatory Steering Committee)	202-564-0258
Beth Anderson (Pollution Prevention Resource Exchange)	202-564-8901
Bob Torla (Biopesticides Ombudsman)	703-308-8098
Chris Kent (Pollution Prevention/P2 State Coordinator)	202-564-8842
David Giamporcaro (OPPT Industry/Small Business Liaison)	202-564-8107
Deborah Savage (Tellus Institute/Environmental Accounting)	617-266-5400
Frank Neumann (OPPT Small Business Liaison)	202-564-8823
John Cross (Pollution Prevention)	202-564-8844
John Myers (Reg-in-a-Box)	202-564-8624
Karen Chu (Design for the Environment)	202-564-8773
Lena Ferris (Pollution Prevention)	202-564-8831
Linda Arrington (Pesticides Ombudsman)	703-305-5446
Michael Hardy (Antimicrobial Ombudsman)	703-308-6432
Priscilla Flattery (General)	202-564-2718
Sandy Evalenko (SBREFA Panels)	202-564-0264
State P2 Technical Assistance Programs	Separate listing

Office of Solid Waste and Emergency Response

Anita Cummings (Waste Minimization)	703-308-8303
Breeda Reilly (112r Risk Management Plans, EPCRA 311-312, and Integrated Contingency Plan–“One Plan”)	202-564-7983
Carolyn Offutt (Superfund Brochures)	703-603-8797
Gerain Perry (Regulatory Steering Committee)	202-566-1929
Jackie Tenusak (General)	202-566-1926
Linda Garczynski (Brownsfield)	202-566-2731
Patricia Washington (OSWER Brochures)	703-308-0497
Regional RCRA Ombudsmen	Separate listing
Regional Superfund Ombudsmen	Separate listing
Terry Grist (Recycling)	703-308-7257
Sammy Ng (Underground Storage Tanks)	703-603-7166

Office of Enforcement and Compliance Assurance

Ann Kline (Small Business Policy)	202-564-0119
Ann Stephanos (SBREFA 222 RegFair program)	202-564-4006
Barry Hill (Environmental Justice)	202-564-2515
Beth Cavalier (Supplemental Environmental Compliance)	202-564-3271
Catherine Dunn (Audit Policy)	202-564-2629
David Nielsen (UST Enforcement)	202-564-4022
Gerard C. Kraus (Steering Committee)	202-564-6047
James Edward (Compliance Assistance General)	202-564-2462
Joanne Berman (Compliance Assistance Plan)	202-564-7064
Karin Leff (Compliance Assistance-Cross Cutting Issues)	202-564-7068
Lynn Vendinello (Performance Measurement)	202-564-7066
Milton Robinson (Paperwork Reduction)	202-564-2538
Nicholas Targ (Environmental Justice)	202-564-2406
Richard Satterfield (Audit Protocols)	202-564-2456
Robert Knox (Environmental Justice)	202-564-2515
Tracy Back (Compliance Assistance Centers)	202-564-7076

Office of Research and Development

Connie Bosma (Steering Committee)	202-564-6773
Jim Gallup (Small Business Innovative Research (SBIR))	202-564-6823
Theresa Harten (Environmental Technology Verification)	513-569-7565

Office of Congressional and Intergovernmental Relation

James McDonald (Small Business Issues)	202-564-9942
Mark Stevens (Legislative Counsel)	202-564-3707
Paul Guthrie (Regulatory Steering Committee)	202-564-3649

Office of General Counsel

Debbie Dalton (Dispute Resolution/Reg-Neg)	202-564-2913
Mark Kataoka (Regulatory Steering Committee)	202-564-5584

**Office of Administration and Resources Management
& Office of Acquisition Management**

Corrine Sisneros (Competition Advocate)	202-564-4321
Judy F. Davis (Acquisition Management)	202-564-4310
Len Bechtel (Regulatory Steering Committee)	202-564-1867

Office of Small and Disadvantaged Business Utilization

Elaine Rice (National Training Officer)	202-564-4141
Jeanette Brown (Procurement Opportunities)	202-564-4100

Office of Environmental Information

Alan Margolis (Confidential Business Information (CBI) Rule)	202-566-1644
Amy Newman (TRI Outreach and Web Issues and TRI Regional and State Coordination)	202-566-0723
Bruce Madariaga (Small Business Economic Impact Assessment for TRI Rules)	202-566-0650
Christine Augustyniak (Small Business Economic Impact Assessment for TRI Rules)	202-566-0634
Connie Dwyer (Central Data Exchange)	202-566-1691
Constance Downs (Information Strategies)	202-566-1640
Gail Froiman (PBT Rule Implementation Guidance)	202-566-0677
I Mei Chan (Regulatory Steering Committee)	202-566-2103
John Dombrowski (TRI Compliance Assistance)	202-566-0742
Rick Westlund (Paperwork Reduction Act)	202-566-1682

Office of State/Local Relations

Andy Hanson (Regulatory Steering Committee)	202-564-3664
Janice Berry-Chen (Small Communities)	202-564-7202
Jim Wieber (Small Entities)	202-564-3662
Steve Wilson (Small Towns)	202-564-3646

Office of Policy, Economics and Innovation

Al McGartland (Nat'l Center for Environmental Economics)	202-566-2244
Alexander Cristofaro (Regulatory & Policy Review)	202-564-7253
Angela Suber (Outreach and Assistance Coordinator)	202-566-2827
Bill Crosswhite (Pesticides and Agriculture)	202-566-2817
Brett Snyder (Small Business Economics)	202-566-2261
Catherine Tunis (Voluntary Programs/Measurement/Recognition)	202-566-2830
Cheryl Hawkins (Voluntary Programs)	202-566-2803

Chris Knopes (Project XL)	202-566-2165
Daniel Eddinger (Innovative Approaches)	202-566-2820
Elsa Bishop (Marketing Communities & Training)	202-566-2824
Geoff Anderson (Smart Growth)	202-566-2832
George Wyeth (Environmental Management Systems)	202-566-2203
Gerald Filbin (Community-based Environmental Protection)	202-566-2182
Jay Benforado (Environmental Innovations)	202-566-2800
Jim Malcolm (Hazardous Waste/TRI-EPCRA)	202-566-2821
Joan Crawford (Small Business Issues)	202-564-6568
Julie Spyres (Performance Track)	202-566-2885
Karen Brown (Small Business Ombudsman, Small Business Point of Contact & CAA 507 Programs)	202-566-2816
Ken Munis (Regulatory Steering Committee)	202-564-6581
Lanelle Wiggins (Economist–Natl. Ctr for Env. Economics)	202-566-2372
Larry Tessier (Asbestos/Lead/Radon/SBO Web Page)	202-566-2829
Pat Bonner (Customer Service & Public Involvement Policy)	202-566-2204
Paul Lapsley (Regulatory Management Issues)	202-564-5480
Phil Schwartz (Regulatory Agenda & Plan)	202-564-6564
Robert Benson (Industry Sector Based Partnership Programs)	202-566-2954
Sandy Germann (Speech Writer/Innovations)	919-541-3061
Stuart Miles-McLean (Regulatory & Policy Review)	202-564-6581
Tom Nakley (Water)	202-566-2826
Tim Stuart (Performance Track & EMS)	202-566-2946

Regional Small Business Liaisons

Annette Hill	(Region 4)	404-562-8287
David Byro	(Region 3)	800-228-871/(215) 814-5563
David Gray	(Region 6)	800-887-6063/214) 665-2200
Dwight Peavey	(Region 1)	617-918-1829
Glynis Zywicki	(Region 5)	312-886-4571
Jan Lambert	(Region 7)	913-551-7768
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Small Business Assistance Programs

Small Business Stationary Source Technical and Environmental Compliance Assistance Program, 507 Programs, Compliance Assistance Provider, Technical Assistance Programs - many different names - all describing the same program.

Section 507 of the Clean Air Act Amendments of 1990 required each state to create a program to help small businesses understand and comply with air pollution regulations. Congress did this to provide a resource for smaller businesses previously unaffected by environmental requirements. Around the country, each state and two territories now house a free, nonregulatory, assistance programs consisting of three components:

Small Business Assistance Program **SBAP**

Provides the detailed technical assistance and publications to help small businesses come into or remain in compliance with environmental regulations.

Compliance Advisory Panel **CAP**

Advisory panel made up of small business owners and representatives to consult and advise on SBAP program content.

Small Business Ombudsman **SBO**

An advocate acting on behalf of small businesses as it relates to environmental issues.



How Small Is a Small Business?

- 100 or fewer individuals;
- Fits the small business definition in the Small Business Act;
- Not considered a major stationary source;
- Does not emit 50 tons or more per year of any regulated pollutant or 75 tons per year of all regulated pollutants.



Location of the Programs

SBAPs and SBOs may be found in any number of places, including:

- Environmental Agencies
- Economic Development Agencies
- University System
- Non Profit Organizations
- Pollution Prevention Programs
- Small Business Development Centers
- Office of the Secretary or Agency Director

Size of the Programs

The number of individuals in the SBAP/SBO programs varies from 0-40 depending on the particular state!



Program Budgets

SBAP/SBO/CAP budgets range from \$0 to \$2,000,000. About 98% of the programs operate with budgets less than \$200,000.



Steering the Future of the SBAPs

In 1995, the SBAPs formed a committee to help encourage better communication around the country between the state programs and EPA. One representative and an alternate from each EPA region serves on the Steering Committee. Committee Representatives participate in monthly conference calls, serve as a conduit for information to other assistance providers in the region, and act as a focal point of contact to disseminate information to and from the 507 Program service providers. The Steering Committee provides a vehicle for identifying and resolving problems faced by the 507 program service providers.



EPA Small Business Division Office of Policy, Economics & Innovation

This Division within EPA houses the National Small Business Ombudsman for EPA. The SBO represents small businesses and acts as a key link between the state programs and the agency.

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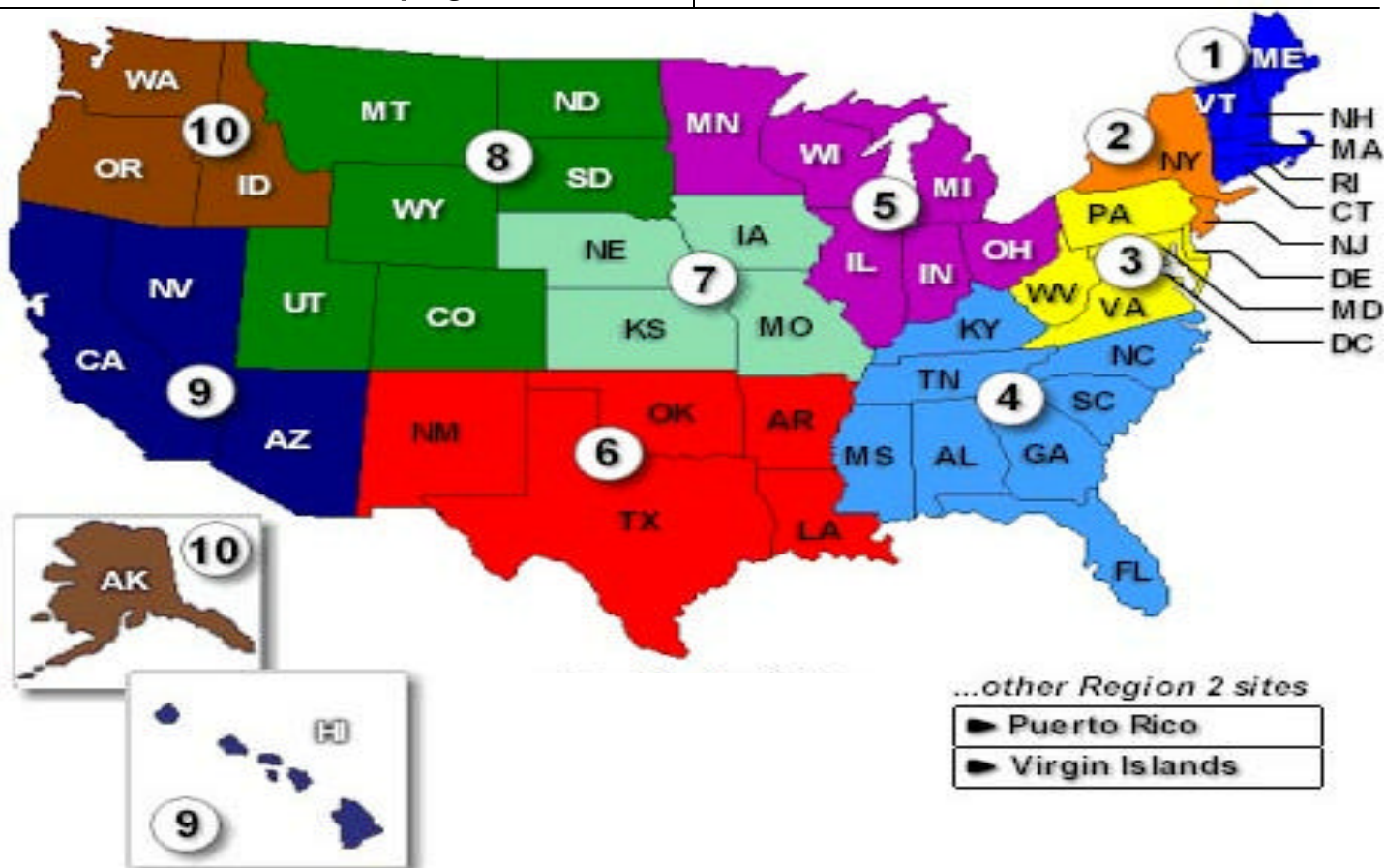
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2002 Steering Committee Representatives and Alternates

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Joe Antonio (RI)
- Region 2: Maria Riveria (PR)
Marian Mudar (NY)
- Region 3: Richard Rasmussen (VA)
Terry Polen (WV)
- Region 4: Linda Sadler (TN)
Tony Pendola (NC)
- Region 5: Amelia Gooding (IL)
Phyllis Strong (MN)
- Region 6: Tamra Shae Oatman (TX)
Darren Morrissey (AR)
- Region 7: Dan Nickey (IA)
Layli Terrill (MO)
- Region 8: Nick Melliadis (CO)
Bonnie Rouse (MT)
- Region 9: Marcia Manley (NV)
Robert White (CA)
- Region 10: Sally Tarowski (ID)
Patrick Hoermann (WA)

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JANUARY 2003 ,CLEAN AIR ACT

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

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Ph: 512/239-3187
Fx: 512/239-3165
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Region 7

US EPA Region 7

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Kansas City, KS 66101
Ph: 913/551-7666
Fx: 913/551-7065
mclaughlin.chilton@epa.gov

P2 Regional Information Center - P2Rx

Center

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1133 Farnam St. Suite 230
Omaha, NE 68508
Ph: 402/595-2381
Fx: 402/595-2385
contact@p2ric.org

Iowa DNR

Scott van der Hart
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Des Moines, IA 50319
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Fx: 515/281-8895
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IA Waste Reduction Center

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Iowa DED

Wendy Walker
Ombudsman
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KSU - P2 Institute

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Manhattan, KS 66506
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Fx: 785/532-6952
ppi@ksu.edu

Missouri DEQ - TAP

David Goggins
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Fx: 573/526-5808
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Nebraska DEQ, P2 Office

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Fx: 402/471-2909
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Mid-America Manufacturing Technology Center (MEP)

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Region 8

US EPA Region 8

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Denver, CO 80202
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Peaks to Prairies P2 Info Center - P2Rx Center

Montana State University Extension Service
PO Box 173580
Bozeman, MT 59717-3580
Ph: 406/994-3451
Fx: 406/994-5417
information@peakstoprairies.org

Colorado DHE

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Montana P2 Program

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North Dakota Dept of Health

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South Dakota DENR

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Utah DEQ

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Fx: 801/536-0061
swallace@deq.state.ut.us

Wyoming DEQ

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Cheyenne, WY 82002
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Fx: 307/777-3610
sroseb@state.wy.us

Region 9

US EPA Region 9

Eileen Sheehan
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Western Regional P2 Network - P2Rx Center

Isao Kobashi
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Arizona DEQ

Joseph Soesilo
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CA Integrated Waste Management Board

8800 Cal Center Dr
Sacramento, CA 95826
Ph: 916/341-6620
bzassist@ciwmb.ca.gov

CA Dept. of Toxic Substance Control

Kathy Barwick
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kbarwick@dtsc.ca.gov

Hawaii Dept of Health

Marilyn Aguilar
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Nevada Small Business Development Center

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Reno, NV 89511
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Region 10

US EPA Region 10

Carolyn Gangmark
1200 Sixth Ave (01-085)
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Pacific NW P2 Resource Center - P2Rx Center

Crispin Stutzman
513 1st Ave. W
Seattle, WA 98119
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Fx: 206-352-2049
cstutzman@pprc.org

Alaska DEC

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Idaho DEQ

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Oregon DEQ

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Washington DEC

Lynn Helbrecht
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lhel461@ecy.wa.gov

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.

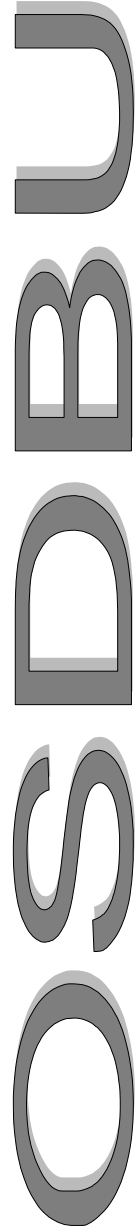
Direct Procurement Program

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

- ◆ Develops policy and procurements impacting socioeconomic businesses
- ◆ Establish and monitor direct procurement goals for:
 - ☛ Small Business
 - ☛ 8(a) Business
 - ☛ Small Disadvantaged Business
 - ☛ Women-Owned Business
 - ☛ HUBZones
 - ☛ Subcontracting
 - ☛ Service Disabled Veterans
- ◆ Compile, collect and assemble statistical data on socioeconomic programs
- ◆ Mentor-Protégé Program
- ◆ Subcontracting Reviews and Approvals
- ◆ Outreach Efforts (Economic Development Programs for Selected Urban Centers)
- ◆ 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
- ◆ 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 in concert with Howard University's Small Business Development Center. The services of the Outreach Center are designed to enable developing, emerging and startup firms to strengthen their competitive position in the EPA marketplace. A few other services are available: (NO FEE is required except for special sessions when neither a celebrity consult is engaged or a site cost is encumbered. 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

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

MBE/WBE COORDINATORS

<u>REGION</u>	<u>COORDINATOR</u>	<u>STATES</u>	<u>TELEPHONE</u>
I	Sharon Molden	CT, ME, RI, MA, NH, VT	(617) 918-1062
II	Otto Salamon	NJ, NY, PR, VI	(212) 637-3417
III	Romona McQueen	DE, DC, MD, PA, VA, WV	(215) 814-5155
IV	Rafael Santamaria	AL, FL, GA, KY, MS, NC, SC, TN	(404) 562-8110
	Matt Robbins		(404) 562-8371
V	Darlene Hainer	IL, IN, MI, MN, OH, WI	(312) 886-6017
VI	Debora Bradford	AR, LA, NM, OK, TX	(214) 665-7406
VII	Cecil Bailey	IA, KS, MO, NE	(913) 551-7462
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	Myrna Jamison	AK, ID, OR, WA	(206) 553-2931
Cincinnati	Norman White		(513) 487-2024
RTP	Jerry Dodson		(919) 541-2249
Headquarters	Lupe Saldana		(202) 564-5353

OSDBU STAFF

Jeanette Brown	Director	(202) 564-4100
David Sutton	Deputy Director	(202) 564-4100
Mark Gordon	Attorney Advisor	(202) 564-5951
Kimberly Patrick	Attorney Advisor	(202) 564-5386
Elaine Rice	National Training Officer	(202) 564-4141
Patricia Durrant	Soc. Bus. Prog. Ofr.	(202) 564-4738
Mryna Mooney	Soc. Bus. Prog. Ofr./Tribal	(202) 564-4386
Denean Jones	Info. Mgmt. Specialist	(202) 564-4142
Tammy Thomas	Program Specialist	(202) 564-4298
Natalie Twyman	Secretary	(202) 564-2314
Elnora Thompson	Clerk-Typist	(202) 564-4139
Thelma Harvey	SEE Employee	(202) 564-4138

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 2003

EPA USE ONLY Small Business Asbestos

INQ. NO.: _____ DATE: _____ FILLED BY: _____ DATE FILLED: _____

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

[Add: _____ Init: _____ Date: _____] [Change: _____ Init: _____ Date: _____] [Delete: _____ Init: _____ Date: _____]

NAME: _____ **TELE. NO.:** (____) _____

Organization: _____

Address: _____ **Date:** _____

City: _____ **State:** _____ **Zip:** _____

IF YOU **ARE NOT ALREADY** RECEIVING THE BI-ANNUAL EDITIONS OF THE "UPDATE" NEWSLETTER AND WISH TO DO SO, PLEASE COMPLETE THIS

SECTION (To receive *bi-annual "Updates" and related mailings*): Yes: _____ No: _____

INDUSTRY: _____ **No. Employees:** 1-99 _____ 100-499 _____ 500-Up _____
 (Indicate, or Circle Below)

Consultant	Laboratory	State Govt.	Association	EPA Region: _____
Attorney	Educational	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.

A- 1	B- 6	C-13	C-47	C-80	D- 5	E-11	E-42	F- 3	G-14	I- 8	I-35	J-13	K-29K-53
A- 2	B- 7	C-14	C-50	C-81	D- 6	E-12	E-43	F- 5	G-15	I- 9	I-36	J-14	K-30K-54
A- 3	B- 8	C-15	C-51	C-82	D- 7	E-13	E-44	F- 6		I-10	I-37	J-15	K-31K-55
A- 4	B- 9	C-16	C-52	C-83	D- 8	E-14	E-45	F- 7	H- 1	I-11	I-38		K-32K-56
A- 5	B-10	C-17	C-53	C-84	D- 9	E-15	E-46	F- 9	H- 2	I-12	I-40		K-33K-57
A- 6	B-11	C-18	C-54	C-85	D-12		E-47	F-10	H- 3	I-13	I-41	K- 1	K-34K-58
A- 7	B-12	C-19	C-56	C-87	D-13	E-19	E-48	F-11	H- 4	I-14	I-42	K- 2	K-59
A- 8	B-13	C-20	C-57	C-88	D-14	E-20	E-49	F-12	H- 5	I-15	I-43	K- 3	K-36K-60
A- 9	B-14	C-21	C-58	C-89	D-15	E-21	E-50	F-14	H- 6	I-16	I-44	K- 4	K-61
A-10	B-15	C-22	C-59		D-16	E-22	E-51	F-15	H- 7	I-17	I-45	K- 5	K-38
A-11	B-16	C-23	C-60	C-90	D-17	E-23	E-53	F-16	H- 8	I-18	I-46	K- 6	K-39
A-12	B-17	C-24	C-62	C-91	D-18	E-24	E-54	F-17	H- 9	I-19	I-47	K- 8	K-40
A-13		C-25	C-63	C-92	D-19	E-25	E-55		H-10	I-20		I-48	K- 9
	B-19	C-26	C-64	C-93		E-26	E-56		H-11	I-21		K-10	K-42
A-15	B-20	C-27	C-65	C-94		E-27	E-57	G- 1	H-12	I-22	J- 1	K-11	K-43
A-16	B-21	C-28	C-66	C-95	E- 1	E-28	E-58	G- 2	H-13	I-23	J- 2	K-13	K-44
A-17	B-22	C-30	C-67	C-96	E- 2	E-29	E-59	G- 3	H-14	I-24	J- 3	K-14	K-45
A-18	B-23	C-31	C-68	C-97	E- 3	E-30	E-60	G- 4	H-15	I-25	J- 4	K-15	K-46
A-20	B-24	C-35	C-69	C-98	E- 4	E-31	E-61	G- 5	H-16	I-26	J- 5	K-16	K-47
A-21		C-36	C-70	C-99	E- 5	E-32	E-62	G- 6		I-27	J- 6	K-19	K-48
A-22	C- 1	C-37	C-71	C-101	E- 6	E-33	E-63	G- 7	I- 1	I-28	J- 7	K-20	K-49
A-23	C- 2	C-38	C-73	C-102	E- 7	E-34	E-64	G- 8	I- 2	I-29	J- 8	K-21	
A-24	C- 7	C-39	C-75	C-103	E- 8	E-35	E-65	G- 9	I- 3	I-30	J- 9	K-22	K-51
B- 1		C- 8	C-41	C-76	C-104	E- 9	E-36	E-66	G-10	I- 4	I-31	J-10	K-23
B- 2		C- 9	C-42	C-77	C-105	E-10	E-40	E-67	G-11	I- 5	I-32	J-11	K-28
B- 3		C-10	C-43		D- 1		E-41		G-12	I- 6		J-12	
B- 4	C-11	C-44		D- 2		F- 1		G-13	I- 7				
B- 5		C-12	C-45		D- 3			F- 2					

Mail to:
 Karen V. Brown, Small Business Ombudsman
 US Environmental Protection Agency
 1200 Pennsylvania Ave, NW (1808T)
 Washington, D.C. 20460-0001

Or Telephone:
 Toll Free Hotline: (800) 368-5888
 In the D.C. area, (202) 566-2855/Telefax (202) 566-2848
Asbestos.ombudsman@epa.gov
Smallbiz.ombudsman@epa.gov
www.epa.gov/sbo/pubs.htm

Other Materials Requested: _____

