

SMALL BUSINESS OMBUDSMAN UPDATE

United States Environmental Protection Agency
Washington, DC 20460

MEMORANDUM

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Home Page www.epa.gov/sbo

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

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

TO: Persons Interested in Small Business
Environmental Issues

DATE: **July, 2001**

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Asbestos, Radon, and Lead

THE WORK GOES ON!

We were recently asked by Congress to justify our budget and work plans. Although many might find this kind of inquiry unnerving, we welcomed it! Finally, we thought, someone was paying attention to us. In response, we submitted our action plan and decided you might like to know some of the highlights.

As the small business gateway for EPA, our work falls into three main categories: (1) Developing and providing compliance assistance and tools for small businesses; (2) Providing information about small business to EPA; and (3) Identifying small business needs for EPA rules, enforcement and policy development. It is in the third area where we have earned a reputation as "scrappy" small business advocates. However, we do a lot more than that.

At the time of our report to Congress, our action plan was based upon a budget of about \$1.5M. This averages much less than \$5.00 per small business per year. Most are surprised to learn our budget is so small given how much work we handle. I am not complaining. The fact that we get so much done with our budget is one of the accomplishments the SBD is most proud of.

With this budget we pay a staff of ten and also pay for general operations. Critical ongoing projects include manning the hotline, maintaining a small business web-site, and sponsoring annual meetings. Our special projects include critical work on expert systems, environmental management systems tools and training, and a printer industry project (See Page 3 for details). We have to submit reports to Congress and perform liaison work with other EPA offices, administer a state grant program, and perform our critical advocacy function that has been somewhat unpredictable.

Our action plan for the SBD and SBO are based in large part upon the expressed needs of the small business community. The more we learn from this community, the more responsive we can be to those needs. This is common sense. As a reader of this newsletter you obviously have an interest in small business environmental matters. Is there something we can do to assist you?

Sincerely,

Karen V. Brown

ONE-STOP-RELIEF SMALL BUSINESS OMBUDSMAN FUNCTIONS

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

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

Call (800) 368-5888

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NEW DOCUMENT UNDER DEVELOPMENT FROM EPA!

“Practical Guide to Environmental Management for Small Business”

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

What is environmental management?

Environmental management can be defined as:

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

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

Why is environmental management so important?

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

What EPA resources will be available?

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

Environmental Management for Small Business” (Practical Guide).

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

The Practical Guide will address the following topics:

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

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

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

incorporate the information you already have into a documented system.

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

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

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

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

The Guide and Primer will be available soon from:
Small Business Ombudsman
Office of Policy, Economics,
and Innovations
U.S. Environmental Protection
Agency
1200 Pennsylvania Avenue
Washington DC 20460

New Initiatives for Small Business Division (SBD)

SBD LAUNCHES NEW ENVIRONMENTAL MANAGEMENT SYSTEM PROJECTS

The SBD recently announced its leadership on some important new EPA projects centered on assisting small businesses with environmental management systems (EMS) and also on compliance assistance. This article provides more information about key project concepts and invites participation and input from the small business community, associations, states, and other stakeholders.

Practical EMS Training To be Made Available.....Finally!

Building from the success of EMS training provided by the SBD at its annual meeting held in Austin, TX last April to state representatives, the SBD will develop and offer a new comprehensive EMS training program. Currently envisioned as a one or two day event to promote EMS utilization in small businesses, the training will utilize the SBD's "Practical Guide for Environmental Management" (See article on page 2) as a coursebook with relevant case studies and hands-on exercises to reinforce critical knowledge and skills. The training will be offered at five locations nationally over the next 18 months at locations selected to yield the greatest benefit to the small business community. *Interested state program and association representatives are encouraged to register their interest in hosting this exciting new training by contacting the SBD Director as soon as possible.*

After Repeated Requests.....Generic Small Business Environmental Management Plan in the Pipeline

After many years of working with the small business community, the SBD clearly understands that when it comes to environment the vast majority of small business owners want to do what is "right", however it is often difficult for small businesses to know what the "right" thing is. With regard to EMS, the SBD has decided to help improve the situation by providing a generic "Environmental Management Plan" (EMP) as the "right" place to start. Like all other SBD efforts, this project will rely upon related EPA products and initiatives and seek input from its stakeholders. *Input is critical in helping the SBD select one or two example business types that will be used as detailed examples for EMP development.* Already some interest has been registered by some association representatives but no decision have been made yet.

Useful Examples of "Beyond Compliance" to be Compiled

Compliance with environmental regulations is required. We no longer hear arguments about that point. However, EPA also encourages responsible environmental management practices that are not required but are nevertheless good for the environment. These voluntary "beyond compliance" practices hold some of the greatest promise for meaningful gains in environmental performance improvement because successful ones also have a fruitful bottomline result. We call these "Best Environmental Management Practices" (BEMPs). To help small businesses take advantage of these BEMPs, the SBD will start by trying to make the small businesses aware. To do this, BEMPS will be researched, compiled, and made available through the Small Business Web page. The SBD intends to select a finite number of small business types to research and desires input from associations and states on specific types to address. *Please forward preferences with a justification to the SBD Director as soon as possible.*

It is a long-standing SBD philosophy to seek input and dialogue from its small business stakeholders including representatives from states, associations and other EPA units before substantive work gets underway. To do this, the SBD will present more details on its new projects at a meeting in Washington, DC on August 8-9, 2001. It will also seek additional forums for dialogue throughout project evolution. To learn more about technical aspects of the projects contact Ms. Amy Borman at PRIZIM Inc. at 301-840-9316 x 105. To learn about the meeting or to provide input on technical direction, contact Ms. **Karen V. Brown** Director of SBD/ EPA at 202/260-1390.

LAB GUIDE FOUND USEFUL IN ACADEMIA AND HEALTHCARE SECTORS

When the SBD decided to revise the EPA Guide to Environmental Management for Small Laboratories (EPA 233-B-00-001) last year, it was seeking to serve the needs of numerous small independent testing labs throughout the country. Although the SBD knew there were thousands of other labs that would benefit from the Guide, it was still pleasantly surprised to learn recently that both the healthcare and academic sectors found it so useful. Representatives from hospital and academia associations and groups have asked for thousands of copies for training and awareness purposes resulting in extra printing orders of the Guide. At a recent EPA seminar on healthcare, the Lab Guide was described by members in the audience as “one of the most useful documents EPA ever published”. Similar reviews have been received by numerous academic institutions. The Guide is available at the SDB website or by calling the EPA Small Business **Hotline 1-800-368-5888**.

PRINTERS ROUNDTABLE TO EVALUATE EPA-FUNDED PROJECTS

In conjunction with the Printers National Environmental Assistance Center (PNEAC) and the Printing Industries of America (PIA), Concurrent Technologies Corporation (CTC) will facilitate a one-day roundtable to evaluate EPA-funded projects in the printing industry and to determine next steps to meet printing industry needs in the areas of environmental compliance and pollution prevention technical assistance. Roundtable participants will review major EPA programs and projects, answer questions regarding keys and barriers to project success, review and refine effective evaluation tools, and recommend types of projects to duplicate in the future. The product of this roundtable will be a summary report and recommendations for future initiatives serving printers' environmental and technical assistance needs.

CTC will organize the roundtable in cooperation with PNEAC and PIA. The roundtable will be held at PIA's office in Alexandria, Virginia in mid-September, 2001. Prior to the roundtable, key printing industry leaders (with direct knowledge of major EPA-funded programs) will be invited to attend, and will receive a roundtable agenda and questions, along with a request for specific information regarding their project involvement and opinions. Key participants in the project include: **Deb Jacobson** (PNEAC), **Ben Cooper** (PIA), **Gary Jones** (PIA), **Marcia Kinter** (Screenprinting & Graphic Imaging Association-SGIA International), **Karen Brown** (EPA SBO) and **Dan Eddinger** (SBO Staff) . CTC facilitators are **Angel Martin-Dias** 412-577-2643 and **Audrey G. Zelanko** 412-577-2649.

SBD CHANGES--RETIRED & NEW STAFF

Since the last update in January, there have been a few staff changes in the Small Business Division (SBD). **Bob Rose** retired on January 3, 2001, after serving as the Deputy Small Business Ombudsman for 10 years. **Arnold Medbery**, P.E., Mechanical Engineer, a Senior Environmental Employee, retired in March 2001, after assisting with the SBO Hotline calls and participating on regulatory workgroups advocating for the needs of small business for over seven years. **Dan Eddinger**, former Small Business Ombudsman from Nebraska, joined the staff in May 2001 to assist with outreach activities and regulatory reviews. **William Crosswhite**, an Economist / Senior Environmental Employee, joined SBD in June 2001, to assist with Hotline calls, and regulatory review activities.

National Compliance Advisory Panel (CAP) Formed

On June 20-21, 2001, the first meeting of the National Compliance Advisory Panel (CAP) was held in Washington, DC. This panel is comprised of one CAP member and one alternate representing each EPA region.

State CAPs are required under the Clean Air Act as amended in 1990 as part of a state technical assistance program to help small businesses comply with the Act. Each CAP is responsible for determining the overall effectiveness of its state program. Among their many duties, members review and render advisory opinions on their state's assistance program, ensure that information affecting small businesses is written in a style that is clear and understandable, and serve as an information bridge between small businesses and their state's program.

During April's national Small Business Ombudsman/Small Business Assistance Program (SBO/SBAP) conference in Austin, TX, state CAP members in attendance voted to form a National CAP. This vote also received wide support from state SBOs and SBAPs.

Members of the National CAP are:

- C Glenn Heilman -- Region III (PA), Chairman
- C Carl Komassa -- Region V (WI), Vice Chairman
- C George Siefert -- Region II (NJ)
- C Frank Ramos -- Region III alt. (VA)
- C Gary Dawson -- Region IV (FL)
- C Ben Taylor -- Region VI (LA)
- C Sue Quambusch -- Region VII (NE)
- C Reimar von Kalben -- Region VIII (CO)
- C Paul Larson -- Region VIII alt. (WY)

Representatives from Regions I, IX, and X will be appointed soon.

Also participating in the National CAP meeting were:

Kim Bosgraaf, National Federation of Independent Businesses, Mark Shanahan, OH SBO and SBO/SBAP Steering Committee Vice Chair, Karen V. Brown, EPA SBO, Sally Tarowsky, ID SBO and proxy for Region X, Angel Martin-Dias, Concurrent Technologies Corporation, Delane Anderson, EPA SBO Office, Daniel Eddinger, EPA SBO Office, Angela Suber, EPA SBO Office

National CAP members identified several key action items they will address immediately:

- C Facilitate the flow of information between state CAPs and the EPA SBO, Karen Brown.
- C Promote the formation of CAPs in states where CAPs are weak or do not exist.
- C Advise regulators on the small business perspective.
- C Coordinate with the national SBO/SBAP Steering Committee.
- C Provide input to the CAP Training at the annual SBO/SBAP conference.
- C Educate national trade associations and encourage cooperative efforts.

Members also adopted this Mission Statement.

The purpose of the National Compliance Advisory Panel (CAP) is to foster small business success through improved environmental performance by:

- *Assisting in the development, implementation, and continued improvement of the state CAPs pursuant to Section 507 of the Clean Air Act as amended in 1990.*
- *Facilitating communication among businesses, state programs, Small Business Ombudsman (SBO)/Small Business Assistance Program (SBAP) Steering Committee, and the US Environmental Protection Agency.*
- *Promoting and marketing existing state program components: SBOs, SBAPs, and CAPs.*

For more additional information on the National CAP, please call **Angel Martin-Dias**, National CAP Facilitator, at 412-577-2643.

Ten State Demonstration Projects: Managing Small Business Compliance Assistance Programs for Results

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

The **ten** projects have demonstrated three important management approaches:

- I. Manage an industry sector for full compliance or pollution-free status.**
- II. Use partnerships to multiply the demand and capacity for delivering assistance.**
- III. Develop, and test, and make available nation-wide, useful tools for delivering assistance.**

The first type is a long term strategy to produce results on mission: the targeted sector moves to high levels of compliance or shifts to pollution free practices. The second type leverages the usually small assistance program in dramatic ways through partnerships. Significantly more businesses are reached and high levels of assistance provided. The third type positions the nation's network of state programs as a learning community with intellectual assets and a knowledge management charter.

Four of the projects are Type I, testing management strategies for systematically moving a specific industry sector into full compliance and toward cleaner technologies.

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

Two of the projects are Type II, testing partnership development strategies to extend reach and impact.

- **Colorado:** Department of Public Health and the Environment. The project is developing a network of partners to expand the reach of its small business assistance program. It is integrating resources of several assistance providers and integrating assistance tools tailored to specific customer needs.
- **New Jersey:** Department of Environmental Protection. The project is using leverage to expand the reach and impact of a small business compliance assistance program. The leverage will come through partnerships with other assistance providers using high impact materials. Partners are mobilized for direct outreach to small businesses.

Four of the projects are Type III, strengthening the national program by developing useful tools that can be used by all states.

- **Montana:** Department of Environmental Quality. The project will develop an assessment of needs for small business assistance, especially in rural communities in Montana, and test marketing methods to stimulate requests for assistance and to increase business and public awareness about the assistance program.

- **South Carolina:** Department of Health and Environmental Control. The project has reached out to small auto repair shops and salvage yards that are often beyond the reach of the regulatory sector. Partnerships will be used to reach businesses with specific materials and training
- **Wyoming:** Department of Environmental Quality. The project is building a state information system to locate small business customers for direct compliance assistance. This data base will be used to send to all affected small businesses in the state an information guide describing the full range of compliance assistance resources available. Partners will help develop the guide and distribute it.
- **Kansas:** State University Pollution Prevention Institute. The project has tested an approach for one-on-one assistance to small businesses using retired engineers to provide direct assistance in three industries: dry cleaners, automotive repair/auto body and metal finishing. It is now testing an assistance strategy for increasing compliance and reducing pollution in Colorado's printing industry.

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

Small Business Division Survey

In January 2001, staff within the Small Business Division completed a telephone survey of users of the Small Business Ombudsman Hotline using a survey instrument approved by the Office of Management and Budget. Staff placed 682 calls to Hotline users with 166 individuals responding, for a 24.3% participation rate.

The Division received positive feedback from its survey. Of the respondents polled:

- 73% said they received the information they needed when they called the Hotline;
- 77% found the information provided easy to understand;
- 80% considered the response to them to be timely;
- 87% said the Hotline representatives were courteous;
- 75% were satisfied with the Hotline staff's responsiveness; and
- 94% said they would use the Hotline again.

A number of observations, reactions and suggestions were expressed by surveyed customers. The majority of respondents indicated that their Hotline experience was positive. Although some of the comments included a sense of dissatisfaction with the Hotline response received, in many cases the dissatisfaction stemmed from inappropriate customer expectations, i.e., calling for services the Hotline does not claim to provide. An example is a customer who was seeking a gift of money to start up a limousine service.

The survey results illustrate the value of referrals, also. Hotline staff are trained to provide another resource at the appropriate level (federal, state, or local) in those instances where the needed information is not immediately available within EPA. Customers indicated that 83% of the referrals suggested by the Hotline staff were appropriate. This number may actually be higher, as some of the 17% who claimed to be dissatisfied admitted that they had never contacted the referral source.

Staff has prepared a report on the survey findings along with recommendations for ways to improve service to Hotline customers. The suggestions include revising the recorded greeting to request contact information that will minimize delay in reaching the customer when the call is returned; using the voice mail greeting to advise customers of how they can submit requests or questions electronically; incorporating "plain English" into new or revised materials prepared by the Small Business Division; and furnishing the Small Business Ombudsman's e-mail address with all materials distributed to customers.

While the Small Business Division staff recognize there is always room for improvement, its customers made it clear that the Hotline provides a needed and appreciated service. You can reach the **Small Business Hotline at 800-368-5888**. For additional information contact: **Eileen McGovern** at 202-260-5352

State Small Business Assistance Program (SBAP)

Success Stories

(from the 1999 state reports)

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

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

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

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

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

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

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

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

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

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

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



The Small Business Environmental Home Page introduces the NEW SBO-SBAP Listserv!

The Small Business Environmental Home Page, maintained under cooperative agreement funding provided by the U.S. Environmental Protection Agency Small Business Division/Small Business Ombudsman's office, is now offering an email, subscription-based listserv for the small business community to exchange ideas and share information on environmental compliance and pollution prevention issues. The SBO-SBAP Listserv is open to small business ombudsmen, small business assistance programs, small businesses, trade associations, technical assistance programs, and other educators, researchers, and individuals in the small business community. There is no fee for subscribing to the listserv.

How to Subscribe:

1. Go to www.smallbiz-enviroweb.org/maillist.html and fill out all fields of the subscription form. Information required includes: name, title, email address, organization, address, and phone. The menu for "Select List" includes only the general SBO-SBAP Listserv at this time (additional lists may be added at a future date). "Reason for Joining" information is required for monitoring purposes. The listserv is private. Membership and correspondence is monitored to protect the integrity of the listserv.
2. Wait for the listserv confirmation to a completed subscription request, as well as a welcome notice outlining rules and instructions.

How to Unsubscribe:

1. Send an email to LISTSERV@WWW.SMALLBIZ-ENVIROWEB.ORG
2. Leave the subject line blank.
3. Type the following in the body of the message: SIGNOFF SBO-SBAP
4. Wait for listserv confirmation of a completed unsubscription request. Once you receive this, your listserv mail should cease to arrive.

For more information, contact: **Audrey Zelanko** zelanko@smallbiz-enviroweb.org
Brian Bosilovich BosilovB@ctc.com

SMALL BUSINESS ENVIRONMENTAL HOME PAGE

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

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

Look for some changes to the Home Page in response to comments from the online EPA Customer Satisfaction Survey completed in the fall of 2000. A summary of the survey results and changes made will be posted on the Home Page soon!

Don't forget to send in updates and use the five databases on the Home Page—publications (now over 3,880), videos, upcoming events, performance measurement tools and success stories (over 65 available for direct downloading, revision, and use), and regulatory updates (new as a database).

Remember the old SBO/SBAP listserv? At the 2001 SBO/SBAP conference in Austin, Texas, it came to our attention that many of you would like to be able to use that tool again. So, we have resurrected the listserv. Go to www.smallbiz-enviroweb.org/maillist.html and fill out the form to subscribe. Please see more information on the **NEW SBO-SBAP Listserv** in this newsletter.

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

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

WHERE TO CALL FOR MORE INFORMATION AND HELP
EPA SMALL BUSINESS OMBUDSMAN

<u>EPA Web Pages and Hotlines</u>	<u>Phone Number</u>
! National Center for Environmental Publications	800-490-9198
(www.epa.gov/ncepihom/)	513-489-8190
! Indoor Air Quality Information Clearinghouse	800-438-4318
(www.epa.gov/iaq/)	
! Radon	800-767-7236
(www.epa.gov/iaq/radon/)	
! EPA Energy Star	888-782-7937
(www.energystar.gov)	
! Clean Air Technology Center	919-541-0800 (English)
(www.epa.gov/ttn/catc/)	919-541-1800 (Spanish)
! Mobile Sources (Emissions)	734-214-4333
(www.epa.gov/omswww/)	
! Emission Measurement Center	919-541-0200
(www.epa.gov/ttn/emc/)	
! Stratospheric Ozone Information	800-296-1996
(www.epa.gov/ozone/)	
! Acid Rain (emission trading, auctions, Information)	202-564-9620
(www.epa.gov/airmarkets/)	
! Safe Drinking Water Hotline	800-426-4791
(www.epa.gov/safewater/)	
! National Small Flows Clearinghouse (WV Univ)	800-624-8301
(www.nsfrc.wvu.edu/)	
! Storm Water Phase II Information	202-260-7786
www.epa.gov/owm/sw/phase2/index.htm	
! Water Resource Center	202-260-7786
! Pollution Prevention Information Clearinghouse	202-260-1023
www.epa.gov/opptintr/library/libppic.htm	
! National Solid & Hazardous Waste Ombudsman	800-262-7937
Washington Metro Area	202-260-9361
! Wetlands Information	800-832-7828
(www.epa.gov/owow/wetlands/)	
! U.S. EPA RCRA, Superfund & Underground Storage Tanks Hotline	800-424-9346
Washington Metro Area	703-412-9810
www.epa.gov/epaoswer/hotline/index.htm	
! 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)	703-305-5446
(www.epa.gov/pesticides/)	
! Bio-Pesticide Staff Assistance	703-305-7973
www.epa.gov/pesticides/biopesticides/	
! National Pesticide Telecommunications Network	800-858-7378
http://ace.orst.edu/info/nptn	
! EPA Waste Wise/Waste Reduction	800-372-9473
(www.epa.gov/wastewise/)	
! Office of Environmental Justice	800-962-6215
! Office of Pollution Prevention & Toxics	202-260-1772
(www.epa.gov/opptintr/)	
! Chemical Emergency Preparedness & Prevention Office	202-564-8600
(CEPPO) Small Business Liaison	
(www.epa.gov/ceppo/)	
! Small Business Innovation Research (SBIR)	800-490-9194
http://es.epa.gov/ncerqa/sbir	
! EPA Inspector General (IG)	888-546-8740
(www.epa.gov/oigearth/)	

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
- ! 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/regfair
- ! 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) 260-5917
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 Training Center for Small Communities (800) 624-8301
www.estd.wvu.edu/netc/netcsc_homepage.html

EPA REGIONAL REGULATORY SMALL BUSINESS LIAISONS

REGION	1	CT, ME, MA, NH, RI, VT	Dwight Peavey	(617) 918-1829
	2	NJ, NY, PR, VI	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,	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	Rob Laidlaw	(303) 312-7064
	9	AZ, CA, HI, NV, GU	Mark Samolis	(415) 744-2331
	10	AK, ID, OR, WA	Bill Dunbar	(206) 553-1203

STATUS OF HIGH VISIBILITY ACTIONS

OBTAINING ADDITIONAL INFORMATION FOR SMALL BUSINESS

Some articles in this newsletter cite certain reference publications by Item Number that provide additional information on the topic. These publications can be ordered by completing the Publication Order form on page 63. In addition, the Ombudsman's Office maintains an inventory of over 300 EPA and related publications containing useful environmental information for small business. A complete listing of these publications can be obtained by calling the Ombudsman's Office at **1-800-368-5888** or **202-260-1211**.

Recent Initiatives to Better Serve You

- Facilitated meetings between EPA Deputy Administrator, senior management, and industry to give the Agency an opportunity to hear first hand the concerns of small business.
- Advocated for and participated in the Small Business Regulatory Enforcement Fairness Act (SBREFA) process and in reviewing over 50 EPA regulatory actions to address small business issues and concerns.
- Provided outreach and assistance to the small business community on SBREFA.
- Hosted the eighth annual National Small Business Ombudsman (SBO) and Small Business Assistance Program (SBAP) Conference in Austin, TX attended by 45 states, 2 territories, and the District of Columbia (195 participants).
- Provided a grant to the State of Illinois for the ninth Annual SBO/SBAP Conference to be held in Chicago, June 30-July 3, 2002.
- Planned Small Business Regional Liaison Conference for EPA regions and SBO/SBAP Steering Committee Members and alternate, August 8-10, in Washington, DC.
- Formed a National Compliance Advisory Panel (CAP) and held first panel meeting in Washington, DC on June 20-21, 2001.
- Facilitated a meeting with the 10 state million dollar grant awardees in Washington, DC, to assist them in further developing their projects.
- Completed by workgroup revisions to the 1999 Small Business Ombudsman Report to Congress under section 507 of the 1990 Clean Air Act Amendments and submitted it to OMB for review.
- Developed a Small Business Environmental Management System (EMS) Guide, which is in its final review stages and should be available for distribution soon.
- Partnered with the Printing Industries and Printers National Environmental Assistance Center to examine what's working in the Printing Industry.
- Developed a Resource Directory of Small Business Assistance Providers to give the small business community easy access to resources at the Federal, state, and private levels.
- Supported a subcommittee that developed promotional materials to better communicate the availability of technical and other services provided by the State SBO/SBAP Programs.
- Held a series of meetings with industry, states, EPA, and other agencies to discuss the development of expert advisors to assist small businesses in meeting their regulatory responsibilities. A final report was developed and distributed to all participants.
- Conducted a customer satisfaction survey on the use of the Small Business Assistance Hotline, and prepared a report on the survey results.
- Distributed over four thousand copies of the "Environmental Assistance Services for Small Business: A Resource Guide,"

which is a directory of the many EPA services available, including hotlines, clearing houses, websites, publications, training, etc.

- Worked with staff in the Performance Track Program, Sector Strategies Division, Design for the Environment Program, and the Office of Enforcement and Compliance Assurance (EMS Team) to follow-up on the November 2000 EMS workshop and provided funds to support development of an EMS website.
- Supported the efforts of EPA's Innovations Division to promote the Massachusetts Environmental Results Program (MASS ERP), and provided funds to assist effort.
- Co-sponsored the July 18th Satellite Broadcast on the Coating Rules.

Clean Air Act (CAA)

Implementation Strategy Update

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

Final Integrated Urban Air Toxics Strategy

This Strategy is a framework for addressing air toxics in urban areas. Although existing programs have already achieved substantial emission reductions, more needs to be done to reduce toxics air pollutants, particularly in the urban areas. The Strategy outlines actions to reduce emissions of air toxics and assessment activities to improve EPA's understanding of the health and environmental risks posed by air toxics in urban areas. The Strategy includes a list of 33 air toxics that pose the greatest potential health threat in urban areas, and also provides a list of area sources responsible for a substantial portion of the emissions of these air toxics. For more information about the Strategy, visit EPA's web site at:

www.epa.gov/ttn/uatw/112k/urbanpg.html 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.

A Guide for Small Businesses

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

Summary of U.S. Supreme Court Decision on the EPA's Ozone and Particulate Matter NAAQS

Whitman v. American Trucking Associations
U.S. Supreme Court, Nos. 99-1257, 99-1426
February 27, 2001

Highlights of the Supreme Court's Decision

- **Constitutionality:** The Supreme Court unanimously upheld the constitutionality of the 1970 Clean Air Act provision that authorizes EPA to set national ambient air quality standards (NAAQS) to protect public health and welfare.
 - In so doing, the Supreme Court reversed a decision by the D.C. Circuit Court that could have called into question laws and regulations that are the basis for many of our nation's programs for protecting public health and safety.
- **Cost:** The Supreme Court also unanimously affirmed that the Clean Air Act requires EPA to set NAAQS at levels necessary to protect public health and welfare, without considering the economic costs of implementing the standards, stating that the law "unambiguously bars cost considerations from the [NAAQS-setting] process."
 - This ruling affirmed the D.C. Circuit Court's decision, and was consistent with the longstanding interpretations of the Clean Air Act by EPA and the D.C. Circuit.
 - The Supreme Court noted that EPA and the States take costs into account in *implementing* the NAAQS.
- **Authority to implement ozone standard:** The Supreme Court rejected arguments that EPA cannot require States to meet a revised ozone standard that is more protective than the 1-hour ozone standard currently being implemented.
 - The Supreme Court determined that while EPA has authority to implement a revised ozone standard, EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard, and instructed EPA to develop an implementation plan consistent with the Court's opinion.

Implications for EPA's Implementation of the New Standard

- While the case was pending before the Supreme Court, the ozone and particulate matter standards remained in effects as a legal matter, because the D.C. Circuit had not vacated the standards. The Supreme Court decision does not change this.

- **Ozone:** EPA is reviewing the results of the litigation to determine the approach and schedule for moving forward with implementing the ozone standard, and will be conferring with States and other interested parties.
- **Particulate Matter:** The litigation has not yet affected EPA or State activities related to these standards, since EPA cannot start implementing the standards until EPA and the States collect three years of monitoring data on "fine particles" to determine which areas are not attaining the standards. In most cases, areas would not be designated "attainment" or "nonattainment" for the NAAQS for fine particles until 2004-5.

Further Update on Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Recent Court Decision

- On May 14, 1999, a 3-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion regarding the NAAQS for ozone and particulate matter that EPA issued in July 1997.
- On June 28, 1999, EPA filed a petition for rehearing on key aspects of the case, and on October 29, 1999, the Court responded by partially modifying one aspect of panel's decision and denying rehearing before the entire Court.
- On January 28, 2000, the Department of Justice filed a petition seeking U.S. Supreme Court review of key aspects of the decision; other parties petitioned for U.S. Supreme Court review of other aspects of the decision.
- On May 22, 2000, the U.S. Supreme Court announced it would hear the appeals; the Court heard oral arguments on November 7, 2000.
- On February 27, 2001, the U.S. Supreme Court issued its landmark decision that unanimously affirmed EPA's ability to set NAAQS (see brief summary of the decision below), and sent the case back to the D.C. Circuit Court of Appeals to resolve remaining issues that the D.C. Circuit did not decide in its earlier, May 1999 opinion.
- Most recently, the D.C. Circuit Court of Appeals issued an order for all parties to file briefs with the Court on a schedule extending through late this year.
- The courts' opinions, summaries of the opinions, and other related information can be found at www.epa.gov/airlinks/airlinks4.html. We will continue to keep you up to date on any new developments.

CAA Incinerator Rules

The Agency issued final rules on September 15, 1997, which apply to medical waste incinerators (MWI). These are incinerators used to burn hospital waste and/or medical/infectious waste. The rule covers MWI located at hospitals, other health care type facilities, and commercial waste disposal facilities which burn these types of wastes. The rules cover both new and existing MWI. Those built before June 20, 1996, are considered existing MWI and those built after this 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). These 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 rules cover both new and existing small MWC. Small MWC built before August 30, 1999, are considered existing and those built after this date are considered new. New small MWC must meet the requirements on 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). These rules apply to incinerators located at commercial or industrial facilities which burn solid waste without energy recovery. The rules cover both new and existing CISWI. CISWI built before November 30, 1999 are considered existing and those built after this 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 Available for Some Industries

In 1994, a General Provisions Rule was issued to establish a consistent set of requirements for NESHAPs under the air toxics provisions of the Clean Air Act, Item I-20. Since then, EPA has finalized rules which affect many small businesses, including various types of *Halogenated Solvent Cleaning Processes, Item I-21; (See new revised Direct Final Rule w/Amendments), *Chromium Electroplating and Anodizing Operations---revision of compliance deadlines for California: Federal Register (FR) 1/30/97 and area source deferrals FR 8/18/99, Item I-22; *Ethylene Oxide Emissions from Commercial Sterilization and Fumigation Operations, Item I-23 (**IMPORTANT NOTE:** Certain portions of the Rule have been SUSPENDED until December 6, 2000, and December 6, 2001); *Dry Cleaners--rule amended relative to certain transfer machines, Item I-27; Aerospace Manufacturing and Rework--amendments and control techniques guidelines finalized 9/1/98, Proposed amendments, 1/24/00 FR 3642-48, Item 40; Wood Furniture Manufacturing and control techniques, Item I-41; Printing and Publishing, Item I-42 which includes proposed amendments; and Hospital/ Medical/ Infectious Waste Incinerators, Item I-46. Rules have also been finalized for Consumer Products--9/11/98, Item I-43; Automotive Refinish Coatings--9/11/98, Item I-44; and Architectural Coatings--9/11/98, Item I-45. All these rules include a schedule for various product regulation.

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

IMPORTANT NOTE:

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

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.

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

On November 18, 1999, EPA published a new revision to the Initial List of Categories of Sources, as required under Section 112 (c)(1) of the Clean Air Act of 1990; and a revised schedule for the Promulgation of Emission Standards for the above categories. Item I-28.

State Motor Vehicle Inspection Maintenance Programs Provided More Flexibility

In 1992, EPA published a Final Rule making the subject programs tougher, including a requirement for "test only" stations. Our Office raised strong objections to that rule because of the adverse impact on many small businesses. In 1995, EPA published a Final Rule allowing the states flexibility in designing their enhanced auto inspection programs. This rule was amended on 9/23/96, 1/9/98 and 7/24/00.

Perchloroethylene (PCE) Health Effect Studies

EPA's National Center for Environmental Assessment in The Office of Research and Development (ORD) has started a health assessment to update the Agency's data base on possible health hazards associated with chronic exposure to perchloroethylene. The assessment will characterize hazard and dose-response for cancer and general non-cancer toxicity; in addition to conclusions about cancer hazards, if any, a reference concentration (RfC) for inhalation exposure and a reference dose (RfD) for ingestion exposure will be recommended. The assessment began in the Spring of 1999, and completion is expected in early 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.

Protection CFC Phaseout Rules

An accelerated phase-out of the production of Chlorofluorocarbons (CFC), Halons, Carbon Tetrachloride, Methyl Chloroform, and Hydrochlorofluorocarbons (HCFC) was mandated and internationally endorsed in 1992 with reconsideration of petition criteria and incorporation of Montreal Protocol Decisions: Final rule, 6/1/99 FR 29240-245. Item I-5. A final rule *detailing* the above *phase-out*, with Methyl Bromide added, was issued, Item I-15. Final rules also have

been issued which control recovery and recycling of all refrigerants during the servicing of on-road motor vehicle air conditioners, Item I-14; emissions reduction, and use of certified personnel during servicing and disposal of all *other air conditioning and refrigeration equipment* which use ozone depleting substances., Item I-16. Rules were also issued banning the use of CFCs and HCFCs in non-essential products, 2000 essential-use allowances, 6/30/00 FR pp. 40524-35, Item I-17, Labeling of products containing ozone depleting substances and their packaging, Item I-18, and significant new *alternative refrigerants, last update 4/26/00 FR 24387-392x Item I-19.*

CAA Field Citation Program And Monetary Award Final Rules

The proposed Field Citations Rule allowing EPA field inspectors to levy immediate, on-the-spot fines is on hold.

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

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

EPA has taken direct final action to amend the Chemical Accident Prevention Provisions, also known as the Risk Management Program (RMP) regulations, codified in 40 CFR part 68. This action is set forth in the Federal Register (5/26/99 FR 28695-7041).

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

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

Chemical Safety Information, Site Security and Fuels Regulatory Act

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

- Flammable fuels; and
- Public Access to OCA (also known as: “worst-case scenario”) data.

Flammable Fuels

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

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

Public Access to OCA Data

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

Guidance from EPA on Potential to Emit (PTE)

In 1995 and 1996, in part to respond to several court decisions, EPA issued transitional guidance relative to the definition of PTE under the Clean Air Act. PTE is important because a source’s PTE determines its need for a State Operating Permit under Title V. This Office has advocated that concerns of small businesses regarding clarity, realistic definitional parameters, and alternatives be considered. EPA issued several extensions of the 1995 “transition” policy, the last of which expired on December 31, 2000. Nonetheless, at this time, EPA continues to recognize practically enforceable PTE limits that are imposed and enforceable by the State. In 1996, EPA issued a clarification of methods for calculating PTEs in Batch Chemical Manufacturing. Guidance to assist States in creating minor source status for low-emitting sources in 8 industries (gasoline service stations, gasoline bulk plants, boilers, cotton gins, coating sources, printing, degreasers using volatile organic solvents, hot mix asphalt plants) was issued on April 19, 1998. Guidance regarding the PTE of some sources located on tribal lands was issued on March 7, 1999. Finally, a new booklet has been developed as a Guide to Small Businesses, Item I-31.

Clean Air Act Compliance Assistance Enforcement Policy for Small Businesses

In 1994, EPA’s Office of Enforcement and Compliance Assurance issued a policy giving small businesses a limited grace period. This policy provided them with additional time to correct violations revealed during requested assistance from a State Small Business Assistance Program established under Section 507 of the CAAA, Item I-13.

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

The Clean Air Act (CAA) requires regulation of toxic air pollutant emissions under Sections 112 and 129, from several categories of industrial combustion sources, including boilers, process heaters, waste incinerators, stationary combustion turbines, and stationary internal combustion engines. These combustion devices are used primarily for energy generation and waste disposal in a wide variety of industries and commercial and institutional establishments. They burn a variety of materials, including fossil fuels (e.g., oil, coal, and natural gas) and various commercial and industrial wastes. The industrial combustion regulations could affect thousands of sources nationwide and have significant environmental, health, and cost impacts. Regulations for commercial and industrial waste incinerators (solid waste) were proposed on November 30, 1999. (See below). Regulations for the other industrial combustion source categories will be proposed after this date.

Radon Proficiency Program

On March 30, 2001, EPA issued letters to the National Radon Safety Board (NRSB) and the National Environmental Health Association (NEAA) acknowledging that their programs satisfy EPA's minimum criteria for operation of a non-federal National Radon Proficiency Program. Item J-1

Clean Water Act (CWA)

Effluent Guidelines Program

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

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

Centralized Waste Treatment

EPA completed the effluent guidelines for the Centralized Waste Treatment (CWT) industry in August 2000. The final rule explains how EPA explored a variety of regulatory alternatives to minimize impacts on small businesses. As a result, EPA selected the least expensive option of those considered effective for ensuring treatment of wastes. EPA has been distributing copies of its "CWT Small Entity Compliance Guide" for the last few months. EPA developed this guide to help owners and operators of CWT facilities that are small entities comply with the final rule. The guidance helps small entities determine whether their facility is a CWT facility and what requirements they need to meet to comply with the rule. Please contact Ahmar Siddiqui at (202) 260-1826 if you have questions, or for information about how to obtain a copy of the guide.

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. Since then, EPA sponsored four public meetings on the proposal and also extended the comment period by two months; the public comment period was open until July 2, 2001. The rule is scheduled for final action in December 2002.

Prior to issuing the proposed rule, EPA convened a Small Business Advocacy Review Panel. The proposal incorporated all of the Panel's recommendations. The following four examples illustrate the type of recommendations that influenced the proposal. First, the Panel recommended that EPA consider reduced monitoring for small entities. The proposal includes a waiver provision that will allow most facilities to reduce their monitoring requirements. Second, the Panel recommended that EPA consider best management practices (BMPs) instead of numerical limitations, at least for some pollutants and/or subcategories of facilities. In response, the proposal discusses and solicits comment on such an alternative for the job shops. The alternative focuses on pollution prevention measures in lieu of monitoring for a set of pollutants. Third, the Panel recommended that EPA not regulate total suspended solids, pH, iron, or aluminum for indirect dischargers. The Agency did not propose pretreatment standards for any of these parameters. Finally, the Panel recommended that EPA consider regulatory alternatives, including a "no regulation" option, to reduce any significant economic impacts that are not justified by environmental improvements and to improve the cost-effectiveness of the regulation. In response, the Agency proposed low flow exclusions for two subcategories and proposed not to establish pretreatment standards for three other subcategories based on low levels of pollutants discharged.

Concentrated Animal Feeding Operations

The proposed rule for Concentrated Animal Feeding Operations (CAFOs, and referred to as "feedlots" in previous editions of this newsletter) appeared in the Federal Register on January 12, 2001. Since then, EPA held eight public meetings on the proposal and also extended the comment period. The public comment period will be open until July 30, 2001. The rule is scheduled for final action in December 2002.

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 rules. The following samples are meant to illustrate the breadth of issues that EPA addressed in the proposal as a direct response to recommendations from the Panel. Early in the Panel's deliberations, they reviewed and commented on EPA's methodology for defining small business and estimating the number of small entities covered by the proposal. EPA responded with alternative approaches and additional analysis. On the topic of reporting and recordkeeping, the Panel recommended that EPA streamline the recordkeeping requirements related to off-site transfer of wastes. In response, the proposal limits the requirements to a very limited amount of information. On the subject of regulatory alternatives to minimize impacts on small businesses, the proposal incorporates several provisions designed for regulatory relief, ranging from changes to the applicability thresholds to flexibility in land application requirements. The Panel also recommended that EPA evaluate and refine cost and benefit models, and the record for the proposal incorporates extensive analyses on both topics. There are thorough discussions in the preamble to the proposed rule and in the record to document the Panel's recommendations and EPA's response.

Iron and Steel

For the Iron and Steel industry, EPA published proposed revisions to the effluent guidelines on December 27, 2000. The public comment period closed on April 25, 2001. The rule is scheduled for final action in April 2002. For the analysis of the proposed rule, EPA estimated the number of small businesses that might be affected by the revised regulation and also analyzed the potential impacts to those businesses. The Administrator then certified that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Construction and Development

EPA is preparing to convene a Small Business Advocacy Review Panel for the Construction and Development (C&D) effluent guideline. A proposed rule is scheduled for March 2002. The C&D effluent guideline will cover construction activities associated with new development, as well as those associated with re-development activities. The regulation will address stormwater runoff from construction sites during the active phase of construction, as well as post-construction runoff. The industrial sectors which are being examined for the C&D regulation include residential buildings; non-residential buildings; heavy construction; and land development.

Aquatic Animal Production

EPA plans to convene a Small Business Advocacy Review Panel later this year, probably in the Fall, for proposed effluent guidelines for the aquatic animal production industry. A proposed rule is scheduled for June 2002. These rules will cover commercial, academic, and government facilities such as fish hatcheries and fish farms that contain, grow, or hold aquatic animals. Currently, there are no effluent guidelines to regulate discharges from facilities in this industry. The proposed regulations will address concerns about excess nutrients and other chemicals entering the Nation's waters from animal production and feeding operations (both aquatic and land based).

Cooling Water Intake Structures

In August 2000, EPA published proposed regulations to protect fish and other aquatic organisms from being killed or injured by cooling water intake structures. This proposal was the first in a series of regulations that respond to Section 316(b) of the Clean Water Act, which directs EPA to assure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. Cooling water intake structures are used across a range of industrial categories, including steam electric power generation, pulp and paper manufacturing, chemical manufacturing, petroleum refining, and metals manufacturing.

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

In the next two phases of cooling water intake regulations, EPA will

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

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

Safe Drinking Water Act (SDWA)

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.

Long Term 1 Enhanced Surface Water Treatment Rule Update

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

Filter Backwash Recycle Rule Update

The 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. The final rule addresses a statutory requirement of the 1996 Safe Drinking Water Act Amendments to promulgate a regulation which "governs" the recycling of filter backwash water within the treatment process of PWSs. Less than 4,000 systems serving fewer than 10,000 persons are expected to be affected by the rule, which will require

surface water systems that recycle to meet several requirements. 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

Stage 2 Disinfectants/Disinfection Byproducts Rule

The EPA plans to propose a Stage 2 Disinfectants/Disinfection Byproducts Rule (DBPR) in late 2001. [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 propose and finalize the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) at the same time as the Stage 2 DBPR, to ensure parallel protection from microbial and DBP risks.

Long Term 2 Enhanced Surface Water Treatment Rule

The EPA is currently developing a proposal for the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). 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.

Consumer Confidence Reports

All community water systems are required to provide annual drinking water quality reports to their customers. Systems must deliver these reports to their customers by July 1 annually. These short reports provide consumers of public drinking water supplies with information on the source of their drinking water, levels of any contaminants found in the water, and potential health effects of any contaminants that exceed federal or state public health standards, as well as give them

information on how to participate in drinking water protection. Systems began providing these reports to consumers in 1999 and results for the past two years indicate that over 90% of systems required to prepare and distribute these reports have done so by the required deadline. The third report was due by July 1, 2001. EPA has developed a series of materials to help water systems create these reports. You can find this information on EPA's website at www.epa.gov/safewater/ccr1.html.

Class V Injection Wells

On December 7, 1999, EPA published requirements for two categories of Class V wells (*Revisions to the Underground Injection Control Regulations for Class V Injection Wells - Final Rule*) in the *Federal Register* (vol. 64, no. 234, pages 68545-68573). Class V injection wells are typically shallow disposal systems that are used to place a variety of fluids below the land surface. The Class V rule focuses on motor vehicle waste disposal wells and large-capacity cesspools. These two types of Class V wells are usually "low tech," shallow wells that provide little to no protection against possible ground water contamination. The fluids released by these wells have the potential to contain elevated concentrations of contaminants that may endanger drinking water. New large capacity (serving 20 or more people per day) cesspools were banned nationwide as of April 5, 2000. Existing large capacity cesspools will be closed nationwide by April 5, 2005. New motor vehicle waste disposal wells were banned nationwide as of April 5, 2000. Existing motor vehicle waste disposal wells will be regulated in areas identified by States as sensitive for protecting existing and future drinking water supplies. EPA has developed the Small Entity Compliance Guide "How the New Motor Vehicle Waste Disposal Well Rule Affects Your Business." This Guide is available on the EPA website at www.epa.gov/safewater/uic/c5imp.html or you can contact the Safe Drinking Water Hotline at 800/426-4791 and request a copy.

Pesticide–Federal Insecticide, Fungicide & Rodenticide Act (FIFRA) Agricultural Pesticide Worker Protection Standards (WPS) Update

The Code of Federal Regulations, 40 CFR, Parts 156 and 170 are set to protect pesticide workers. These rules and regulations have been revised as late as 6/26/96. EPA has available many items to assist in compliance with the Worker Protection Standards, including bilingual training manuals for pesticide applicators, videos and leaflets for pesticide handlers, a pesticide safety poster for workers, a slide presentation covering the "Standard," a heat stress guide, and other items. A copy of the publication "*Worker Protection Standard: Materials Developed by EPA, States, and Other Organizations*," which describes Worker Protection Standard materials and how to obtain them, may be obtained from the EPA Certification and Worker Protection Branch (<http://www.epa.gov/pesticides/safety>), (7506-C) U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC . 20460, or by calling 1-703-305-7666. These WPS materials addressing pesticide safety and training may also be obtained through EPA Regional Offices (<http://www.epa.gov/epahome/locate2.htm>), States Agencies

(<http://ace.ace.orst.edu/info/nptn/-state1.htm>) the Cooperative Extension Service (<http://www.recusda.gov/>), the Government Printing Office (www.gpo.gov/#info), and private agricultural supply businesses.

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

The National Assessment of the Worker Protection Standard was begun in FY2000. The initial public participation meeting was held in June, 2000 in Austin, Texas. As a result of that meeting a number of assessment themes or topic areas were identified for further consideration. Workgroups on those topics were formed and work will continue at the next meeting scheduled for July 30 to August 1 in Orlando, Florida. A final meeting will be held in Washington, DC in the fall of 2001. The assessment is expected to produce a number of recommendations for improvement in the WPS program and will serve as a guide for future Agency implementation efforts.

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

Ground Water and Pesticide Management Plan

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

Hazardous Waste Management Resource Conservation & Recovery Act (RCRA)

Revised Standards for Hazardous Waste Combustion Facilities

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

Consequently, we established new emissions standards for HWCs, for cement kilns, Light Weight Aggregate Kilns (LWAKs), and incinerators under joint CAA and RCRA authority. Final action on cement kilns, LWAKs, and incinerators (Phase I) is complete (Sept. 30, 1999, 64 FR 52828) and included in Item C-92. We have published a proposed rule (July 3, 2001, 66 FR p 35124); and a direct final rule (July 3, 2001, 66 FR 35087) taking direct final action on targeted amendments to the regulations promulgated on September 30, 1999. These items are also included in Item C-92.

The Agency is developing a proposal to address boilers and other industrial furnaces that burn hazardous waste. A notice of data availability (NODA) was published that presented our available data on hazardous waste boilers and other industrial furnaces. After evaluating comments on the NODA, we are currently preparing a proposed rule

that must undergo internal and OMB review before it is published in the Federal Register.

Mercury-Containing And Rechargeable Battery Management Act: Codification of Waste Management Provisions

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

RCRA Reporting And Recordkeeping Burden Reduction

To meet the goals of the Paperwork Reduction Act of 1995, the Office of Solid Waste (OSW) plans to reduce its Subtitle C reporting and recordkeeping burden on the regulated community, states, and the public. On June 18, 1999, OSW published for review and comment a Notice of Data Availability (NODA) with EPA's burden reduction ideas, and their associated burden reduction estimates. This notice may be found at the web site www.epa.gov/epaoswer/hazwaste/data/burdenreduction. After reviewing the comments OSW received on the NODA, OSW will publish a proposed rule to implement as many of these ideas as warranted.

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

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

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

- (1) OSW requires 334 notices and reports from facilities to show compliance with its regulations. Approximately 100 of these notices and reports may be streamlined or eliminated;
- (2) Streamlining facility self-inspection requirements; and
- (3) Reducing requirements of the Land Disposal Restrictions Program which regulates the disposal of hazardous wastes. Now it is planned to issue a proposed rule.

Solvent-contaminated Shop Towels And Wipes

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

wastes.

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

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

Standardized Permit For RCRA Hazardous Waste Management Facilities

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

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

Hazardous Waste Recycling Regulations

EPA has promulgated streamlined, hazardous waste management regulations governing the collection and transportation of certain wastes which are frequently recycled, such as batteries, recalled pesticides, and mercury thermostats, termed "Universal Wastes." This Final rule (5/11/95 FR pp. 25491-551) and Amendment (12/24/98 FR pp 71225-30) are included in the Item C-51.

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

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

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

This action is planned in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative

(CSI) Council to The Environmental Protection Agency (EPA). CSI is a consensus-based process for developing cleaner, cheaper, smarter environmental improvements. The Council includes representatives of industry; environmental groups; community groups; environmental justice groups; labor; and, Federal, State, local, and tribal governments. The recommendation involves minimizing RCRA requirements for 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 Notice of Proposed Rulemaking (NPRM) is anticipated to be published in Fall 2001.

Hazardous Waste Management: Spent Lamps

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

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

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

due on November 13, 2000. The Agency is currently reviewing the comments in anticipation of drafting the final rule.

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

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

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. Written comments are due to EPA by August 20, 2001.

Hazardous Waste Identification Rule (HWIR)

On May 10, 2001, the Environmental Protection Agency published in the Federal Register a final rule retaining and revising the mixture and derived-from rules under RCRA's hazardous waste management program (66 FR 27266). The mixture and derived-from rules ensure that hazardous wastes that are mixed with other wastes or treated in some fashion do not escape regulation as long as they are reasonably likely to continue to pose threats to human health and the environment.

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

deadline was met and the rule was subsequently published on May 16, 2001 (66 FR 27266).

Information related to this proposal is available in electronic format on the Internet at:
<<http://www.epa.gov/epaoswer/hazwaste/id/hwirwste/index.htm>>.
Other information may be obtained by contacting the RCRA Call Center at (800) 424-9346 or in the Washington, D.C. metropolitan area at (703) 412-9810.

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

The Environmental Protection Agency (EPA) has amended its regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA) to provide a conditional exemption from certain requirements for eligible mixed waste. The "Storage, Treatment, Transportation, and Disposal of Mixed Waste; Final Rule" was published in the Federal Register on May 16, 2001. (Included in Item C-59)

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

The focus of the final rule is to provide flexibility under RCRA Subtitle C to generators of eligible mixed waste. EPA is establishing a conditional exemption from the definition of hazardous waste applicable to: low-level mixed waste (LLMW) for storage and treatment; and LLMW, or hazardous waste contaminated by Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM) for transportation and disposal. The rule will reduce dual regulation for generators in the management and disposal of their wastes. This flexibility will enable generators of LLMW who are licensed by the Nuclear Regulatory Commission (NRC) to claim an exemption for storing and treating these wastes in tanks or containers without a RCRA permit. The rule also provides flexibility for the manifesting, transportation and disposal of eligible mixed waste. Waste meeting the conditions is exempted from certain RCRA Subtitle C hazardous waste requirements and may be managed as solely radioactive waste in accordance with NRC or Agreement State regulations.

The Federal Register Notice is available in electronic format on the Internet at <<http://www.epa.gov/radiation/mixed-waste>>. The final rule becomes effective November 13, 2001.

Small Quantity Generator Handbook

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

Used Oil Management Standards

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

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

Above-ground Storage Tanks (AST)/SPILL Prevention Control and Counter-measures Update

The EPA has promulgated the Oil Pollution Prevention rules under Title 40 CFR Part 112 included in Item C-77 requiring that facilities prevent oil spills and ensure preparedness in the event of spills. This rulemaking is commonly known as the Spill Prevention Control and Countermeasure (SPCC) regulation. The rulemaking deals with spill prevention. The SPCC program concerns regulation of non-transportation related facilities with above-ground storage capacity in excess of 1,320 gallons or 660 gallons in a single tank, or buried tanks of greater than 42,000 gallons capacity. Proposed Rules were published (FR 10/22/91, pages 54611-41), and (FR 2/17/93, pages 8841-4 and pages 8846-8) which are included in Item C-77. The Clinton Administration is committed to reducing the burden that EPA regulations place on facilities without jeopardizing the level of environmental protection. In support of this objective, the EPA has completed a study of a cross-section of facilities which store oil to determine the level of risk the various facilities pose to neighboring populations and the environment. Proposed rule was published (FR 12/2/97, pages 63812-20), which is included in Item C-77.

The rule, 40 CFR Part 112, 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.

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

CERCLA Lender Liability Policy

As enacted in 1980, section 101(20)(A) of CERCLA exempted from "owner or operator" liability "a person who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility." Because this language created uncertainty among lenders and other secured creditors as to what types of actions they could take to protect their security interests without forfeiting the protection of this exemption, EPA promulgated the CERCLA Lender Liability Rule in 1992. 57 Fed. Reg. 18344 (April 29, 1992). However, in the 1994 case of Kelley v. EPA¹, the U.S. Court of Appeals for the District of Columbia Circuit struck down this rule, finding that EPA lacked the authority to define the scope of liability by regulation. Congress subsequently enacted the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996² ("the Act") to provide greater certainty in this important area. Among other things, the Act added new lender liability provisions to CERCLA and validated the portion of the CERCLA Lender Liability Rule that addresses involuntary acquisitions by government entities. These provisions of the Act are applicable to all claims not finally adjudicated as of September 30, 1996². On June 30, 1997, EPA issued a policy interpreting the provisions of the Act that relate to lender liability and involuntary acquisitions by government entities. A copy of this policy is available on EPA's public Web site at:

www.epa.gov/oeca/osre/970630.html.

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

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

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

Supporting the State Local Emergency Planning Committees (LEPC)

Major requirements of the Act include emergency planning for designated hazardous substances (Extremely Hazardous Substances, or "EHS") above threshold reporting quantities; reporting releases of EHS and hazardous substances above reportable quantities; submission of Material Safety Data Sheets (MSDS) to planning groups; and submission of annual reports on March 1, 2001 covering inventories of hazardous substances, which for any time in the reporting year exceed the stated reporting thresholds. These requirements are explained in the

"Community Right-to-Know and Small Business" pamphlet, Item K-32. A final rule was published on 5/7/96 FR pp. 20473-90, effective 7/8/96, on changes in the EHS list and reportable quantities. This Final Rule is included in Item K-30.

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

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

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

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

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

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

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

EPA is currently drafting a supplemental notice to the June 8, 1998 Proposed rule. This notice is likely to be published in the Fall of 2001. The other items in the proposed rule of June 8, 1998 will most likely not be finalized until 2002

Toxics Release Inventory (TRI) (Update)

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

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

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

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

Lead and Lead Compounds – On January 17, 2001, EPA published a final rule which lowers the reporting thresholds for lead and lead compounds. The first reports using the lower thresholds will be due on

or before July 1, 2002 (i.e., for calendar year 2001 reports). EPA believes that lead and lead compounds are persistent, bioaccumulative toxic (PBT) chemicals that warrant lower reporting thresholds than those currently established under EPCRA section 313. The rule includes a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds. (Also included in K-29).

Toxics Release Inventory (TRI) Public Data Release

EPA released the 1998 TRI Data on April 11, 2001. TRI summary information and data access is available via the web at www.epa.gov/tri/tri99. 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). The TRI data can be accessed using the TRI Explorer (www.epa.gov/triexplorer) as well as several other tools available on the TRI website. EPA also released two publications summarizing the 1999 data: the 1999 TRI Public Data Release report: and the 1999 State Fact Sheet report. These documents are available on the TRI99 website noted above or by calling the EPA National Service Center for Environmental Publications (NSCEP) at 800-490-9198 (reference EPA 260-R-01-001 for the Public Data Release report; and EPA 260-F-01-001 for the State Fact Sheets).

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 www.epa.gov/tri/tri98). Both the 1998 TRI Public Data Release report and the 1998 Public Data Release State Fact Sheet report are available on the TRI98 website noted above or by calling the EPA National Service Center for Environmental Publications (NSCEP) at 800 490-9198 (reference EPA 745-R-00-007 for the Public Data Release report; and EPA 745-F00-003 for the State Fact Sheets).

Copies of these documents may be obtained by calling the Emergency Planning and Community Right-to-Know Act (EPCRA) Hotline at 800 535-0202 (in the Washington, DC area call 703-412-9810). More information is also available via the TRI website at www.epa.gov/tri.

Toxic Substance Control Act (TSCA)

Asbestos Worker Protection Rule

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

The amendments protect state and local government employees by adopting the Asbestos Standards of the Occupational Safety and Health Administration for those employees that do not have OSHA-Approved State Plans. Additionally, the Final Rule removed 40CFR763, Subpart E, Appendix B, Work Practices and Engineering Controls for Small-Scale, Short-Duration Operations, Maintenance and Repairs (O&M) activities involving ACM. Item E-19

Lead: Identification of Dangerous Levels of Lead

This regulation establishes standards for lead-based paint hazards in most pre-1978 housing and child-occupied facilities. Lead-based paint hazards are defined as conditions of lead-based paint and lead-contaminant dust and soil that would result in adverse human health

effects. This regulation was published in the Federal Register January 5, 2001, pp 1206-1240. Item E-45.

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. Subpart P Item E-47.

General

National Environmental Laboratory Accreditation Conference (NELAP)

The 11 NELAP Accrediting Authorities (California, Florida, Illinois, Kansas, Louisiana, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, and Utah) announced the first round of NELAP accredited laboratories on January 24, 2001. There were nearly 700 laboratories that successfully met all the National Environmental Laboratory Accreditation Conference (NELAC) standards. With this auspicious beginning, the universe of NELAP Accrediting Authorities and NELAP accredited laboratories is expected to expand rapidly in the near future.

Background

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

The NELAC standards have been developed through a consensus process and are the foundation for recognition among the various accrediting authorities. The NELAC standards are primarily designed around two guidance documents that originated with the International

Organization for Standardization (ISO), a body that develops consensus standards in a variety of technical fields. The two documents are ISO/IEC Guide 25-1990: "General Requirements for the Competence of Calibration and Testing Laboratories," and ISO/IEC Guide 58: "Calibration And Testing Laboratory Accreditation Systems-General Requirements For Operation And Recognition". The NELAC standards are currently undergoing revision to comply with ISO/IEC Standard 17025.

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

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

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

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

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

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

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

The 3rd phase of this effort is the development and creation of a master record with accurate facility identification information for each of the over 750,000 facilities that are subject to environmental regulations. Over 160,000 "master" records have been created with a goal of increasing that number to 250,000 records by the end of 2001. Many States who are developing "master" records are beginning to

share these records with the EPA. The EPA records are available through the Envirofacts Warehouse web site. Once each facility has a "master" record, EPA will be able to pursue the identification of similar data and, where possible, begin to aggressively reduce and eliminate duplicate reporting. Companies are urged to visit the Internet site identified above.

Sector Facility Indexing Project Sector Facility Data Put on The Internet

Information gathered under EPA's Sector Facility Indexing Project (SFIP) on the environmental performance of hundreds of facilities in five major industries is now available through the Internet.

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

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

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

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

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

The Agency has completed a formal evaluation of SFIP's initial year of availability. Thus after taking into consideration the comments received, the Agency is currently expanding SFIP to include a subset of federal facilities. The new federal facility subset includes all federal facilities which are considered to be major facilities under at least two of the three following statutes: the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act. This expansion means that communities can now obtain important compliance and enforcement information about some local federal facilities, and the facilities themselves will be encouraged to become more accountable. The expansion of the SFIP was scheduled to be completed by late June.

The evaluation report is electronically available on the project's website. We have included more information on the Sector Facility Indexing Project in the OSBO Item A-12.

Environmental Technology Verification Program

The Environmental Technology Verification Program (ETV) was started by the U.S. Environmental Protection Agency (EPA) in October 1995 to address the need for credible environmental technology performance data to help businesses and communities better utilize the available environmental technology choices. ETV operates through public/private testing partnerships to verify the performance of commercial-ready private sector environmental technologies in all media - air, water, soil, eco-systems, waste, pollution prevention, and monitoring. As of May 31, 2001, 118 private sector environmental technologies have been verified, over 100 additional technologies are in the testing process, and another 150 have submitted applications for testing. Information on the ETV program may be accessed at the ETV web site: www.epa.gov/etv.

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.

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

Environmental Management Systems (EMS) Implementation Guide

Recognizing the potential difficulties faced by small- and medium-sized organizations wishing to put EMSs in place, EPA's Office of Water, in conjunction with several other Agency offices, has produced a revised version of a Guide to EMS implementation that specifically meets the needs of these types of organizations. The revised Guide is based on the elements of the ISO 14001 standard and is written in plain, easy to understand language. Several small organizations worked with EPA and NSF International to design and review the Guide and hundreds of organizations throughout the world are presently using it. The Guide provides a step-by-step approach for putting an EMS in place and gives a number of examples from companies that have already done so. The Guide also provides tips for putting in place an effective approach for managing an organization's compliance with regulatory requirements and using pollution prevention techniques to enhance the environmental management system. Collaboration has been expanded to include OW, OECA, OPPTS, and OPEI. The contact person is **Jim Horne** (202-564-0571). For copies of the Guide, call 1-800-368-5888 and request Item B-12.

Performance Track: New Members to be Announced, EPA also Providing Assistance to Associations

The EPA Performance Track Program provides recognition and incentives to top environmental performers. It is open to companies and facilities of all types, sizes, and complexity, public or private, manufacturing or service-oriented. EPA is now reviewing additional applications for Performance Track and expects to announce additional members in late July. EPA recently recognized the 225 Charter Members to the National Environmental Performance Track. These facilities were 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 full Charter Membership, approximately 7% have fewer than 50 employees, 10% have 50-99 employees, and 30% have 100-499 employees.

In addition, under the Performance Track Assistance Project

(PTAP), EPA is beginning work with a number of small business trade associations and other stakeholders such as the states, Environmental Defense, and the National Environmental Policy Institute 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 will initially address the four pillars of the Performance Track: Environmental management systems (EMSs), continuous improvement, community outreach, and sustained compliance.

To date, this assistance 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 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 held a workshop on November 8 with trade associations and other stakeholders and 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. Contact: **Bob Sachs**, e-mail: sachs.robert@epa.mail, phone 202/260-2765.
- Working with a number of trade associations to review their EMS guidance and help them improve their guidance as needed. Contact: **Tim Stuart**, e-mail: stuart.tim@epa.gov, phone 202/260-0725.
- Developing EMS materials useful to trade associations for engaging their members in developing EMSs and EMS marketing tools addressed to higher management in companies. Contact: **Andy Teplitzky**, e-mail teplitzky.and@epa.gov, phone 202/260-4088.
- Setting up a steering committee and e-mail group to continue the dialogue on the development of EMSs by small businesses. Contact: **Bob Sachs**, e-mail: sachs.robert@epa.mail, phone 202/260-2765.
- Revising the existing EPA EMS web page at www.epa.gov/ems to better reflect current EPA EMS activities. Contact: **Andy Teplitzky**, e-mail teplitzky.and@epa.gov, phone 202/260-4088.

For additional information on Performance Track, see www.epa.gov/performance-track or call 1-888-339-PTRK. For additional information on PTAP, contact **Tim Stuart**, ph. 202/260-0725, e-mail: stuart.tim@epa.gov

Revised Small Lab Environmental Management Guide

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

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

On November 29, 1983, EPA published Good Laboratory Practice

Standards (GLPS) regulations intended to help ensure data integrity for studies required to support marketing and research permits under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). These rules were last amended on August 17, 1989. GLPS data integrity measures can be applied to a wide variety of scientific studies. EPA had undertaken an effort to revise these rules by consolidating the two GLPS into one rule.

EPA has suspended work on the consolidation effort indefinitely pending the outcome of international efforts to develop GLPS.

Resource Guide For Small Business Environmental Assistance

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

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

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

Upgraded Source Book on Environmental Auditing for Small Business

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

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

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

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

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

The second section is a state-by-state review of these allowable

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

EPA Compliance Assistance Tools

The Office of Compliance (OC) has produced a booklet, Item B-8, that offers a comprehensive listing of all OC projects that are currently available and/or under development. The projects are organized by industry sector, with 20 sectors covered. The tools include: databases, documents, web sites, video, plain-language guides, sector notebooks, etcetera. A contact person is listed for each document to acquire more information. To get a copy of the document, call 1-800-368-5888.

2002 State Small Business Ombudsman and Technical Assistance Program Conference Scheduled for Chicago, Illinois

The State Small Business Ombudsman and Small Business Technical Assistance Programs, which are required under Section 507 of the 1990 Clean Air Act Amendments to aid small businesses impacted by air quality regulations, will hold their next annual conference in Chicago, Illinois on June 30-July 3, 2001

Specialized training classes will be offered on June 30th

For speeches and other presentation materials from the 2001 conference, held on April 2-5 2001, in Austin, TX, they can be downloaded for the Internet via a direct link at <http://www.smallbiz-enviroweb.org>

"WHAT OUR CUSTOMERS MEAN TO US"

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

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

Six Key Aspects of the SBREFA Legislation

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

- **Regulatory Compliance Simplification:** Federal regulatory agencies must develop compliance guides written in plain English to help small businesses understand how to comply with regulations that may have a significant effect on them. Agencies must also develop a program for providing small entities with informed guidance on complying with applicable laws and regulations.
- **Equal Access To Justice Amendments:** Under certain circumstances, small businesses can recover attorney's fees and court costs in a court or administrative hearing, even when they lose.
- **Congressional Review:** Congress has provided itself with a process by which it can review and, if necessary, disapprove regulations with which it takes issue.
- **Regulatory Enforcement Reform of Penalties:** Each regulatory agency must establish a policy to reduce and, where appropriate, even waive civil penalties for minor violations under certain circumstances.
- **Small Business Advocacy Review Panels:** For proposed rules subject to the Regulatory Flexibility Act, EPA must solicit input from the small businesses that will be subject to the rules and make these findings public. This process is aided by SBA's Office of Advocacy and the Office of Management and Budget.
- **Oversight of Regulatory Enforcement:** John Whitmore, the Acting Administrator for SBA, appointed Dr. James Van Wert, as the Acting Small Business and Agriculture Regulatory Enforcement Fairness National Ombudsman in March, 2001. Members of 10 Regional Regulatory Fairness Boards 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 Fairness Boards to provide small businesses with the opportunity to comment on enforcement activity by federal regulatory agencies. Through this provision, Congress and the President have provided a way that small businesses can express their views and share their experiences about federal regulatory activity.

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

Regulatory Enforcement Ombudsman

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

10 Regional Fairness Boards

- Members are small business owners/operators
- Report to the National Ombudsman about comments and issues specific to their regions
- Contribute to the annual report to Congress.

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

SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS

Regions/Members July, 2001

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*=Chair, **=Vice Chair

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

On March 28, 1996, the Small Business Regulatory Enforcement Fairness Act (SBREFA) was signed into law and among other things, it amended the Regulatory Flexibility Act (RFA) of 1980. The fifth anniversary of SBREFA gives us pause for reflection on EPA's achievements under the RFA/SBREFA.

The passage of SBREFA deepened EPA's long standing commitment to special considerations for small business. The amended statute prescribes certain mechanisms be employed when a rule has the potential to impose a significant economic impact on a substantial number of small entities. That's the letter of the law, but in the spirit of the RFA the Agency has, since 1992, also adhered to a self-imposed policy emphasizing outreach and accommodation for small entities in all our actions, not just those subject to the formal analytic and Panel requirements of the Act.

This longstanding policy is critical for small businesses affected by EPA's rules, because most rules do not rise to the level of impact requiring a formal SBREFA Panel. I like to say that "Panels are the flagship, but not the fleet" of EPA activity undertaken to accommodate small business concerns in EPA rulemakings. And there is evidence of positive outcomes for both small business and the environment in rules that do not undergo a Panel, for example:

Control of Emissions of Hazardous Air Pollutants from Motor Vehicles and Motor Vehicle Fuels rule, Office of Air and Radiation, final rule published March, 2001. Small businesses were allowed greater flexibility in compliance. Specifically, the benzene fuel content standard was changed to an air toxins emissions performance standard. The baseline compliance period was increased from two years to three years. And a hardship provision was incorporated such that a diligent refiner may seek permission to exceed the limits based on the refiner's inability to meet standards because of extreme and unusual circumstances outside of the refiner's control.

Miscellaneous Organic Chemical Products and Processes (MON) rule, Office of Air and Radiation, proposed rule projected for summer 2001. EPA rulewriters worked with coating manufacturers to eliminate overlap of the MON rule with the MACT standards for coating applications, and worked with small chemical manufacturers to develop a format for the process vent standard that addresses batch processing. Guidance for some requirements will minimize permit modifications for owners and operators that make frequent changes to their processes.

Previously in this space I've used a lot of ink discussing specific RFA/SBREFA Panel accomplishments, so I'll just note today that in the past five years we've convened and completed 22 Small Business Advocacy Review Panels. The Panels were advised by over 330 small-business, small-community, and small non-profit representatives and the Panels' reports included over 230 recommendations to the EPA Administrator addressing the particular concerns of small entities. We've just completed a Panel for an Office of Air and Radiation rule and we expect to convene a Panel for an Office of Water rule in July.

Finally, I want to highlight that the Small Business Administration, in its 20th anniversary report on the RFA, estimated cost savings to small businesses of \$203 million annually for just six rules with which it was involved. EPA's close work with SBA's Office of Advocacy on rules affecting small businesses -- with or without SBREFA Panels -- has benefitted both small business and the environment. We're proud of our successes under the RFA as amended by SBREFA and we're looking forward to more as we move ahead together. You can keep up with our activity by visiting our website: www.epa.gov/sbrefa. Or contacting SBREFA Team Leader **Stuart Miles-Mclean** (202) 564-6581

**Small Business Regulatory Enforcement Fairness Act (SBREFA)
Planned Proposed Rules Which May Employ Small Business Advocacy Review
(SBAR) Panels and Small Business Entities Involvement**

San	Rule Title	Informal Request to SBA	Formal Request to SBA	SBAR Panel Convening Date	Projected Proposal Pub Date
Office of Air and Radiation					
4154	Control of Emissions from Nonroad Large Ignition Engines, Recreational Engines (Marine and Land-based, and Motorcycles) Agency Contact: A Stout, 734-214-4805	03/19/2001	03/26/2001	5/03/2001	09/00/2001
3975	Review of Minor New Sources and Modifications In Indian Country Agency Contact: M. Dubow, 919-541-3803			06/00/2001	
Office of Enforcement and Compliance Assurance					
3479	Amendments to Parts 51, 52, 63, 70, and 71 Regarding the Provisions for Determining Potential to Emit Agency Contact: C. Holmes, 202-260-8709	08/23/1996	10/02/1996		06/00/2001
Office of Prevention, Pesticides and Toxic Substances					
4376	Lead-Based Paint Activities; Training, Accreditation, and Certification Rule and Model State Plan Rule - Building and Structures Agency Contact: J. Wolf, 202-260-3890				06/00/2001
Office of Solid Waste and Emergency Response					
4469	Standard for the Management of Coal Combustion Wastes Non-Power Producers and Minefilling Agency Contact: D. Ruddy, 703-308-8430				03/00/2001
Office of Water					
4543	Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 3 Agency Contact: D. Nagle, 202-260-2656				06/00/2001
4474	Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 2 Agency Contact: D. Nagle, 202-260-2656				02/00/2001
4406	Effluent Guidelines and Standards for the Aquatic Animal Production Industry Agency Contact: M.E. Jordan, 202-260-0817				06/00/2001
4280	Effluent Guidelines and Standards for the Construction and Development Industry Agency Contact: E. Strassler, 202-260-7150	04/26/2001	05/16/2001		03/00/2001
3234	Revision of NPDES Industrial Permit Application Requirements and Form 2C- Wastewater Discharge Information Agency Contact: R. Cooper-Ford, 202-564-0767	12/02/1996	11/03/1997		00/00/001

EPA Public Involvement Policy

The Environmental Protection Agency (EPA) released the Draft 2000 Public Involvement Policy on December 28, 2000 and is seeking public comments on the Policy through July 31, 2001 (the original public comment period ended April 27, 2001, but was extended in a May 1 *Federal Register* notice). To encourage comments, the Agency is sponsoring an Internet -based Dialogue on Public Involvement in EPA Decision Making from July 10 - July 20, including Saturday, July 14. Up to 500 people can register to actively participate by sending messages; another 1500 can register to read the exchanges without contributing messages of their own. Messages will not be considered formal comments, but there will be instructions on how to submit comments on the website [<http://www.network-democracy.org/epa-pip>].

For 10 days the participants will discuss specific topics drawn from EPA's draft Public Involvement Policy. A revolving panel of experts will discuss the main aspects of the draft Public Involvement Policy with each other and with participants. Among the topics they will discuss are the following:

- c Identifying and involving the public, including those hardest to reach;
- c Providing information to the public;
- c Creating effective public involvement opportunities during rulemaking and permitting; and
- c Encouraging collaborative processes

The Dialogue is an excellent opportunity for citizens, representatives of industry, environmental groups, small business, states, local governments, tribes, and other groups to learn more about the draft Policy and to share their thoughts and concerns with EPA. The Agency is particularly seeking ideas on how best to implement the Policy.

EPA has formed an Agency-wide group to develop a plan for implementing the new Policy. The plan will focus on training, sharing the public involvement practices that work for participants and the Agency, and evaluating public involvement activities. During the Dialogue EPA expects to gather good information to enhance its Public Involvement Policy Implementation Plan which should be released in draft form for public comment this fall.

When the Final Policy is issued early in 2002, it will provide guidance and direction to EPA officials on effective means to involve the public in its regulatory and program decisions. The purposes of the Policy are to:

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

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

The new Policy builds on the Agency's 1981 Policy by recognizing changes over the last twenty years such as: EPA's additional responsibilities under new statutes, regulations and Executive Orders; new and expanded public participation techniques; new options for public involvement through the Internet; EPA's emphasis on achieving compliance through partnerships, technical assistance, and public access to information; increased capacity of states, tribes and local governments to carry out delegated programs; and new government-wide administrative procedures and public involvement requirements.

Call Loretta Schumacher at 202-260-3096 for printed copies of the Draft Policy or request e-mail copies from kahn.lisa@epa.gov. Submit comments to stakeholders@epa.gov, or by mail to **Patricia Bonner**, USEPA - Office of Policy, Economics and Innovation (MC 1807), 1200 Pennsylvania Ave NW, Washington, DC 20460. Additional instructions for comments are posted on the full text of EPA draft policy [FRL-6923-9]. Join in the Dialogue by registering at <http://www.network-democracy.org/epa-pip>

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 partners, OEI helps establish and oversee information-related policies and procedures that reflect the concerns of small businesses; local, state, and federal government; tribes; interest groups; and the general public.

In 1998, the State/EPA Information Management Workgroup (IMWG) proposed a vision and core operating principles for creating a partnership for collaborative environmental information management. Since then, a more specific vision for this partnership has been designed in the form of the National Environmental Information Exchange Network (Exchange Network). The Exchange Network vision is one where participating agencies avail their information holding to other participants of the Exchange Network directly from their own electronic source, based on agreed-upon formats and secure Internet transaction protocols.

The American public expects government to follow the private sector in implementing information technology. This transition will allow for transparent access to environmental information and improved customer service. Implementation of the Exchange Network will create a "standards-based" lexicon of environmental information. This will allow EPA to 1) improve the capacity to conduct cross-media, integrated, results-based approaches to environmental protection; 2) rationalize the environmental reporting process and thus reduce burden on the regulated community; and 3) facilitate the Agency's transition to "e- gov."

The Air Emissions Inventory (AEI), went into production on the Agency's Central Data Exchange on May 24, representing the first data flow of the National Environmental Information Exchange Network. The Central Data Exchange (CDX) is the central point through which data will flow into and out of EPA. The Air Emissions Inventory (AEI) is an annual report to EPA's Office of Air Quality Planning and Standards and often involves very large file exchanges. The 115 registrants are expected to submit AEI data electronically through CDX. This represents a significant milestone in the development and implementation of the Exchange Network.

A corollary tool being developed by OEI is the Toxics Release Inventory - Made Easy (TRI-ME). TRI-ME is a new tool to help facilities in determining and completing their Emergency Planning and Community Right-to-Know (EPCRA) section 313 (TRI) obligations. It is an interactive, intelligent, user-friendly software that guides facilities through the TRI reporting experience. By leading prospective reporters through a series of logically ordered questions, TRI-ME streamlines the user's analysis needed to determine if their facility must complete a Form R report or Form A certification for a particular chemical. For those facilities required to report, the software provides the user with guidance for each data element on the reporting forms. Additionally, this software has a one-stop guidance feature, the TRI Assistance Library (TRIAL) that allows users to do keyword searches on the statute, regulations, and many EPCRA section 313 guidance documents.

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

ADR AT EPA: NEW AGENCY POLICY SPARKS INCREASED USE OF ALTERNATIVE DISPUTE RESOLUTION IN AGENCY PROGRAMS

Does a business owner, environmental advocate or local government official always have to participate in a lawsuit to resolve disputes with the Environmental Protection Agency? Increasingly, the answer is no - there are alternatives available to resolve disputes with EPA – and even prevent disputes on a wide range of issues.

On December 18, 2000, the U.S. Environmental Protection Agency EPA issued its final policy on Alternative Dispute Resolution (ADR). ADR is a term that is used for a variety of dispute resolution processes that involve a “neutral third party” who assists the people involved in a dispute in designing and conducting a process for reaching agreement without going to court. Examples of ADR techniques include facilitation, mediation, fact-finding, non-binding arbitration and of course, use of ombuds such as the Small Business Ombudsman Office. EPA’s ADR policy reflects strong support for the use of ADR in a wide variety of internal and external Agency disputes. It discusses the types of situations in which ADR should be considered, how EPA is organized to support ADR, confidentiality of information in ADR processes, efforts to promote a commitment to and awareness of ADR within the Agency, and how the success of ADR will be measured. The policy was issued in accordance with the Administrative Dispute Resolution Act of 1996, which requires that each federal agency adopt a policy that addresses the use of ADR.

Some of the goals for using ADR to resolve disputes include:

- C Faster resolution of issues
- C More creative, satisfying, flexible and enduring solutions
- C Reduced costs to resolve a dispute
- C Improved working relationships between the parties
- C Increased stakeholder support for Agency programs

The final ADR Policy was developed by an Agency-wide working group led by **EPA's Conflict Prevention and Resolution Center (CPRC)**, established in late 1999 to provide comprehensive ADR services throughout the Agency. The CPRC staff, in cooperation with ADR experts in other headquarters offices and EPA’s ten Regional offices, provides assistance in assessing cases for ADR, in designing ADR processes, in identifying and accessing neutral third parties and in providing training, information and resources to EPA staff and outside parties on the use and applications of ADR.

EPA has historically had strong, successful ADR programs involving the negotiation of complex regulations (regulatory negotiation) and the settlement of Superfund cases. With the finalization of the new ADR policy, EPA expects to see an increase in application of ADR techniques to air, water, toxics and solid waste cases Agency-wide. For example, recently ADR has been used in enforcement and civil penalty cases handled by the Administrative Law Judges, in designing Brownfields redevelopment projects and in permitting appeals cases.

The Policy and several useful publications including the [Resource Guide: Resolving Environmental Conflicts in Communities](#) and the [ADR Accomplishments Report, March 2000](#) can be viewed on-line at www.epa.gov/adr. They can be obtained in hard copy by calling 202-564-2922 or by writing: Conflict Prevention and Resolution Center, Mail Code 2310A, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460. CPRC staff are also available for consultation to parties interested in exploring use of ADR in preventing and resolving disputes with EPA. Contact: **Deborah Dalton** 202-564-2913

Alternative Dispute Resolution Techniques

The ADR techniques listed here are those that are most frequently used at EPA. The list is not intended to be exhaustive of all possible ADR applications.

- C **Convening**: Convening (also called conflict assessment) involves the use of a neutral third party to help assess the causes of the conflict, to identify the persons or entities that would be affected by the outcome of the conflict, and to help these parties consider the best way (for example, mediation, consensus-building, or a lawsuit) for them to deal with the conflict. The convener may also help get the parties ready for participation in a dispute resolution process by providing education to the parties on what the selected process will be like.
- C **Mediation**: Mediation is a process in which a neutral third party (the mediator) assists disputants in reaching a mutually satisfying settlement of their differences. Mediation is voluntary, informal, and confidential. The mediator helps the disputants to communicate clearly, to listen carefully, and to consider creative ways for reaching resolution. The mediator makes no judgments about the people or the conflict, and issues no decision. Any agreement that is reached must satisfy all the disputants.
- C **Facilitation**: Facilitation is a process used to help a group of people or parties have constructive discussions about complex, or potentially controversial issues. The facilitator provides assistance by helping the parties set ground rules for these discussions, promoting effective communication, eliciting creative options, and keeping the group focused and on track. Facilitation can be used even where parties have not yet agreed to attempt to resolve a conflict.
- C **Early Neutral Evaluation**: Early neutral evaluation allows the parties to a dispute to receive an informal neutral evaluation of the strength of each party's position in a matter in controversy. The evaluation is nonbinding, but may be useful in promoting settlement.
- C **Consensus Building**: Consensus Building is a process in which people agree to work together to resolve common problems in a relatively informal, cooperative manner. It is a technique that can be used to bring together representatives from different stakeholder groups early in a decision making process. A neutral third party helps the people design and implement their own strategy for developing group solutions to the problems.
- C **Ombudsmen or Ombuds**: An ombudsman (or ombuds) is an Agency official who is authorized to accept complaints and look into whether something can be done to address a particular concern. Ombuds do not have authority to change decisions, but they try to facilitate responsive solutions to problems raised in complaints. There are currently ombuds functions in four programs at EPA (pesticides, hazardous waste, asbestos, and small business).

Case Study - General Electric-Pittsfield

The GE-Pittsfield case, which involved a highly-controversial PCB-contaminated site in western Massachusetts, perhaps provides a unique example of how different ADR approaches can be used in a single case to achieve different objectives and to reach and involve different audiences.

First, a team of mediators assisted GE, EPA and eight other agencies in reaching a settlement which addresses GE's liability and provides for remediation of the site.

Second, a team of neutral facilitators manages a public dialogue, known as the Citizens' Coordinating Council, in which neighbors, business interests, environmental groups, and other interested parties have an opportunity to raise concerns to GE and the regulatory agencies regarding the site cleanup.

Third, pursuant to the settlement agreement, panels of neutral experts managed by an overall neutral third party will conduct peer reviews of scientific and technical issues relating to future remedial decisions. One peer review panel was conducted in May, 2000 with several more in the works over the next year or two.

Finally, the consent decree which embodies the settlement contains an ADR provision allowing the use of mediation to resolve disputes arising during the implementation of the settlement.

In each of these four ADR applications, the parties consensually tailored the process to meet their specific needs.

What's New in Chemical Accident Prevention
Breda Reilly
EPA's Chemical Emergency Preparedness and Prevention Office
June 6, 2001

Regulatory Developments

Recently, we developed the ***Risk Management Program Audit/Inspection Curriculum***, a training program for EPA and state auditors/inspectors who conduct audits, inspections, and field investigations under the Clean Air Act, Section 112(r). As part of the curriculum, EPA's Emergency Response Training Program has developed two courses: Risk Management Program (RMP) Basics (a one-day study of the regulation) and RMP Techniques (a three-day study of techniques for auditing RMPs). Although these courses were developed for government employees, they may also provide useful information for businesses. Courses are available to the public on a space-available basis and require tuition. Courses are scheduled once a month, each month in a different region of the country. The course schedule and registration information are available on the EPA Training-Exchange website at:

www.trainex.org.

Chemical Safety Alerts: Sharing lessons learned

- ***Rupture Hazard from Liquid Storage Tanks (EPA 550-F-01-001, January 2001)***
Over the past few years, there have been several catastrophic failures of liquid fertilizer storage tanks resulting in property damage and environmental contamination. These ruptures have involved site-erected storage tanks with capacities ranging from 500,000 to 1.5 million-gallons. This alert describes several tank failure incidents and identifies standards and precautions that apply to above-ground liquid storage tanks.
- ***Safe Storage and Handling of Swimming Pool Chemicals (EPA 550-F-01-003, March 2001)***
Swimming pool chemicals may become a hazard when they become wetted by a small quantity of water or when they are improperly mixed, such as with other chemicals or reactive materials. Although the potential hazards of these chemicals have been recognized for some time, there continue to be many incidents in which pool chemicals are a factor. This alert provides information for facilities that handle pool chemicals on the safe storage and handling practices.
- ***Chemical Hazards Related to Power Outages***. In anticipation of possible rolling blackouts and other power outages that are expected as warmer weather approaches, we are preparing a chemical safety alert. Chemical process equipment can be affected both by the initial loss of power and the subsequent restart of operations when power is restored. This alert will focus on planning for the safe startup of operations after power is restored. As soon as this new alert is available, we will notify our List Serve subscribers.

Chemical Safety Networks: Sharing successful practices in risk communication

- ***Work with your Local Fire Department to Enhance Safety: The Cary Company (EPA 550-F-01-002, April 2001)*** When the Cary Company, a chemical distributor, decided to add a building to their warehousing facility in Addison, Illinois, company officials turned to the local fire department for help. The partnership benefitted both groups: the Addison fire department learned more about warehouse operations and the company ensured that the new building would be designed and built to the highest level of safety.
- ***How to Improve Safe Handling of Chemical Products: Sartomer Company, Exton, Pennsylvania (EPA 550-B01-002, May 2001)*** By maintaining a relationship with customers and distributors, the Sartomer Company encourages the proper handling of chemicals throughout their life-cycle. Sales personnel review a new or potential distributor's or customer's environmental, health, and safety (EHS) programs and, if appropriate, make recommendations for improvement. Sartomer has integrated product stewardship into its business operations, ensuring proper handling from "cradle-to-grave." Distributors receive health safety and environmental information and training on products.
- ***The Lubrizol Corporation: New Chemicals Issues Assessment (EPA 550-F01-005, May 2001)*** By implementing a formal review of potential environmental, health, and safety issues at the product research and development phase of new chemicals, Lubrizol has developed more efficient and safer products and processes. The new chemicals reviews have revealed opportunities to replace raw materials with less hazardous materials, reduce volume of wastes, improve product quality and process control, and improve yields.

Updated Local Emergency Planning Committee (LEPC) Database

You can search for information about your local LEPC using a new online database. Simply enter your zip code and the database finds the LEPC name, address and contact information and lists the RMP facilities located within the LEPC's jurisdiction as well as other facilities that might affect that LEPC district. www.epa.gov/ceppo/lepclist.htm

Revised CAMEO

As you know, CAMEO is available free of charge by downloading it from the Internet. The National Oceanic and Atmospheric Administration (NOAA) reports that between 700 and 1000 copies of CAMEO are downloaded each month. We are working with NOAA to update CAMEO. *Revised CAMEO* will be introduced in December at the Hazmat Spills Prevention Conference in Baltimore (see later note on upcoming conference). As soon as *Revised CAMEO* is available, we will notify our List Serve subscribers.

Tier II Submit

We are also working with NOAA to replace the *Tier II for Windows* software by December, 2001 (in time for the March 1, 2002 reporting deadline). Tier II reports are required under the Emergency Planning and Community Right-to-Know Act (EPCRA) and provide information to state and local officials and the public on chemical inventories. *Tier II Submit* will be a free software program that individual States may choose to use for EPCRA Tier II submissions. It will be flexible to accommodate any data elements required by states, be able to copy a report from the previous year, and work seamlessly with CAMEO. We will use the List Serve to keep subscribers informed of developments.

Upcoming HAZMAT Spills Prevention Conference : 2001 – The Odyssey Continues

The International HAZMAT Spills Prevention Conference, organized by EPA, will be held in Baltimore, Maryland at the new Waterfront Marriott on December 10 through 13, 2001. This year's hosts are the Baltimore region LEPCs and the Maryland Emergency Management Agency. The conference will feature workshops and lectures on chemical process safety, accident prevention, emergency management and planning, case studies, and regulatory requirements. Hands-on training on the newly-redesigned CAMEO® program will also be available. Conference registration is \$150. Exhibit booths are also available. For more information, call the Conference Hotline at 1-800-364-7974.

For additional information about EPA's risk management programs:

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

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THE HIGH PRODUCTION VOLUME CHALLENGE PROGRAM AND SMALL BUSINESSES

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

HPV Challenge Program Update: December, 2000

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

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

Since the HPV Challenge Program was announced in late 1998, 469 companies, working either independently or through 187 consortia, have publicly committed through the HPV process to make screening level health and environmental hazard data publicly available by the year 2005 on approximately 2155 chemicals. (When the numbers from the total international effort are included, the totals are even greater: roughly 2200 chemicals and 490 companies.) Commitments to the HPV Challenge Program have come from companies and consortia of all sizes around the world. There have even been commitments from companies that were not asked to participate, while others have volunteered chemicals that were not on the original list. The Agency has now updated both the HPV Challenge Program Chemical List and the 1994 List of HPV Additions to reflect all responses that have been received and processed to date. (A list of the currently sponsored HPV Challenge Program Chemicals can be found at: <http://www.epa.gov/opptintr/chemrtk/spnchems.htm>, where there is also a link to the summary report of companies and consortia.) It is important to note at this time that, since the voluntary sponsorship phase of the HPV Challenge Program has ended, any HPV chemicals that have not been sponsored are subject to being included in an upcoming Test Rule under Section 4 of the Toxics Substance Control Act (TSCA).

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

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

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

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

Companies and consortia are now submitting the test plans and robust summaries of the existing data that they are uncovering. As of this writing in early June, the Agency has received a total of about 36 Test Plans and Robust Summaries. (These include information for almost 280 chemical substances, since plans and summaries can be submitted for categories of chemicals as well as for individual chemicals.) You may review and comment on these test plans and robust summaries by visiting our website at: <http://www.epa.gov/opptintr/chemrtk/viewsrch.htm>. Stakeholders and other interested parties are encouraged to participate in the public review process and to comment on the completeness and adequacy of these submissions by way of the "submit comments" button on the ChemRTK website.

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

Frank Neumann
Office of Pollution Prevention and Toxics
Mailcode 7408
U.S. Environmental Protection Agency
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Washington, DC 20460



EPA's Small Business Innovation Research (SBIR) Program

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

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

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

EPA's next Phase I Solicitation will open on March 28, 2002, and will close on May 23, 2002. The solicitation will be posted on the National Center for Environmental Research WEBSITE at:

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

Please note that last year's Phase I Solicitation, which closed on May 24, 2001, is still on the WEBSITE for informational purposes only. The solicitation includes a description of the program and descriptions of typical topic areas. This solicitation also is available by fax. If you need a fax copy of last year's solicitation or if you have any questions, please call the EPA SBIR Helpline at:

1-800-490-9194



DfE: Environmental Health and Safety Consultant to Small Businesses

The Challenge

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

DfE's Auto Refinish Project

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

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

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

DfE's EMS: Screen Printing

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

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

The Bottom Line

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

CONTINUOUS IMPROVEMENTS COMPLIANCE ASSISTANCE

National Compliance Assistance Clearinghouse

In early December 2000, the U.S. Environmental Protection Agency (EPA) announced the availability of an innovative web site, the National Compliance Assistance Clearinghouse (Clearinghouse). This site provides instantaneous access to compliance and beyond compliance information. For the first time, EPA, states, small business assistance providers and other key stakeholders joined forces to implement the Clearinghouse by linking their web sites to provide direct access to essential compliance assistance materials, thereby creating a single repository of compliance assistance information.

The Clearinghouse contains many cutting edge features that focus on interaction between users. Users can 1) add links from their own web sites; 2) tell EPA of compliance assistance needs; 3) find out the latest compliance assistance activities; 4) share compliance assistance activities; 5) rate the usefulness of the information and 6) communicate with other compliance assistance providers.

It is located at www.epa.gov/clearinghouse. Copies of the Clearinghouse brochure are available through the National Service Clearinghouse of Environmental Publications (NSCEP) at 1-800-490-9198. For more information about the Clearinghouse, contact **Tracy Back** on 202-564-7076.

Compliance Assistance Providers Forum 2001

EPA held its second National Compliance Assistance Providers Forum in March 2001, in Annapolis, Maryland. The Forum was well attended by over 330 Federal, state, local, tribal and small business assistance providers and community-based organizations. The two-day meeting was comprised of plenary sessions, networking opportunities, computer based demonstrations, and breakout sessions to discuss priority setting and policy issues.

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

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

Meeting minutes from the Forum can be located at www.seattle.battelle.org/epa-icaa. The next Forum is planned for the fall of 2002 in EPA's Region 6. For additional information contact **Sandi Jones** at 202-564-7038.

Compliance Assistance Activity Plan

In April 2001, EPA published its first annual Compliance Assistance Activity Plan (Plan) focusing on the Agency's compliance assistance activities that are underway for Fiscal year 2001. The Plan is an Agency-wide effort to compile and inventory EPA compliance assistance activities into a single document. It is designed to assist compliance assistance providers to use resources more efficiently by: 1) identifying opportunities for partnerships; 2) identifying gaps where compliance assistance needs are not being met; 3) coordinating similar efforts; and 4) avoiding duplication. The Plan allows the regulated community to anticipate what compliance assistance will be available to them during the year.

The Plan inventory will be searchable on the National Compliance Assistance Clearinghouse. A complete electronic copy of the Plan will be available on EPA's website. A hardcopy of the Plan can be ordered from EPA's National Service Center for Environmental Publications (NSCEP) at 1-800-490-9198 using document number EPA 305-R-01-002. For additional information contact **Joanne Berman** at (202) 564 7064.

EPA Audit Protocols

EPA has developed 11 compliance audit protocol manuals as part of an on-going effort to assist the regulated community, including small businesses, in conducting multi-media environmental audits. The 11 protocol documents produced to date are organized by statute and provide coverage of the Resource Conservation and Recovery Act (RCRA), EPCRA, CERCLA, The Safe Drinking Water Act (SDWA), the Toxic Substance Control Act (TSCA), the Clean Water Act, and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The RCRA protocols provide audit guidance for hazardous waste generators, RCRA treatment storage and disposal facilities, RCRA regulated storage tanks (above and underground storage tanks), facilities that manage universal waste and used oil, and RCRA Subtitle D waste. EPA also issued audit protocols for PCBs, asbestos and lead-based paint activities regulated under TSCA, reporting requirements under EPCRA and CERCLA, management and production of pesticides under FIFRA, municipal wastewater facilities under the CWA and the management and operation of public water systems regulated under the Safe Drinking Water Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

Protocol for Conducting Environmental Compliance Audits for Municipal Facilities under U.S. EPA's Wastewater Regulations (EPA Document No., EPA-300-B-00-016)

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



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/oeca/ag

(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.trans-source.org



Fed Site

Serves as the "first stop" for information about environmental laws and regulations that affect Federal departments and agencies.

www.epa.gov/oeca/fedfac/cfa

(This is a government run center)



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!

National Agriculture Compliance Assistance Center (Ag Center)

Visit the Ag Center to acquire EPA's three new sector notebooks:

- Profile of the Agricultural Crop Production Industry (EPA 310-R-00-001)
- Profile of the Agricultural Livestock Production Industry (EPA 310-R-00-002)
- Profile of the Agricultural Chemical, Pesticide, and Fertilizer Industry (EPA 310-R-00-003)

The sector notebooks will help you understand the major environmental issues relating to specific industry sectors. Learn more about:

- general industry information (economic and geographic)
- industrial processes
- pollution outputs
- pollution prevention opportunities
- federal statutory and regulatory framework
- compliance history
- partnerships that have been formed between regulatory agencies, the regulated community and the public
- bibliography and resources for further research

Visit <http://es.epa.gov/oeca/ag/publications.html> to download sector notebooks. To order hard copies, visit the National Service Center for Environmental Publications (NSCEP) at <http://www.epa.gov/ncepihom/> or call 1-800-490-9198.

Don't miss the Ag Center's updated publication list. For a complete listing of publication topics, visit <http://es.epa.gov/oeca/ag/publist.html>. New information can be found about:

- Agricultural Animals
- Fertilizer
- Forestry
- Pollution Prevention, Best Management Practices, and Conservation
- Sustainable Agriculture
- Water
- Wetlands

Printers' National Environmental Assistance Center (PNEAC)

PNEAC has expanded its vast collection of pollution prevention and compliance fact sheets. Visit PNEAC to access 12 new fact sheets:



All types of printing

- Waste and Cost Reduction for Small Parts Cleaners
- Universal Waste Rules and How They Affect a Printer
- Summary of the EPA Regional Office and State Positions Concerning the Regulatory Status of Contaminated Shop Towels

Flexography

- Reducing Ink and Solvent Use in Enclosed Flexographic Inking Systems
- Management of Aqueous Waste from Water-based Flexographic Printing Processes
- Anilox Cleaning Systems: Preserving Roll Life

Screenprinting

- Adhesive Systems for Textile Screen Printing Lithography
- Cleaning Up the Cleanup: Shepard Poorman's Switch to Automatic Washup for Sheetfed Presses
- Case Study: Alcohol Free Fountain Solutions at Americraft Cartons, Inc.
- Compliance issues for Lithographic Printers
- Reducing Heavy Metal Content

Local Government Environmental Assistance Network (LGEAN)

Visit LGEAN's new environmental Consultants Database at <http://www.lgean.org/consultants> to identify and contact consultants performing work in your environmental and geographical area. The Consultants Database offers four search options:

(1) keyword; (2) service area; (3) location served; or (4) consultant/company name. Use the search options separately or combined to find the consultant that meets your needs.



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:

- C 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.
- C 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.
- C 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.
- C The small business has not used this Policy or been subject to enforcement action for the same or similar violation in the past three years and has not been subject to two or more enforcement actions for environmental violations in the past five years. The violation has not caused serious harm to public health, safety, or the environment; it does not present imminent and substantial endangerment to public health or the environment; and it does not involve criminal conduct.

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

POLICY ON ENVIRONMENTAL SELF-POLICING

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

- C 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.
- C 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.
- C 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:

- C 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.
- C SBAPs may offer compliance assistance on a confidential basis. Under this option, the state retains the ability to investigate and/or take enforcement actions at any time for violations discovered independently from the Section 507 program. Under the Small Business Compliance Policy, small businesses that receive confidential assistance from the SBAP may receive a correction period if the small business voluntarily discloses the violation to the appropriate regulatory agency. *For more information on this policy, contact Ann Kline at (202) 564-0119.*

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

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

General Information

Formal Title: “Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations”
Citation: 65 FR 19,617 (April 11, 2000)
Web Site: www.epa.gov/oeca/auditpol.html

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.

EPA's Small Business Compliance Policy

Background and Purpose

- 7 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.
- 7 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

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

Who Qualifies to Use this Policy

- 7 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

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

- 7 *In the rare instance where the small business has obtained a significant economic benefit from the violation(s) (i.e., economic advantage over its competitors), EPA will waive 100% of the gravity component of the civil penalty, but may seek the full amount of any economic benefit associated with the violations. As of March 2000, EPA has never sought to collect economic benefit since this Policy was originally issued in 1996.

Applicability to States

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

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

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

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

EPA Regional Contacts

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

STATE SMALL BUSINESS ASSISTANCE PROGRAMS

SMALL BUSINESS SPECIAL NEEDS:

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

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

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

STATE LEAD FOR PROVIDING SMALL BUSINESS ASSISTANCE:

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

THE ACT’S DEFINITION OF A SMALL BUSINESS:

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

FEDERAL OVERSIGHT AND SUPPORT:

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

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

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

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

COMPONENTS OF AN OVERALL STATE ASSISTANCE PROGRAM

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

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

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

The State compliance advisory panels reviews and renders advisory opinions on the effectiveness of the state SBAP, and makes periodic progress reports to EPA's Small Business Ombudsman concerning compliance of the small business program with other pertinent federal regulations. The compliance advisory panels also make certain that information affecting small business is written in a style that is clear and understandable.

TYPES OF BUSINESSES SUBJECT TO AIR POLLUTION CONTROLS

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

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

JULY, 2001, CLEAN AIR ACT

SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
AL	Blake Roper	(334) 394-4335 (N) (800) 533-2336	Mike Sherman	(334) 271-7873 (N) (800) 533-2336
AK	Tom Turner (Acting)	(907) 269-7582 (S) (800)-510-2332		
AZ	Dual Role SBO/SBAP		Jack Bale	(602) 207-4881 (S) (800) 234-5677
AZ MARICOPA COUNTY			Richard Polito	(602) 506-5102
AR			Joe Bob Garner	(501)682-0866 (N) 888-233-0326
CA	Kathleen Tschogl	(916) 323-6791 (S) (800) 272-4572	Peter Venturini	(916) 445-0650 (S) (800) 272-4572
CA South Coast AQMD	Tim Brown	(909) 396-3235 (S)(800)388-2121	Larry Kolczak	(909) 396-3215 (S)(800)388-2121
CO	Nick Melliadis	(303) 692-2135 (S) (800) 886-7689	Chuck Hix	303-692-3148
CT	Tracy Babbidge	(860) 424-3382 (S) (800) 760-7036		
DE	Kim Finch	(302) 739-6400		
DC	Sandra Handon	(202) 535-1722	Olivia Achuko	(202) 535-2997
FL	Elsa Bishop	(850) 414-8399 (S) 800-722-7457	Elsa Bishop	(850) 414-8399 (S) 800-722-7457
GA			Anita Dorsey-Word	(404) 362-4842 1-877-427-6255
HI	Patrick Felling	(808) 586-4528	Robert Tam	(808) 586-4200
ID	Sally Tarowsky	(208) 373-0472		
IL	Don Squires	(217) 785-1625 (S) (888) 372-1996	Roslyn Jackson	(217) 524-0169 (S) (800) 252-3998
IA			John Konefes	(319) 273-8905 (S) (800) 422-3109
IN	Erika Seydel-Cheney	(317) 232-8598 (S) (800) 451-6027 X2-8598	Cheri Storms	(317) 233-1041 (S) (800) 988-7901
KS	Janet Neff	(785) 296-0669 (N) (800) 357-6087	Richard Nelson	(785) 532-4999 (N) (800) 578-8898
KY	Rose Marie Wilmoth	(502) 564-2150 X128 (N) (800) 926-8111	Gregory Copley	(606) 257-1131 (N) (800) 562-2327
LA	Jim Friloux	(225) 765-0735 (S) (800) 259-2890	Dick Lehr	(225) 765-2453 (S) (800) 259-2890
MA				
MD	Don Jackson	(410) 631-3165 (S) (800) 633-6101, X 3772	Andrew Gosden	410-631-4158 (S) (800)633-6101,x4158
ME	Ron Dyer	(207) 287-4152 (S) (800) 789-9802	Roy Krout	(207) 287-8550 (S) (800) 789-9802
MI	Cindy Douglas	(517) 373-4600 (N) (800) 662-9278	Dave Fiedler	(517) 373-0607 (N) (800) 662-9278
MN	Charlie Kennedy	(651) 297-8615 (S) (800) 985-4247	Troy Johnson	(651) 296-7767 (S) (800)657-3938
MO			Byron Shaw	(573) 526-6627 (N) (800) 361-4827

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
MS	Jesse Thompson	(601) 961-5167 (N) (800) 725-6112	Randy Wolfe	(601)961-5166 (N) (800)725-6112
MT	Bonnie Rouse	(406) 444-3641 (N) 800-433-8773	Warren Norton	(406) 444-5281 (N) (800) 433-8773
NC	Edythe McKinney	(919) 733-0823 (N) (877) 623-6748	Tony Pendola	(919) 733-0824 (N) (877) 623-6748
NE	Tom Franklin	(402) 471-8697		
NH	Rudolph Cartier	(603) 271-1379 (S) 800-837-0656	Rudolph Cartier	(603) 271-1379
NJ	Chuck McCarty	(609) 984-6922 (N) (800) 643-6090	Ky Asral	(609) 292-3600 (S) 877-753-1151
NM	Rita Trujillo	(505) 955-8091 (N) (800) 810-7227	Steve Dubyk	(505) 827-2859 (N) (800) 810-7227
NV	Marcia Manley	(775) 687-4670, x3162 (S) (800) 992-0900, X 4670	Janet Goodman	(775) 687-4670, x3164 (S) (800) 992-0900 X4670
NY	Keith Lashway	(518) 292-5348 800-782-8369 (S)	Marian Mudar, Ph.d	(518) 402-7462 (S) (800) 780-7227
ND	Dana Mount	(701) 328-5150 (S) (800) 755-1625	Chuck McDonald	(701) 328-5188 (S) (800) 755-1625
OH	Mark Shanahan	(614) 728-3540 (S) (800) 225-5051	Rick Carleski	(614) 728-1742
OK	Steve Thompson	(405) 702-7100	Kyle Arthur	405-702-6100 (S) 800-869-1400
OR			Jill Inahara	(503) 229-6147 (S) (800) 452-4011
PA	Bruce McLanahan	(717) 772-5942	Gerald Laubach	(717) 787-1663
PR			Maria Rivera	(787) 294-0101 X 324
RI			Joe Antonio	(401) 222-6822 X4410
SC	Phyllis Copeland	(803) 896-8982 (N) (800) 819-9001	James Robinson	(803) 896-8984 (N) (800) 819-9001
SD	Joe Nadenicek	(605) 773-3836 (S) (800) 438-3367		
TN	Ernest Blankenship	(615) 741-5262 (N) 800-734-3619	Linda Sadler	(615) 532-8012 (N) (800) 734-3619
TX	Israel Anderson	(512) 239-5319 (N) (800) 447-2827	Tamra Shae-Oatman	(512) 239-1066 (N) (800) 447-2827
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VT			Judy Mirro	(802) 241-3745 (S) (800) 974-9559
VA	John Daniel	(804) 698-4311 (S) (800) 592-5482	Richard Rasmussen	(804) 698-4394 (S) (800) 592-5482
VI	Marylyn A. Stapleton	(340) 774-3320 X5167	Dual Role SBO/SBAP	
WA			Bernard Brady	(360) 407-6803
WV	Dave Bassage	(304) 558-5929 X203	Fred Durham	(304) 926-3734 (S) (800) 982-2474
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Note: (S) = State (N) = National

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State Pollution Prevention Technical Assistance Programs

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Region 6

US EPA Region 6

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US EPA Region 10

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Office of Small and Disadvantaged Business Utilization

The Office of Small and Disadvantaged Business Utilization (OSDBU), under the supervision of the Director, is responsible for developing policy and procedures implementing the functions and duties under sections 8 and 15 of the Small Business Act as amended by Public Law (P.L.) 95-507 (October 24, 1978) and P.L. 100-656 8(a) Reform Act. The Office develops policies and procedures implementing the provisions of Executive Orders 11625, 12432 and 12138 and is responsible for developing policies and procedures for implementing the requirements of Section 105(f) of P.L. 99-499 and Section 129 of P.L. 100-590. Additionally, OSDBU establishes policy, guidance and assistance to small and disadvantaged businesses in rural areas and other socioeconomic groups. The Office furnishes information and assistance to the Agency's filed 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.

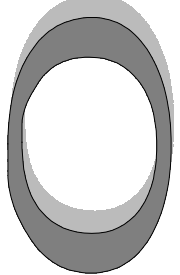
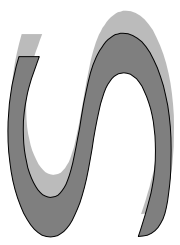
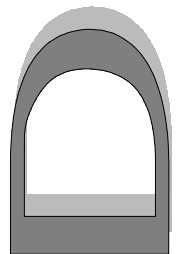
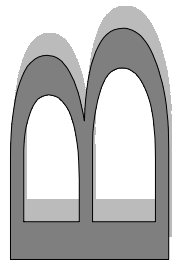
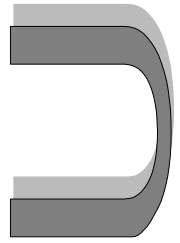
Direct Procurement Program

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:
 - L Small Business
 - L 8(a) Business
 - L Small Disadvantaged Business
 - L Women-Owned Business
 - L HUBZones
 - L Subcontracting
 - L 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 to come in and use our facilities to surf the Internet for business opportunities. Our Center is set up in a private room with a computer, printer and informational packages that will be very informative in your journey in looking for opportunities on how to do business with EPA. You can have one-on-one counseling session with a experienced Small Business Outreach Technical Support person who can assist you. Hours of operations are 9:00 am until 4:00 pm, you can call for an appointment at (202) 564-4584.

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

DESCRIPTION

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

ACTIVITIES

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

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

REQUEST FOR PUBLICATIONS

Small Business Division (SBD)

Summer 2001

EPA USE ONLY Small Business ____ Asbestos ____

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

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

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

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

Organization: _____

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

Mail to:
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In the D.C. area, (202) 260-1211,
 or Telefax (202) 401-2302

Remarks/Other Materials Requested: _____