

# SMALL BUSINESS OMBUDSMAN UPDATE NEWSLETTER

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

## MEMORANDUM

Toll-Free Hotline  
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Homepage [www.epa.gov./sbo](http://www.epa.gov./sbo)

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

**FROM:** Karen V. Brown  
Small Business Ombudsman

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

**DATE:** July, 1999

### SMALL BUSINESS OMBUDSMAN STAFF AND THEIR EXPERTISE

**Robert C. Rose**, Associate Ombudsman  
*The Clean Air Act & General Assistance*

### SENIOR ENVIRONMENTAL EMPLOYEES

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

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

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

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

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### Do You Know Your State's Best Kept Secret?

As the EPA Small Business Ombudsman, I want to let you in on a fantastic program that is operating in every state - the Clean Air Act Small Business Technical Assistance Programs and Small Business Ombudsmen. These programs exist to help small businesses to comply with the Clean Air Act by providing free compliance and technical assistance.

I am so pleased by the level of outreach and assistance provided by these programs to the small business community over the past few years. The figures are impressive. For example, in 1997, state programs directly assisted over **78,500** businesses and conducted almost **6,000** on-site consultations to a wide variety of industry sectors. Examples of help provided on pages (7 & 8).

The State Small Business Ombudsmen and Technical Assistance Programs continue to fill an important role as facilitator between small business owner/operators and regulatory agencies, enhancing communication to promote understanding and sensitivity to both sides. Based on the information reported, improvements in compliance occur because businesses have someone to turn to for assistance and advice, and to act as an effective liaison with State regulatory agencies.

So, are you a small business in need of information or assistance to comply with an environmental regulation? Do you need help with permitting? Or perhaps you know of a business seeking detailed information on what will be required of them in the future.

If so, help is at hand! Call me or your State Small Business Ombudsman or Technical Assistance Program (see pages 47 & 48). We can help you, we want to help you! THANK YOU for the opportunity to be of assistance.

**And please spread the word. This is one great secret that should be shared!**

### 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.

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## A MESSAGE TO THE SMALL BUSINESS COMMUNITY

Since I accepted Carol Browner's assignment to serve as Acting Deputy Administrator of the Environmental Protection Agency, one of my privileges has been to host occasional meetings of small business trade groups to discuss issues of particular concern to small businesses. Over the past several years these gatherings have become a welcome tradition here at EPA, and they have served not only to improve understanding on both sides of an issue, but also at times to change practices that we have agreed were unduly burdensome to small businesses.

About twice a year Karen Brown, our Small Business Ombudsman, polls the small business trade groups to find out what topics they would like to discuss. Karen then works with two or three widely trusted small business representatives to pare down the list of topics to shape an agenda for a manageable two-hour meeting. When we get together, I make sure the appropriate senior agency officials B the managers directly responsible for understanding problems and proposing solutions B are in the room and part of the discussion. When we take up an issue, we don't always reach resolution during the meeting; if we don't, the appropriate EPA manager works with the small business representative and others in an effort to resolve the issue before our next meeting. We typically begin the meeting by reviewing issues raised at the last session and their disposition in the interim. One of the reasons I find these meetings so valuable is that, quite often, we have considerable progress to report.

Some of the actions we have agreed to take as a result of these sessions are: issuing guidance to States on calculating the potential to emit pollutants so that genuinely small sources are not improperly classified as AMajor@ under the Clean Air Act; removing the requirement that gasoline stored at fuel stations be reported as hazardous substances under the Emergency Planning and Community Right-to-Know Act; and resolving inconsistencies between EPA and Department of Transportation requirements on the transport of hazardous materials. Even when we have not been able to resolve particular matters brought to us by small business representatives, I have found that the exchange of a thoughtful request and a reasoned reply has led to better mutual understanding and the easier resolution of subsequent issues by less formal means.

EPA has dedicated itself in many ways to respond appropriately to the needs and capabilities of small businesses, even while we vigorously pursue our basic mission of protecting public health and the environment. Administrator Browner and I are both proud of the progress we have made in this important area, and in this respect I have found the meetings I have held with small business leaders to be among the most valuable investments of my time as Acting Deputy Administrator.

Sincerely,

Peter D. Robertson  
Acting Deputy Administrator

## Six Key Aspects of the SBREFA Legislation

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

- ! **Regulatory Compliance Simplification:** Federal regulatory agencies must develop compliance guides written in plain English to help small businesses understand how to comply with regulations that may have a significant effect on them. Agencies must also develop a program for providing small entities with informed guidance on complying with applicable laws and regulations.
- ! **Equal Access To Justice Amendments:** Under certain circumstances, small businesses can recover attorney's fees and court costs in a court or administrative hearing, even when they lose.
- ! **Congressional Review:** Congress has provided itself with a process by which it can review and, if necessary, disapprove regulations with which it takes issue.
- ! **Regulatory Enforcement Reform of Penalties:** Each regulatory agency must establish a policy to reduce and, where appropriate, even waive civil penalties for minor violations under certain circumstances.
- ! **Small Business Advocacy Review Panels:** For proposed rules subject to the Regulatory Flexibility Act, EPA must solicit input from the small businesses that will be subject to the rules and make these findings public. This process is aided by SBA's Office of Advocacy and the Office of Management and Budget.
- ! **Oversight of Regulatory Enforcement:** Aida Alvarez, the SBA Administrator, appointed Peter W. Barca, Regional Administrator in the Midwest, as the Small Business and Agriculture Regulatory Enforcement Fairness Ombudsman. She also appointed the members of 10 regional Regulatory Fairness Boards to assist the National Ombudsman in receiving small businesses' comments about enforcement activities of federal regulatory agencies. The five (5) Fairness Board members appointed in each region are small business owners and operators.

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

Subtitle B of SBREFA created the National Ombudsman and 10 Regional Fairness Boards to provide small businesses with the opportunity to comment on enforcement activity by federal regulatory agencies. Through this provision, Congress and the President have provided a way that small businesses can express their views and share their experiences about federal regulatory activity.

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

### Regulatory Enforcement Ombudsman

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

### 10 Regional Fairness Boards

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

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

## SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS

### Regions/Members JULY 1999

1. Martha Dudman Dudman Comm. Corp 68 State Street Ellsworth, ME 04605 (207) 667-9555	Dr. Vinh Cam, Ph.D. MBA P.O. Box 31134 Greenwich, CT 06831 (203) 532-1252	Larry E. Morse Docu-Print Inc. 10 Boyd Avenue E. Providence, RI 02914 (401) 435-2500	Judith Obermayer Obermayer Assoc. 239 Chestnut St. W. Newton, MA 02165 (617) 244-8990	Ronald Williams W&R Bus. Affiliates. 194 Capen St. Hartford, CT 06120 (860) 727-1181
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# THE YEAR 2000 PROBLEM

## *The Year 2000 Problem*

The Year 2000 (Y2K) Problem started decades ago when early computers had very limited memory and storage space. One place programmers saved space was the date. They represented years by their last two digits; 1982 was represented and stored as 82, 1995 was stored as 95, etc.

Reducing years to two digits works well as long as the century does not change. As the next century approaches, however, computers that still maintain years as two digits may not recognize that the year 2000 is greater than the previous year. Although a computer may recognize that 99 is greater than 98 (as in 1999 and 1998), it may not recognize that 00 is greater than 99 (as in 2000 and 1999) and may consider it 1900.

## *How does it affect you and your business?*

Data processing systems used in all types of businesses rely heavily on dates and date processing. If the computer code does not recognize that one date is greater than another, it may not be able to process properly and may produce erroneous results. For example, if a loan is entered into a program with a start date of 1998 and a payoff date of 2005 (98 and 05), the program may subtract 98 from 05 resulting in a term of -93 years, rather than 7 years. This problem may put a business at risk because it could affect its cash flow, inventory, taxes, interest calculations, financial forecasting, customer relations, and many other areas, such as:

- manufacturing control systems
- telecommunications
- money transfer and other financial systems
- utilities
- stock markets
- transportation
- national defense
- home computers, security systems, and appliances

## *You must do something*

If you do nothing to fix this problem, your business may fail. Worse, because the year 2000 problem is a foreseeable problem, the officers and directors of your organization could be held personally liable in shareholder suits.

The Federal Government recognizes the important role that small businesses represent in our economy. With estimates predicting that 1% to 7% of US businesses may fail because of the year 2000 problem, the President's Council on Year 2000 Conversion is encouraging all businesses to address the problem as early as possible.

## *Your business may be at stake*

Imagine if you were unable to retrieve your accounts receivable records, or if one of your customers placed an order with you in late 1999 for delivery in early 2000, and that order was lost. Imagine if you could not correctly calculate the taxes or insurance premiums to be withheld for your employees, or if your inventory records were lost.

The year 2000 problem may affect your business in countless ways. Your personal computers may reset themselves to the year 1980 or 1900 because the microchip that maintains the clock/calendar does not recognize 2000 as a valid year. A photocopier that records the count of the number of copies made in a day may stop working in the year 2000 because the microchip may fail to recognize that "00" is a valid year. A security system may fail to operate properly and might allow unauthorized access to your buildings. A preprogrammed fax machine used to send announcements to your customers may stop working after 12/31/1999. A voice mail phone system may fail to record messages from customers or suppliers. A preprogrammed money transfer from a savings into a checking account to cover checks to your creditors may not take place.

### ***A Management Solution***

The year 2000 problem is a management problem. The problem extends beyond the technical 'fix'. Money, time and resources must be allocated to make your business Y2K ready. These decisions are business decisions that should involve senior management, Board of Directors and legal representatives.

### ***Business 2000 - The Next Steps?***

No business exists in a vacuum. You may have successfully tested all your systems for Y2K readiness but you cannot stop there. Have you talked to your business suppliers and other business partners to ensure that they are ready? Beyond your own business computer systems, there is also the "business supply chain." You buy goods and services from some businesses, and you sell goods and services to others. If your trading partners fail, your cash flow can suffer critically. It is not enough to worry about your own technology - you need to talk to other organizations that are critical to your operation including banks, utilities and equipment manufacturers.

*For questions, comments or more information, please contact Karen Brown, Director, Office of Small Business Ombudsman at 1-800-368-5888.*

*The Small Business Administration has established a Y2K hotline at 1-800-U-ASK-SBA.*

*Small Business Administration (SBA) loans are available to address Y2K problems. Contact your local SBA office for details.*

*The US SBA, US Department of Commerce and the US Department of Agriculture have cooperatively developed a small business Y2K Jumpstart Kit which provides a straightforward methodology to address the Y2K challenge. This tool, available on a CD, enables users to complete an inventory of susceptible assets, gauge criticality of business processes, develop contingency plans and conduct remediation activities. For assistance in obtaining and using the Y2K Jumpstart Kit, contact <http://y2khelp.nist.gov> or call 800-Y2K-7557, 800-MEP-4MFG or 800-U-ASK-SBA.*

Sources:

Small Business Administration: The Year 2000 Problem (<http://www.sba.gov/y2k/indexprob.html>)

Small Business Administration: Y2K Self-Assessment and Checklist for Small Business (<http://www.sba.gov/y2k/indexcheck.html>)

# Meeting the Information Demands of the 21<sup>st</sup> Century

Strong outside forces are driving change in the way we collect, manage and use environmental information. Technology is evolving at a dizzying pace, providing almost instant access to information sources across the globe. Not surprisingly, demand for environmental information is rapidly increasing - EPA's Website now gets over 50 million hits each month.

People want new types of information:

- ▶ place-based information about local ambient conditions and national trends;
- ▶ source-based information about facility emissions or opportunities for pollution prevention;
- ▶ performance information about specific facilities or government programs;
- ▶ and environmental indicators that provide insights on public health and the health of ecosystems.

People also want to combine information from different sources to paint a more comprehensive picture of the environment in which they live.

Current systems can't adequately meet these emerging information needs. And access to an expanding universe of information brings new challenges - ensuring security of data systems, protecting confidential information, and minimizing the burden of reporting and paperwork. So last summer, Administrator Carol M. Browner directed EPA to "redesign our internal management structure to better meet the information integration demands of the 21<sup>st</sup> Century."

## EPA's New Information Office

The Administrator recognized the need to align information management, technology and policy and create consistency across EPA's information operations and systems. She opted to form a new Information Office, organized around improving quality and efficiency in collecting, managing, and providing access to useful information. A senior management team is guiding the transition and the new Office will be launched this Fall.

We envision a center of excellence that advances the use of high quality environmental information for informed decisionmaking by many different users. The information we provide must not only be accessible, but also usable, in forms people can understand. Our technology must be reliable and secure, and able to meet current and future information needs.

## Using Information for Results

Our overall aim is to convert data into useful information that will help us gauge environmental quality and develop strategies for achieving results. We need to make sure that we have the right information in the right form to make the right decisions - to identify and obtain the information that our users need to:

- ▶ develop sound environmental policy,
- ▶ manage environmental programs,
- ▶ comply with environmental laws,
- ▶ measure and improve performance, and
- ▶ understand environmental conditions and trends.

## What This Means for Small Businesses

The Information Office will be the new home for EPA's efforts to reduce reporting burden, a significant concern of small businesses. We continue to work with small business representatives to identify requirements that should be revised or eliminated. EPA is taking a close look at the need for specific requirements, and also at ways to lower the cost of collecting and providing essential information. We're exploring ways to use technology to reduce paperwork and to improve the timeliness and usefulness of information received. But we're mindful that not all small businesses are "on-line" and that there's still a need for other means of exchanging information.

The new Office will work to increase the quality and accuracy of EPA information. We'll seek to reduce burden on those who provide data while striving to fill important data gaps. We recognize the need to use information responsibly - to create the right "fit" among the public's right to know and other important considerations like security, protection of confidential business information and privacy. Along with our state partners, we'll soon begin a national dialogue on these issues and on appropriate use of information to achieve environmental goals. We will provide opportunities for small businesses to engage in this dialogue and inform the development of resulting policies.

## For More Information

The proposed organizational design and functions are now available. If you'd like a copy or have questions and comments, send us an e-mail at [IO-Outreach@epa.gov](mailto:IO-Outreach@epa.gov). Or call **Karen Burgan** at (202) 260-8982.

## **EPA Issues Audit Protocols for Three Statutes; Nine More Under Development**

EPA recently issued four voluntary environmental compliance audit protocol manuals, the first part of a multi-media set of 13, to assist the regulated community, including small businesses, in conducting environmental audits. To date, EPA has issued audit protocols for the Comprehensive Response, Compensation and Liability Act (CERCLA), the Emergency Planning and Community Right-To-Know Act (EPCRA), and the Resource Conservation and Recovery Act (RCRA). The RCRA protocols are presented in two volumes, addressing generators and treatment, storage and disposal facilities.

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.

Although the protocols were developed originally to assist the industrial chemical sector in particular, many of the protocols apply to all regulated entities. 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.

Four of the audit protocols have already been completed and are available to the public. These include the following documents (by title):

***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).***

EPA expects to issue nine additional protocols this year, including: Nonhazardous Waste Management; Universal Waste and Used Oil; Pesticides Management; Management of Toxic Substances (e.g., PCBs, Asbestos, Radon, Lead-based Paint); Safe Drinking Water Act; Spill Prevention Control and Countermeasure Requirements and Storage Tank Management; Clean Air Act; Clean Water Act; and TSCA.

You can obtain hard copies of the protocols by contacting EPA's National Center for Environmental Publications (NCEP) at 1-800-4909198. When ordering copies from NCEP, please reference the title and the document number of the protocol(s) you've selected. The protocols can also be obtained electronically via EPA's Web site: [www.epa.gov/oeca/ccsmd/profile.html](http://www.epa.gov/oeca/ccsmd/profile.html). The EPA Web site offers the protocols in both pdf and MS-Word formats. For greater flexibility, the word processing format allows the user to custom-tailor the protocols to more specific environmental aspects associated with the facility to be audited.

For further information on the protocols, contact **Richard Satterfield** (202) 564- 2456.



**SUCCESS STORIES FROM THE STATE CLEAN AIR ACT  
SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE PROGRAMS**

**Hawaii**

A farmer seeking to obtain an agriculture burning permit to dispose of waste that he “inherited” on land recently leased from the State of Hawaii sought assistance from the SBO. The SBO negotiated a waiver of lease rent with the state land agency for the farmer, which was equivalent to the cost of collection, transport, and disposal of non-agricultural waste (e.g., plastic nursery pots, treated lumber, tires, and wrecked autos) from the previous tenants. The farmer was not required to segregate non-combustible items from his burn pile. The farmer did not incur waste disposal costs for that which he was not responsible. The state land agency treated a new lessee fairly and ensured that waste was appropriately cleared from its land, without incurring new costs. The air program demonstrated flexibility in its administration of the agricultural burning permit.

**Iowa**

In February 1996, Iowa Department of Natural Resources (IDNR) visited Company D, a manufacturer of toy models, citing violations with permitting requirements. Company D was asked to attain compliance within 60 days.

Company D received estimates of \$15,000-20,000 from a consultant to complete the required permit applications. In June 1996, Company D requested assistance from the Iowa Waste Reduction Center (IWRC), which assisted in completing “existing” air quality construction permits for five spray booths, two drying ovens, one paint stripping hood, four aluminum melting furnaces, and one burn-off oven. Company D saved at least \$15,000 on completing the 13 required permit applications, which were approved by IDNR.

Particulate matter (TSP) stack testing and opacity testing were required for each of the five spray booths and the single burn-off oven. TSP testing for six stacks would cost approximately \$12,000, while opacity testing was estimated at \$1,800. IWRC worked with Company D to propose an alternative stack testing regime to IDNR, which included conducting one TSP stack test, eliminating opacity testing, and doing additional stack testing only if the first test result showed allowable standards had been exceeded. IDNR agreed, the TSP stack test was conducted in April 1997, and the data indicated the booth had passed the stack test.

IWRC also assisted Company D in developing an emission inventory and documenting their “non-major” status. Company D is in compliance with state and federal air emission regulations and saved \$27,000 by working with IWRC and IDNR.

**Louisiana**

A cultured marble manufacturer, an employee-owned company of 18 people, contacted the Louisiana SBAP after receiving an EPA mailing about obtaining an air quality permit for styrene emissions. The SBAP engineer met with the company president to determine what needed to be done. “The cost savings to the company were considerable, because we didn’t have to hire a consultant to do the work,” said the president. He also said he feels more at ease knowing that the company avoided enforcement actions by obtaining the correct air permit.

**Massachusetts**

The Massachusetts auto body project generated simplified regulatory information by using the “good faith” rationale for penalty mitigation. Working with a trade association, Massachusetts SBAP produced the manual, “Crash Course,” which constitutes an agreement between the federal and state environmental enforcement agencies defining what an inspector will look for when visiting an auto body facility. Information is offered to help an auto body shop owner/operator know what to do to comply with basic requirements. Included are a simple version of the rules, pollution prevention tips, strategies to protect worker health, and documentation tools so that the shop can show an inspector how key activities occur. The shop can benefit from this demonstration of good faith if any penalties are assessed. Using the “good faith” policy allows regulatory simplification without any regulatory promulgation.

## **Missouri**

An air conditioning manufacturer that had been visited by the MO SBAP on-site assessment team received a hazardous waste inspection by the Department of Natural Resource's regional office. Only a few minor violations were found. The facility was grateful for the SBAP assessment, as it kept them from receiving other violations.

## **Montana**

The MT SBO/SBAP created the Small Business and Tribal Energy and Environmental Loan Program to provide low-interest loans to small businesses and tribal entities to purchase energy efficient and pollution prevention equipment. The loan program kept over a dozen small, rural service stations from going out of business as a result of the underground storage tank regulations.

## **Nebraska**

A trailer manufacturing company switched to a new type of plasma cutter, which allowed them to cut aluminum more quickly and accurately. However, the aluminum oxide waste from the cutter was very fine, and when mixed with water, became unstable. Faced with possible hazardous waste disposal expenses, the company called the NE SBAP.

Upon visiting the trailer company, the SBAP determined that the company would generate over 55 gallons of aluminum oxide powder daily. Through a network of scrap dealers and other companies that cut aluminum, the SBAP found a company in Illinois that would take all the aluminum oxide that the trailer company could produce. The trailer manufacturer now is considering adding a second plasma cutter to increase production.

## **New York**

The NY Small Business Environmental Ombudsman (SBEO) negotiated a policy with the NY Department of Environmental Conservation in which dry cleaners could voluntarily come forward to the DEC and sign consent orders to come into compliance with the vapor barrier requirement of the new dry cleaning regulation. Many dry cleaners had missed a deadline to build a vapor barrier enclosure around their dry cleaning equipment due to a variety of reasons. The DEC allowed dry cleaners operating third generation machines who had missed their deadline, and who had a signed contract with a vapor barrier installer, to voluntarily comply by signing consent orders with a suspended penalty. Over 300 dry cleaners took advantage of the consent order option.

## **Ohio**

A one-person company that makes lead castings was inspected by District Office staff, who maintained the company was a "secondary lead smelter," determined large potential emissions based on smelting emission factors, and deemed the company in violation for not having an air permit. The SBAP visited the company and learned the operation was not secondary lead smelting, but was exempt from permitting due to low emissions that were calculated using the appropriate non-smelting emission factors. The SBAP, on behalf of the company, successfully argued this point to the District Office and Prosecutor's Office; the charge of failure to obtain a permit was dropped.

## **Texas**

Lancaster Furniture focused on reducing their volatile organic compounds (VOC) emissions with the help of TNRCC. The company invested \$8,000 for more efficient high-volume, low-pressure spray guns and related equipment and trained employees in their proper use. VOC emissions dropped from just under 25 tons in 1996 to 16 tons in 1998, while annual expenditures on paints and coatings fell from \$69,000 to \$35,000.

**Risk Management Program and Flammable Hydrocarbons:  
Understanding Recent Changes**

Julie Vanden Bosch

EPA's Chemical Emergency Preparedness and Prevention Office

Recent developments in the Risk Management Program coverage of propane and flammable hydrocarbons have, quite understandably, been confusing to the regulated community. This article addresses many of the questions you have asked.

***What's been happening recently with propane and other flammable hydrocarbons?***

On April 27, 1999, the U.S. Court of Appeals issued a stay - or delay of the compliance date - for facilities with 10,000 pounds or more of propane onsite. Facilities using LP-Gas/propane (whether distributing, using for fuel, or in a process) are not required to submit a Risk Management Plan while the court-ordered stay is in effect. If a process at a facility includes propane *and* another RMP-listed chemical over the threshold, the facility must still report that process and consider the impact of propane on the hazard analysis and accident prevention program.

We anticipate the court will reevaluate it's stay during the Fall 1999 session.

On May 21, 1999, EPA issued its own stay that applies to flammable hydrocarbon fuels (including propane, butane, acetylene, propylene, ethane, methane or natural gas, and others) stored in quantities of 67,000 pounds or less in a process. Facilities meeting the criteria will not have to submit an RMPlan while EPA's stay is in effect. Industries covered by EPA's stay include distributors and users of natural gas/liquefied natural gas, utilities, and exotic fuel users.

***Why did EPA issue a stay?***

EPA also proposed a regulation to permanently exempt fuel processes that currently meet the conditions of EPA's stay. The EPA stay provides temporary relief for these facilities while EPA asks for comment on the proposal.

***How does the court-ordered stay work with EPA's stay?***

The court-ordered stay and EPA's stay exist side-by-side. It is possible for a facility to be subject to one stay and not the other.

EPA's stay expires December 21, 1999, or when a final regulation is issued. If the court-ordered stay is lifted in the interim, facilities using LP-Gas/propane will then be subject to EPA's stay and the final rule establishing the 67,000 pound flammable hydrocarbon threshold.

***Who cannot qualify for EPA's stay?***

Processes containing flammable hydrocarbon fuels above 67,000 pounds cannot qualify for EPA's stay. The exemption also does not apply to processes that: 1) manufacture flammable hydrocarbon fuels; 2) contain another non-fuel RMP-listed substances above the threshold; 3) are connected to or co-located with another non-fuel process that is covered by the Risk Management Program.

### *Some examples:*

- A facility holding 60,000 pounds of propane to distribute to customers is covered by the court and EPA stays - and will not have to file an RMP by June 21.
- A propane distributor holding 90,000 pounds of propane is covered only by the court-ordered stay - and will not have to file an RMP by June 21. If the court stay is lifted, the distributor must then submit an RMP because he does not qualify for EPA's stay.
- Acetylene is used as a fuel in the welding business. If it is used in amounts below 67,000 pounds, the chemical is subject to EPA's stay - and an RMP will not be required on June 21. We won't know if the final regulation will include acetylene or any other specific flammable hydrocarbon until EPA addresses comments on the proposal.
- 20,000 pounds of propane used in a batch process with other listed RMP chemicals is subject to the court-ordered stay and will not have to meet the June 21 deadline. If the court stay is lifted, an RMP is then required because the facility does not qualify for EPA's stay.

### *What if I already submitted my RMPlan for propane or a flammable hydrocarbon fuel below 67,000 pounds?*

You will receive a letter from EPA giving you two options: 1) withdraw or revise your RMPlan; or 2) leave your RMPlan as a voluntary submission. If you submitted a Plan only for propane or a flammable hydrocarbon fuel you can choose to withdraw it. If you have other RMP-listed chemicals and propane or a flammable hydrocarbon fuel you can withdraw your current Plan and submit a new one with the fuels deleted.

Remember, in order to take EPA's options, you must meet the criteria for the court-ordered or EPA stay. If the court-ordered stay is lifted for propane, a facility may have to resubmit a newly updated and certified RMPlan.

### *What else do I have to watch out for?*

In addition to the court-ordered stay and EPA's stay, there have been two other Congressional initiatives. On April 26, Senator Inhofe introduced a bill to exempt all flammable fuels. On March 25, Congressman Blunt and eight other Representatives introduced a bill to remove liquefied petroleum gas (mostly propane) from the list of RMP-covered substances. If either of these bills is signed into law, EPA will be required to revise Risk Management Program regulations.

### *How do I keep on top of developments?*

New developments are posted the same day on the "What's New?" page at [www.epa.gov/ceppo](http://www.epa.gov/ceppo). EPA's Hotline is also immediately notified of any developments in our program. Call them at **(800)-424-9346** to get the latest update. And, as always, be sure to keep in touch with the Small Business Assistance Program in your state.

# **THE HIGH PRODUCTION VOLUME CHALLENGE PROGRAM AND SMALL BUSINESSES**

## ***UPDATE ON PROGRAM PROGRESS***

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

### **HPV Challenge Program in Focus:**

The "High Production Volume" (HPV) Challenge Program is the result of separate studies by the Environmental Defense Fund (EDF), the EPA, and the Chemical Manufacturers Association (CMA). All of these studies confirmed that basic toxicity testing data are not now publicly available for a great majority of the approximately 2,800 industrial chemicals used in highest volume in the U.S. economy (those made or imported in quantities of more than a million pounds per year). Of the more than 2,800 HPV chemicals that were identified, 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. The lack of data in the public domain prompted the Vice President to challenge industry to rapidly supply the missing information. Without this basic hazard information, it is difficult to make sound judgments about what potential risks these chemicals could present to people and the environment. The Program is an ambitious effort to tackle this problem by assembling existing data and testing chemicals as necessary and then making these important data available to scientists, policy makers, communities, industry, and environmental advocates.

### **Progress To Date:**

There has been a remarkable response to this challenge. As of this writing about 230 companies have agreed to sponsor, either individually or as a member of one or more of the 55 consortia established, the generation of screening data for over 1,150 of the chemicals on the HPV list. Despite the estimated potential cost of over \$400 million to fill all of the existing gaps in the basic screening data sets, many companies have chosen to participate. A list of the HPV Challenge Program Chemicals can be found at [www.epa.gov/chemrtk/hpvchmlt.htm](http://www.epa.gov/chemrtk/hpvchmlt.htm)

### **Why Participate?:**

Many companies are participating because they understand that under the Principles of Responsible Care they can and should do nothing less. They too were disturbed when they saw how few HPV chemicals have basic test data available and they too recognize that these gaps need to be filled. There are also practical advantages to participating in the voluntary program. Under the voluntary Program, there will be more flexibility in the way the data is to be acquired and made available. Those chemicals that are not sponsored under the voluntary program will eventually be included in a Test Rule under Section 4 of the Toxics Substance Control Act (TSCA). Under TSCA-directed testing there would be no such flexibility.

### **Who is Participating?:**

It appears that the greater majority of the companies who have signed up to sponsor chemicals, either individually or as part of consortia, are among the larger companies in the industry. For example, of the ten largest chemical companies according to Fortune Magazine, seven are on the list of sponsoring firms. Many of the sponsoring companies are also members of CMA or API and are participating in consortia that are sponsored by those organizations. The smaller firms, particularly those among the specialty and batch producing segment of the industry, have expressed concerns about their ability to participate and are, currently, not as well represented on the sponsors list.

## **The HPV Challenge Program and Small Businesses:**

The design of the HPV Challenge Program will have a minimal effect on small business, as there exists a small business exemption in TSCA-related activities, including the Inventory Update Rule reporting. Companies that produce less than 10,000 pounds per year are exempt from reporting under the IUR. The 1990 IUR was used to generate the HPV Challenge Chemical list, that is, those chemicals reported in 1990 for which the aggregate production volume was a million pounds or greater. However, our dialogues with companies and trade organizations continues. We have identified particular concerns of small manufacturers/specialty chemical manufacturer's, and we are exploring adjustments to the Challenge Program to accommodate the needs of small business. We are committed to working with small businesses and the specialty chemical manufacturer's and its member firms on their issues and are hopeful that we will reach consensus on many of their concerns.

### **Key Date and Timeline:**

You have until December 1<sup>st</sup>, 1999 to sign-up and sponsor chemicals under the voluntary program. The actual program implementation and generation of the necessary testing information will continue through 2004. Through both voluntary and regulatory means, EPA will assure that testing and data collection meets the goals set by the Vice President.

### **Open Stakeholder Meetings Scheduled for this Summer and Fall:**

In collaboration with various trade associations (CMA, API, SOCMA and others) and non-governmental organizations (EDF, and others), we have scheduled two stakeholder meetings in Washington, DC. On July 27, EDF is hosting a HPV meeting and on September 21, 1999 - CMA is hosting an HPV meeting. If you're interested in learning more about these open meetings, please call or e-mail the below listed EPA contact.

### **How can you find out more about this Program?**

For more information on the ChemRTK Program and to learn of new developments, you may visit our Web Site at [www.epa.gov/chemrtk](http://www.epa.gov/chemrtk).

### **How can you express your concerns/issues to EPA on this Program?**

You may submit comments on our Web Site ([www.epa.gov/chemrtk](http://www.epa.gov/chemrtk)) or you may contact the Office of Pollution Prevention and Toxic's Small Business Liaison, **David Piantanida** on (202) 260-2983 or at [piantanida.david@epa.gov](mailto:piantanida.david@epa.gov). I would be interested in hearing any ideas you might have on how we might ensure that small business concerns are well-represented, so please write me:

David Piantanida  
Office of Pollution Prevention and Toxics  
Mailcode 7408  
U.S. Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460

## Summary of Report to Congress EPA's Small Business Burden Reduction Activities

On March 4, 1999, EPA submitted a report to Congress on its burden reduction activities. This report responded to Congress (*House Report 105-610 and Senate Report 105-216*) requesting the Environmental Protection Agency (EPA) to report on opportunities within the Reinventing Environmental Information (REI) initiative that will achieve burden reduction for small businesses through consolidation of reporting and elimination of duplication and overlap, and to outline the findings of current and ongoing agency projects connected to burden reduction. The report divided EPA burden reduction activities into six major sections:

1. Overview of EPA's general approach
2. Description of the REI program
3. Specific accomplishments and planned activities
4. Sector-based efforts under the Common Sense Initiative
5. Additional ways that EPA provides assistance to small business
6. Creation of EPA's new Information Management Office

### *Approach to Burden Reduction and Dialogue with Small Business*

The Agency's approach to burden reduction is multifaceted. EPA carefully and thoroughly examines regulatory and policy options with respect to reporting and recordkeeping requirements, searches for alternative sources of existing data, defines optimal reporting schedules and strives to design collection instruments that are as clear and simple as possible. EPA scrutinizes the impact of its information collection requirements on small businesses during the development and review of proposed regulatory actions and in the development of non-regulatory information collections. And lastly, EPA continues to review and evaluate information collection requirements contained in existing regulations for opportunities to reduce or eliminate the paperwork burden on small businesses.

As EPA moves forward with more efficient approaches to reporting, we need feedback from small businesses to align our new technologies with small business needs. In addition, the creation of a new, consolidated information office at EPA will augment the activities of the EPA Small Business Ombudsman's office to provide a central point of contact for small businesses on information issues, including information collection (burden reduction), data quality, and public access to environmental data.

With these factors in view, EPA has begun a dialogue with a group of small business representatives to identify opportunities for reducing reporting burden and to review other elements of information management of particular significance to small businesses. These discussions will include both short term actions and long-term strategic approaches. EPA has asked the business representatives to identify their greatest concerns regarding environmental reporting, and these concerns will form the basis for the dialogue.

### *Description of Reinventing Environmental Information (REI) Program*

In July 1997, Administrator Carol Browner announced the Reinventing Environmental Information (REI) initiative, a series of groundbreaking information management reforms that will streamline EPA's processes for collecting, managing, and disseminating information. These reforms will simplify the reporting process and greatly reduce recordkeeping burdens on the EPA regulated community. Since small businesses are especially impacted by today's complex reporting environment, they will benefit greatly from the improvements to be achieved by implementation of REI.

The REI program will simplify and streamline environmental reporting and recordkeeping by implementing several major information reforms and initiatives. They are as follows:

- Develop an EPA Environmental Data Registry of all data elements,
- Implement Agency-wide standards for data collected by EPA,
- Create electronic reporting capabilities,
- Design Central Receiving infrastructure at EPA for all incoming data, and
- Expand EPA's One-Stop Program with the States.

### ***EPA Program Office Accomplishments and Planned Activities***

In the Office of Air and Radiation the agency worked closely with the small-business community and with the U.S. Small Business Administration (SBA) in developing the final rule controlling smog-causing emissions from architectural and industrial paints and coatings (63 FR 48848, September 11, 1998). As a result of this joint effort, EPA was able to incorporate a number of provisions that will substantially lessen the impact of this rule on small businesses. As a result, the SBA complimented OAR on its efforts to streamline and reduce the burden of this rule without sacrificing environmental goals.

On February 4, 1999, the Administrator signed a final rule on the reporting thresholds for gasoline and diesel fuel in underground tanks at retail gas stations. The final rule significantly reduces paperwork burden for small business by raising the reporting thresholds. There is a reduction in burden of nearly 600,000 hours and a cost savings of over \$16 million.

The Office of Water burden reduction activities include: suspension of unregulated contaminant monitoring requirements for small public water systems, revisions to the unregulated contaminant monitoring regulation, streamlining the general pretreatment regulations for existing and new sources of pollution.

### ***Activities under the Common Sense Initiative***

The Regulatory Information Inventory and Team Evaluation (RIITE) project, established under the Common Sense Initiative (CSI) for Metal Finishing, was the first EPA-led effort to assess the cumulative impacts of environmental reporting on an industrial sector predominately composed of small businesses. RIITE is also a prime example of the success of EPA's multi-stakeholder efforts to reinvent environmental information--the legacy of RIITE is currently being expressed in Agency regulatory, policy and infrastructure building efforts. It is also the basis for follow-up efforts with participating States and municipalities in air, water and hazardous waste programs. The benefits of RIITE have also recently been quantified, and it is clear that adopting the "RIITE approach" can save millions of dollars to implementing authorities and small businesses, while improving the quality and accessibility of environmental information to the public.

### ***Additional Ways EPA Achieves Small Business Regulatory Burden Reduction***

EPA sponsors or supports various activities which provide valuable assistance to small businesses in reducing regulatory burden. EPA has a history of assisting small businesses and is now, more than ever, committed to developing and enhancing programs that promote environmental compliance among small businesses, and addressing the special needs of small businesses. The Agency has programs which are geared specifically to small businesses, as well as programs available to entities of all sizes which are utilized particularly by small entities. Some of the activities from across the Agency that provide regulatory burden reduction assistance to small businesses include: the Small Business Advocacy Review Panels, the EPA Office of the Small Business Ombudsman, and the Compliance Assistance for Small Businesses.

### ***EPA's New Information Management Office***

The new information office, proposed to begin September 1, 1999, will serve as a center of excellence that advances the use and management of information as a strategic resource to enhance public health and environmental protection. Primary goals of the new office will be to provide public access to high quality, integrated data; promote the Agency's partnerships with states and other stakeholders to improve the quality and utility of data; and, streamline information collection and reduce the burden on states and the regulated community, which includes small businesses.

### ***Conclusion and Next Steps***

The Agency continues to move ahead on its small business burden reduction efforts. EPA has worked extensively with the regulated community to determine requirements that should be revised or eliminated and what types of revisions are necessary. EPA is examining not only the need for requirements, but also how essential information can be collected and provided at lowest cost. Among other things, the Agency is exploring how technology can be used to reduce paperwork burdens and improve the timeliness and usefulness of information received. The Agency will increase its efforts with small businesses in these areas and will be reporting back to Congress on results of the dialogue with small business representatives that will continue through the end of 1999. For further information contact:

Rick Westlund at 202-260-2745





# The One Stop Program

Partners In Reinventing Environmental Information Management

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**June 1999:** As reported in the last issue, the One Stop office, under the Associate Administrator for Reinvention, operates a program to build and support State/EPA partnerships in information management reform. Prompted by the early efforts of the One Stop Program, EPA leadership and the Environmental Council of States (ECOS) Data Management Committee has established a joint ECOS/ EPA Information Management Work Group. The group has established; an agreement on goals for improving the collection, management, and use of environmental data; and a set of principles that will guide the work of EPA and the states. The agreement includes commitments to develop integrated information systems based on data standards, new electronic reporting capabilities, and improved public access. The Work Group consists of six senior executives from EPA and six state representatives. The current co-chairs are Brent Bradford of Utah and Chuck Fox, EPA Assistant Administrator for Water. Recently, EPA Co-chair responsibilities have been filled by Margaret Schneider, designated DAA for EPA's new Information Office. This issue will focus on the workgroup and provide a synopsis of its activities.

## **STATE/EPA INFORMATION MANAGEMENT WORK GROUP: WHY DOES IT EXIST, AND WHAT DOES IT DO?**

### **How the Work Group Began...**

- Created to support implementation of the One Stop Program
- Co-chaired by senior EPA and State managers (Chuck Fox and Brent Bradford)
- A place for State and EPA policy-makers to collaborate on information reinvention and integration, share experiences, work on issues requiring State/EPA cooperation
  - *e.g., Public Access, Stakeholder Involvement, Data Integration, Common Facility ID, Burden Reduction*

### **State/EPA Vision and Operating Principles**

- A statement of EPA/State partnership and mutual information management goals, developed by Workgroup and approved by ECOS and EPA leadership
- Key principles:
  - Agree that data should have a demonstrable use to program managers and/or public
  - Commit to sharing core environmental information through data standards and compatible systems
  - Work together to ensure efficient investments, as both sides modernize systems
  - Recognize the critical need to share environmental information accurately and respectfully
  - Commit jointly to improving the collection, management and sharing of information, while reducing burden

### **The Work Group's Charter and Mission**

- Build a forum for straight talk and joint problem solving between States and EPA, to tackle the issues that arise as EPA and States rapidly modernize systems and reinvent information management
- Provide a means for States and EPA to learn from one another's efforts
- Avoid uncoordinated State and EPA system investments, facilitate efficient system planning, and deal with transitional problems, as EPA and States react to each other's moving targets of system modernization

- Understand and address State issues (e.g., reducing the burden of State reporting to EPA, ensuring that data originating with states is appropriately used and released)
- Identify critical information management/policy needs and do work not being done elsewhere
- When needed, provide a mechanism for obtaining State and EPA commitment on actions

### **Major Work Under Way with States on What information is collected and How it is Managed**

- **State/EPA Reducing Reporting Burdens.** Through the Workgroup, EPA and ECOS have agreed upon a constructive policy framework - assessing the value and cost of information - for addressing an issue critical to States. A process to reduce burden and increase the value of information has been jointly initiated, and will be tracked by the Workgroup.
- **Managing Data Exchange Between Systems in Transition.** The Workgroup chartered an Action Team to investigate how best to construct an interface between two “moving targets,” EPA’s PCS system and state water systems, as they are re-engineered. The challenge of maintaining an interface with PCS is a harbinger of issues to come, as other EPA and State systems are modernized.
- **Developing a Common Facility Standard.** A standardized way of identifying facilities is essential to sharing and aggregating data across program areas, and between States and EPA. An Action Team charged with developing an approach that meets the needs of both EPA and States has nearly completed work on a joint data standard for the exchange of standardized facility data.
- **Common Facility Data Model -** The One Stop Program has also developed a Facility Identification Template for States (FITS), which many states are using to guide their data integration efforts. Approximately 40 States have established or are working toward the development of integrated facility information systems.
- **Joint State/EPA Development of Data Standards and Metadata.** Data standards are essential for the accurate and efficient exchange of data, and for the appropriate interpretation of data by the public and other secondary users. An Action Team created by the Workgroup to work on this issue is proposing (1) a collaborative process by which States, EPA, and Tribes would agree on common formats, definitions and “metadata” for commonly exchanged data; and (2) an interim mechanism for State review of the “REI 6” standards under development by EPA. A joint process for developing data standards will create a common language for sharing data, facilitate better quality data and more consistent use, and aid rational system planning.

### **What Work has recently been Launched**

- **Information Plan.** The Workgroup is designing an approach for State involvement as EPA develops its Agency-wide Information Plan. This Plan has been identified as the key driver for all EPA information activities. Ultimately, the Plan will identify information needs that meet EPA’s business objectives, identify unnecessary data for burden reduction, and plan for coordinated technology investments, thus improving the public’s access to and ability to use information from multiple sources.
- **Consolidated Reporting.** States and EPA are scoping the possibility of a joint State/EPA effort, which would build on the past successes of CSI and Project XL, and develop a common template for consolidated reporting by facilities that might ultimately have nationwide applicability. Benefits would be to reduce the reporting burden for industry by eliminating redundant data collection, to complement the development of integrated facility systems, and to support cross-media environmental management.
- **Want to know more?** please visit the State/EPA Information Management Workgroup website (<http://www.state-epa-info-group.org/>) or the One Stop Reporting Program website (<http://www.epa.gov/reinvent/onestop/>) for further information contact **John Sullivan** (202) 260-1778

# The \$mart Growth Network

Find us on the  
Web at:  
[www.  
smartgrowth.org](http://www.smartgrowth.org)

Smart Growth... is the fledgling citizen movement that has arisen to combat sprawl and its diverse pathologies. Once toiling in isolation from each other, citizen groups from across the political and cultural spectrum are now coming together to champion more efficient, socially constructive alternatives to sprawl — smart growth. It turns out that urban minorities and farmers, environmentalists and public education advocates, religious groups and businesses, and

## Why Smart Growth Matters

Current development patterns are characterized by low-density, single and separate land uses, increasing land consumption, abandonment of the urban core, and increased dependence upon the automobile. These patterns have well documented effects on the environment. Continuing increases in vehicle miles of travel erode the gains



we have achieved in improving air quality. Added roads and parking lots increase the volume of contaminated stormwater runoff and reduce groundwater recharge. And the tilt

of the development playing field-- away from center cities and existing suburbs, and towards the undeveloped fringe-- leaves abandoned brownfields to languish while farms and habitat are converted to subdivisions and malls at the edge.

The US Environmental Protection Agency (EPA), while greatly impacted by these trends, has not traditionally responded to them directly, addressing instead their air quality, water quality and other consequences. Through a re-organization within EPA's Office of Policy in 1996, the Urban and Economic Development Division (UEDD) was created to proactively address the built environment. Shortly thereafter the UEDD launched the Smart Growth Network.

The Smart Growth Network is a voluntary partnership program coordinated by the UEDD. Its mission is to create *metropolitan development that serves the economy, community and environment*. To accomplish this mission the Network Partners have developed a set of principles that help define "smart growth." [Continued on back.]

## Setting Smart Growth into Action

**1. Putting the Pieces Together--** Many groups work on aspects of smart growth-- housing, transportation, greenways-- but relatively few make the links between the economic, environmental and community issues. The Network gathers these pieces of information together and packages them in a way that is clear and actionable. Publications include introductory primers such as "Why Smart Growth," "Best Development Practices," and "Smart Investments for City/County Managers." In addition, the Network's website ([www.smartgrowth.org](http://www.smartgrowth.org)), Smart Growth Speaker Series, and membership mailings provide information on this new paradigm.

**2. Breaking Down Barriers and Creating Opportunities--** The Network conducts policy analysis and tool development to identify policy options and tools that promote smart growth. For example, the Network is currently documenting the air quality benefits of infill development compared to development on the fringe and working to capture these benefits under the Clean Air Act. The Network is also working to pilot the Location Efficient Mortgage, a new financing tool that would create greater home buying power in high density and transit-rich locations. [Continued on back.]

many others, share a great deal in common.

— From “How Smart Growth can Stop Sprawl,” a briefing guide for funders by David Bollier

To learn more about the Smart Growth Network, contact EPA at:

Phone:  
202-260-2750  
Fax:  
202-260-0174

For Membership information contact ICMA at:  
202-962-3591



## Why Smart Growth Matters (continued)

- ◆ Mix land uses.
- ◆ Take advantage of compact building design.
- ◆ Create a range of housing opportunities and choices.
- ◆ Create walkable neighborhoods.
- ◆ Foster distinctive, attractive communities with a strong sense of place.
- ◆ Preserve open space, farmland, natural beauty, and critical environmental areas.
- ◆ Strengthen and direct development towards existing communities.
- ◆ Provide a variety of transportation choices.
- ◆ Make development decisions predictable, fair, and cost-effective.
- ◆ Encourage community and stakeholder collaboration in development decisions.

To achieve these results communities have used a variety of development strategies. Typically they include many of the following elements:

- ◇ Conservation of open/green space (including farmland preservation);
- ◇ Incentives to encourage reinvestment in central cities, older suburbs, and existing communities;
- ◇ Location of major regional attractions in central cities;
- ◇ Creation of higher-density nodes of development around transit;
- ◇ Use of new urbanist ideas to create

new higher density communities with charm and character;

- ◇ Mixed-use development;
- ◇ Dispersed affordable housing; and
- ◇ Infill development.

Current development patterns are the combined result of the actions of developers, local governments, state agencies, architects, federal policies, local environmental groups and others. Any stakeholder alone can not implement the strategies listed above. Mixed uses must be accepted by financiers and permitted by local governments. Higher densities must be integrated into neighborhoods by architects and accommodated by transportation agencies.

Because change will require action from many sectors, the Smart Growth Network works with each to explore opportunities for smarter growth. Partners in the Network include the National Trust for Historic Preservation, the Urban Land Institute, the State of Maryland, the International City/County Management Association, the Surface Transportation Policy Project, the American Farmland Trust, the Natural Resources Defense Council and others. Partners work with the UEDD and each other to identify the barriers and opportunities they face in creating smart growth, and to examine how, through collaborative action, better development patterns and practices can be achieved.

## Setting Smart Growth into Action (continued)

**3. Getting the Word Out and Working Locally--** The Network offers technical assistance through infill re-development workshops, modeling development options, facilitating public dialogue and other activities. Outreach includes the highly successful Partners for Smart Growth Conferences, participation in planning dozens of regional smart growth conferences, a variety of local events, and regular telephone or email consultations.

**4. Creating Coalitions--** The Network currently has over 20 partners and more than 300 members (membership opened in December and is available to the general public). Partners and members fill many roles in the Network including delivering the smart growth message to their constituency, jointly developing outreach and research with the EPA and other Network partners, and providing expertise to local groups working on smart growth issues.

## Smart Growth Network Partner Organi-



For more information, please visit our web site at:

[www.smart-growth.org](http://www.smart-growth.org)

Or contact EPA at (202) 260-2750.



The \$mart Growth Network's partners work with each other and with the public on outreach programs, technical assistance, research, analytical tools, publications, and other collaborative projects. Our current partners span a wide range of organizations and projects, as listed below:

- American Farmland Trust
- American Planning Association
- Center for Neighborhood Technology
- Chesapeake Bay Program
- Congress for the New Urbanism
- Conservation Fund
- Environmental Law Institute
- International City/County Management Association
- Local Government Commission
- NACo/USCM Joint Center for Sustainable Communities
- State of Maryland
- National Association of Counties
- National Association of Local Government Environmental Professionals
- National Association of Regional Councils
- National Growth Management Leadership Project
- National Neighborhood Coalition
- National Trust for Historic Preservation
- Natural Resources Defense Council
- The Northeast-Midwest Institute
- Scenic America
- Surface Transportation Policy Project
- Sustainable Communities Network
- Trust for Public Land
- Urban Land Institute
- United States Environmental Protection Agency





# 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.** 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 company 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 August 11, 1999 and close on October 13, 1999.** The Solicitation will be posted on the National Center for Environmental Research and Quality Assurance WEBSITE at:

<http://www.epa.gov/ncerqa> (click on Small Business)

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

800-490-9194



**Q. Where can small business find free assistance for environmental issues?**

**A . [www.mentor-center.org](http://www.mentor-center.org)**


**THE MENTOR CENTER**

About the Center | About Mentoring | Mentoring Resources

***Business Helping Business Build Value Through Environmental Responsibility***

The Mentor Center links businesses with peer-to-peer assistance programs, free or low-cost technical assistance and consulting that harnesses the expertise of companies that have demonstrated environmental leadership.

The programs listed here come from diverse sources: companies, colleges, and universities, chambers of commerce, government agencies, trade associations, and multi-sector partnerships. Each program varies in the services it offers and the types of companies it helps.

 **BEGIN YOUR SEARCH HERE**

Search | About the Center | About Mentoring | Mentoring Resources

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The Mentor Center features a searchable database that allows companies to find mentors and assistance programs from the 250 plus programs across the United States. The database allows users to search for specific mentoring programs based on industry sector, environmental media, geographical regional, and so on.

The Mentor Center is a project of the Institute For Corporate Environmental Mentoring at the National Environmental Education and Training Foundation, a nonprofit organization based in Washington DC. The Mentor Center was developed, in part, with support from the U.S. EPA's Office of Reinvention. For more information, contact: Walt Tunnessen, NEETF, 734 15th Street NW. Washington, DC 20005. (202) 628-8200 ext. 21. [www.neetf.org](http://www.neetf.org)

Opening June 1999



## NEW Document Available from EPA!

# “Environmental Management Guide for Small Laboratories”

This fact sheet has been prepared to provide information about a new document on small chemical laboratory environmental issues.

### What is a “laboratory?”

The word “laboratory” (or “lab”) is generally used to describe a facility that conducts experimental or routine testing.

Most people associate labs with activities involving chemicals.



Although there are some large lab organizations, such as research and development functions in corporations and government, **most labs are small businesses or small entities within larger organizations.**

For example, many communities have at least one independent testing lab with 10 or fewer employees. These local labs may test a wide range of environmental, physical material, medical, biological, or food samples. A review of your local telephone directory often reveals a surprising number and variety of labs. At most small labs, environmental management is a “shared” responsibility as opposed to that of a single individual.

Common small lab types include:

- Clinical labs associated with medical or dental practices.
- Forensic testing labs.
- Environmental testing labs.
- QA labs for chemical or other

manufacturing plants.

- Teaching and academic research labs (grade school, high school, and college).

In each of these cases, it is useful to think of the lab as a small business that either operates on its own or is “captive” to a larger organization. The environmental aspects of “captive” labs should be evaluated independently because lab staff and activities are often very different from the rest of the organization or business they are associated with.

To help protect workers from the diversity of chemical hazards in labs, The Occupational Safety and Health Administration (OSHA) established the “Lab Standard” in 1990. OSHA estimated **there are about 35,000 labs in the U.S.**

Given this number, it is probably safe to assume that most states have hundreds of labs.

### What environmental issues occur in labs?

Unlike other small businesses such as printers, auto shops, and dry cleaners, which tend to generate large quantities of a few pollutants, labs typically generate small quantities of a wide variety of pollutants. This characteristic requires careful attention in dealing with labs on compliance and on pollution prevention issues.

In fact, because of this

characteristic, the term “lab pack” was coined years ago by hazardous waste firms to describe a typical method of waste handling. In a “lab pack” a number of small containers (i.e. jugs and bottles) of hazardous waste, are individually packaged in a traditional 55 gallon drum. Although “lab packs” appear inefficient compared to combining all materials, they make sense because it is unwise, for safety and legal reasons, to encourage mixing different lab wastes in a single container.

Like many other small businesses, labs have environmental challenges and opportunities associated with air quality management, wastewater management, and hazardous waste management. Some examples follow:

- States and local municipalities often regulate wastewater discharges and may also regulate lab fume hood exhausts through a permitting system. The uneven natural patchwork of regulations requires each lab situation to be carefully evaluated.
- Many labs perform “sink disposal” of waste materials. Though legal in many cases, this practice is still not necessarily the best environmental management choice.



- Labs may resist using recycled materials, especially solvents, in analyses due to concerns about compromising test result quality. Because the results of testing are used to make decisions that often have severe financial or legal consequences for their customers, labs are typically focused exclusively on quality and may be resistant to material or process changes.
- Labs often must follow standard test methods and therefore cannot easily deviate in procedures or materials.
- Labs often stockpile samples (which may be hazardous) and aged chemicals, until there is no longer sufficient storage space. When this happens, labs may have a “Spring Cleaning” which could temporarily catapult them into a higher RCRA generator class and cause unnecessary disposal costs and paperwork.
- Some states, like California and Washington, have special lab-based regulations or assistance programs that may also occur elsewhere. These programs are not well publicized.



In general, labs present a unique environmental compliance and pollution prevention situation that is very different from any other small businesses needing assistance.

**More special issues about labs**

There are a number of additional concerns about labs that readers should be aware of. Among the most important are:

- Unique health and safety concerns associated with site visits. Visitors should be

especially cautious during a lab site visit because special training is often needed to work within a lab. Consider, for example, that lab workers have the second highest rate of HIV/AIDS infection from occupational exposure among all professions (after nurses).

- Lab workers tend to be highly educated compared to many other small business types. Thus it would not be unusual to provide assistance to workers with advanced college degrees, some of whom may have uniquely advanced knowledge of chemicals and reactions.
- Academic or teaching labs provide a special opportunity to provide training. In these labs, students are learning, for the first time, how to deal with chemicals. It is important that they also learn, at the same time, how to handle these materials in a way that does not cause pollution. Environmentally responsible work habits learned in an academic lab will hopefully be taken elsewhere in the job market.



Finally, because there is no single association representing all labs, it is difficult to reach them effectively. Conversely, it is difficult for the labs to learn about the resources EPA and states can offer.

**What EPA resources are available?**

EPA recognizes the unique environmental challenges associated with small lab operations and has developed a document titled, “Environmental

Management Guide for Small Laboratories” (Guide).

The Guide offers the following:

*Small Lab Characterization and Applicable Regulations:* A summary of lab activities and the federal regulations that typically affect these activities. Key topics include lab waste management, lab air quality management, and lab wastewater management.

*Self Assessment Tool:* A set of questionnaires that labs or others can use to assess relative environmental status in the key areas mentioned above. With an emphasis on pollution prevention, these tools should be useful to labs of all types and sizes.

*Directory of Applicable Resources:* Although there is a lot of information available on labs, much is not relevant to the environmental issues associated with small chemical labs. This directory contains a listing of books, newsletters, meetings, and Internet sites that should be useful for anyone interested in the subject. Each source has been screened for relevancy.

The Guide is available from:

**Small Business Ombudsman  
Office of Policy Planning, and  
Evaluation (2131)  
U.S. Environmental Protection  
Agency  
401 M Street  
Washington, DC 20460  
202/260-0490**

Ask for document:  
**EPA 233-B-98-001**

# “Sustainable Industry” is Creating Incentives and Removing Barriers to Better Environmental Performance



## CREATING ROADMAPS FOR INNOVATION

Since 1993, EPA has been working in partnership with several industries to find the most effective and innovative ways to improve environmental performance while easing the burdens of regulation. The Agency's Office of Policy Development teams with business managers and other stakeholders to learn about the factors that directly affect environmental management decisions.

Based on this knowledge, we test incentives and tools (*drivers*) that can promote improved compliance and "beyond compliance" actions by businesses acting in their own interest. We also test ideas to overcome *barriers* that stand in the way of improved, cost-effective environmental protection. EPA then works with stakeholders to bring about long-term changes in government and industry programs -- changes that will permanently address the drivers and barriers for each sector.

## SMALL BUSINESSES ARE PARTNERS

The Sustainable Industry Program offers small businesses opportunities to partner with EPA in solving problems. Business concerns as well as environmental problems get government attention. Regulators and the regulated seek changes through give and take. Industry changes might come in the form of better management practices or new technologies. Changes by government could be revised rules, a shift from regulations to voluntary programs, or streamlined process requirements. Learning and cooperating yields benefits to all participants.

## SECTOR PROJECTS ARE MOVING FORWARD

The *Metal Finishing Strategic Goals Program (SGP)* is in its second year of implementation. More than 250 metal finishers have pledged to achieve voluntary "beyond compliance" performance targets. Seventeen states have joined as partners along with 41 local wastewater treatment providers. Multi-stakeholder groups are developing "performance ladder" incentives for metal finishers and assistance programs for participating facilities. The Small Business Administration has joined with SGP stakeholders to pilot an Access to Capital loan program in California.

The *New Jersey Chemical Industry Project* has achieved results in several areas: (1) the first-ever trade of local pretreatment limits among industrial dischargers (a flexibility model for other POTWs); (2) guidance on opportunities for material recycling in batch chemical processes, (3) sector-focused compliance assistance tools; and (4) a "flexible track" incentives program for facilities with good records (now under development). New Jersey expects to announce the Flexible Track program this summer and begin accepting facility applications in the fall.

EPA and the *Photo Processing* industry are testing pollution prevention benefits of a voluntary code of management practices for silver use. The Code may provide a more efficient and cost-effective way for small processors to achieve environmental goals than with numeric wastewater discharge limits.

Several Sustainable Industry sectors are completing initial "driver-barrier" analysis and moving into a stakeholder review and refinement stage. The *Metal Foundry & Die Casting* and the *Meat Processing* sectors have completed initial industry expert review. EPA now is expanding review by other stakeholders as a prelude to defining pilot project opportunities by late summer and early fall. The *National Specialty-Batch Chemical Manufacturing* sector is midway in its analytical process and will begin industry expert review in the fall.

The *Travel and Tourism* sector strategy is to articulate a vision of sustainable tourism, measure and communicate tourism's environmental and economic impacts, and then implement projects that address those impacts. A draft report on tourism impacts is now available for review. A National Sustainable Tourism Network is in the making. An analysis of environmental "drivers and barriers" in the mountain resorts industry is ready for stakeholder review.

A new partnership with the *Shipbuilding and Ship Repair* sector is off to a strong start. EPA representatives are visiting and receiving input from shipyards across the country. Industry representatives have been forthright with EPA about their environmental practices, and feedback from shipyard managers has been enthusiastic.

## FOR MORE INFORMATION:

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

## 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's Section 507 programs 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.

For those who have not visited the Small Business Environmental Home Page lately, please check it out again! The links and resources on the Home Page are continuously updated, and the following are recent additions and improvements:

- # **NEW!** A Mid-Atlantic Region Small Business Assistance web page has been added (funded by EPA Region III). This web page (<http://www.smallbiz-enviroweb.org/region03.asp>) includes direct links to web sites that provide information on technical assistance, cost reduction and energy conservation, environmental technology development, and funding sources for states in the Mid-Atlantic Region (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).
- # **NEW!** A performance measurement tools and success stories searchable database has been added to enable tools from states and EPA to be reviewed and directly downloaded, revised, and used. Currently there are 65 performance measurement tools and 4 success stories available for downloading at: <http://www.smallbiz-enviroweb.org/perfmeas.asp>. EPA OECA's *Guide for Measuring Compliance Assistance Outcomes* is available for downloading from the same address. Please note that we need your performance measurement tools and success stories to add!
- # The publications searchable database now includes approximately 1,575 directly linked publications and fact sheets!
- # The videos searchable database now has about 440 videos on health and safety training, environmental information, and small business assistance!
- # The upcoming events searchable database is on line and a "send us your event" form is available for easy inclusion of your events!
- # The Pollution Prevention/ISO 14000 subpage has been updated with more links and web site descriptions.
- # Presentations from the 1999 SBO/SBAP National Conference in Tampa, Florida are now available to be downloaded from the EPA TTNWeb site through a link on the Small Business Assistance subpage.
- # **Coming soon** is a new way to share and find state news!
- # You can find out what's been added/revised on the Home Page by clicking on the *What's New* button!

In addition to the newer features described above, the Home Page continues to include: links to state environmental agencies and small business assistance program web sites, SBO update newsletters, Key Compliance Advisory Panel (CAP) contacts and meeting information, links to state environmental newsletters and funding information subpages, compliance information (including monthly regulatory updates, environmental reporting calendar and requirements checklist, law summaries, links), EPA and small business assistance program contact lists, links to trade associations and listing of trade association contacts, summaries and links to new small business initiatives and policies, industry sector links, funding help, and links to environmental and other helpful sites.

Users are encouraged to provide information on events, news, contacts, publications/fact sheets, videos, CAP information, performance measurement tools and success stories, and corrected/new links to include on the Home Page, and any comments and suggestions about the Home Page to Audrey Zelanko ([zelankoa@ctc.com](mailto:zelankoa@ctc.com) and [audreyz@ccia.com](mailto:audreyz@ccia.com); **412/826-6807**).

## WHERE TO CALL FOR MORE INFORMATION AND HELP

### EPA SMALL BUSINESS OMBUDSMAN

Toll Free (800) 368-5888	Local and DC Area (202) 260-1211	T.D.D. (202) 260-1258	Fax (202) 401-2302
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Homepage [www.epa.gov/sbo](http://www.epa.gov/sbo)

#### EPA Web Pages and Hotlines

#### Phone Number

<ul style="list-style-type: none"> <li>• National Center for Environmental Publications . . . . . 800-490-9198 (<a href="http://www.epa.gov/ncepihom/index.html">www.epa.gov/ncepihom/index.html</a>) . . . . . 513-489-8190</li> <li>• Indoor Air Quality Information Clearinghouse . . . . . 800-438-4318 (<a href="http://www.epa.gov/iaq">www.epa.gov/iaq</a>)</li> <li>• Radon . . . . . 800-767-7236 (<a href="http://www.epa.gov/iaq/radon">www.epa.gov/iaq/radon</a>)</li> <li>• EPA Energy Star . . . . . 888-782-7937 (<a href="http://www.epa.gov/smallbiz">www.epa.gov/smallbiz</a>)</li> <li>• Clean Air Technical Center . . . . . 919-541-0800 (<a href="http://www.epa.gov/ttn/catc">www.epa.gov/ttn/catc</a>)</li> <li>• Mobile Sources (Emissions) . . . . . 734-214-4333 (<a href="http://www.epa.gov/omswww">www.epa.gov/omswww</a>)</li> <li>• Emission Measurement Center . . . . . 919-541-0200 (<a href="http://www.epa.gov/ttn/emcl">www.epa.gov/ttn/emcl</a>)</li> <li>• Stratospheric Ozone Information . . . . . 800-296-1996 (<a href="http://www.epa.gov/ozone">www.epa.gov/ozone</a>)</li> <li>• Acid Rain (emission trading, auctions, Information) . . . . . 202-564-9620 (<a href="http://www.epa.gov/acidrain">www.epa.gov/acidrain</a>)</li> <li>• Safe Drinking Water Hotline . . . . . 800-426-4791 (<a href="http://www.epa.gov/safewater">www.epa.gov/safewater</a>)</li> <li>• National Small Flows Clearinghouse (WV Univ) . . . . . 800-624-8301 (<a href="http://www.nsfrc.wvu.edu">www.nsfrc.wvu.edu</a>)</li> <li>• Storm Water Phase II Information . . . . . 202-260-5816 (<a href="http://www.epa.gov/owm/sw2.htm">www.epa.gov/owm/sw2.htm</a>)</li> <li>• Water Resource Center . . . . . 202-260-7786</li> <li>• Pollution Prevention Information Clearinghouse . . . . . 202-260-1023</li> <li>• National Solid &amp; Hazardous Waste Ombudsman . . . . . 800-262-7937 Washington Metro Area . . . . . 202-260-9361</li> <li>• Wetlands Information . . . . . 800-832-7828 (<a href="http://www.epa.gov/owow/wetlands">www.epa.gov/owow/wetlands</a>)</li> <li>• U.S. EPA RCRA, Superfund &amp; Underground Storage Tanks Hotline . . . . . 800-424-9346 Washington Metro Area . . . . . 703-412-9810 (<a href="http://www.epa.gov/epaoswer/hotline">www.epa.gov/epaoswer/hotline</a>)</li> <li>• Emergency Planning &amp; Community Right to Know Title III (EPCRA) . . . . . 800-535-0202 Washington Metro Area . . . . . 703-412-9877</li> <li>• Toxic Substance Control Act (TSCA) &amp; Asbestos Information for Schools . . . . . 202-554-1404</li> <li>• Office of Pesticide Program Registration Division (Ombudsman) . . . . . 703-305-5446 (<a href="http://www.epa.gov/pesticides">www.epa.gov/pesticides</a>)</li> <li>• Bio-Pesticide Staff Assistance . . . . . 703-308-8098 (<a href="http://www.epa.gov/pesticides/biopesticides">www.epa.gov/pesticides/biopesticides</a>)</li> <li>• National Pesticide Telecommunications Network . . . . . 800-858-7378 (<a href="http://ace.orst.edu/info/nptn">http://ace.orst.edu/info/nptn</a>)</li> <li>• EPA Waste Wise/Waste Reduction . . . . . 800-372-9473 (<a href="http://www.epa.gov/wastewise">www.epa.gov/wastewise</a>)</li> <li>• Office of Environmental Justice . . . . . 800-962-6215</li> <li>• Office of Pollution Prevention &amp; Toxics . . . . . 202-260-2983 (<a href="http://www.epa.gov/opptintr">www.epa.gov/opptintr</a>)</li> <li>• Chemical Emergency Preparedness &amp; Prevention Office . . . . . 202-260-7938 (CEPPO) Small Business Liaison (<a href="http://www.epa.gov/ceppo">www.epa.gov/ceppo</a>)</li> <li>• Small Business Innovation Research (SBIR) . . . . . 800-490-9194 (<a href="http://es.epa.gov/ncerqa/sbir">http://es.epa.gov/ncerqa/sbir</a>)</li> <li>• EPA Inspector General (IG) . . . . . 202-260-4977 (<a href="http://www.epa.gov/oigearth/index.htm">www.epa.gov/oigearth/index.htm</a>)</li> </ul>	
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## OTHER WEBSITES & HOTLINES

## Phone Number

! Small Business Environmental Home Page . . . . .	(412) 826-6807
<a href="http://www.smallbiz-enviroweb.org">www.smallbiz-enviroweb.org</a>	
! Recycling Hotline . . . . .	(800) 253-2687
<a href="http://www.recycle.net./recycle">www.recycle.net./recycle</a>	
! National Technical Information Service (NTIS) . . . . .	(800) 553-6847
<a href="http://www.ntis.gov">www.ntis.gov</a> . . . . .	(703) 605-6000
! National Response Center for reporting oil spills and hazardous . . . . .	(800) 424-8802
substance releases	
Washington Metro Area . . . . .	(202) 267-2675
<a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a>	
! Department of Energy (DOE)--National Alternative Fuels Hotline . . . . .	(800) 423-1363
<a href="http://www.afdc.nrel.gov">www.afdc.nrel.gov</a>	
! Energy-efficiency & Renewable Energy.Clearinghouse . . . . .	(800) 363-3732
(Operated by the DOE)	
<a href="http://www.eren.doe.gov">www.eren.doe.gov</a>	
! DOT--Transportation of Hazardous Materials. . . . .	(800) 467-4922
<a href="http://hazmat.dot.gov">http://hazmat.dot.gov</a>	
! CHEMTREC Center Non-Emergency Service operated by the . . . . .	(800) 262-8200
(Chemical Manufacturers Association)	
<a href="http://www.cmahq.com/cmawebiste.nsf/pages/chemtrec">www.cmahq.com/cmawebiste.nsf/pages/chemtrec</a>	
! Center for Management Courses on ISO 9000/14000 . . . . .	(703) 250-5900
<a href="http://es.epa.gov/cooperative/topics/iso14000.html">http://es.epa.gov/cooperative/topics/iso14000.html</a>	
! National Lead Technical Information Center . . . . .	(800) 424-5323
Washington Metro Area . . . . .	(202) 974-2476
<a href="http://www.nsc.org/ehc/lead.htm">www.nsc.org/ehc/lead.htm</a>	
! Small Business Administration . . . . .	(800) 827-5722
<a href="http://www.sba.gov">www.sba.gov</a>	
! Regulatory Fairness Boards (SBA) . . . . .	(888) 734-3247
<a href="http://www.sba.gov/regfair">www.sba.gov/regfair</a>	
! Occupational Safety & Health Administration (OSHA) . . . . .	(800) 321-6742
(Worker Safety Referral Services)	
<a href="http://www.osha.gov">www.osha.gov</a>	
! American Lung Association . . . . .	(800) 586-4822
<a href="http://www.lungusa.org">www.lungusa.org</a>	
! Consumer Product Safety Commission . . . . .	(800) 638-2772
<a href="http://www.cpsc.gov">www.cpsc.gov</a>	
! Radon (National Safety Council) . . . . .	(800) 557-2366
<a href="http://www.nsc.org/ehc/indoor/radon.htm">www.nsc.org/ehc/indoor/radon.htm</a>	
! INFOTERRA/USA . . . . .	(202) 260-5917
<a href="http://www.epa.gov/INFOTERRA">www.epa.gov/INFOTERRA</a>	
! Government Printing Office . . . . .	(202) 512-1800
<a href="http://www.gpo.gov/#info">www.gpo.gov/#info</a>	
! National Institute of Occupational Safety and Health . . . . .	(800) 356-4674
<a href="http://www.cdc.gov/niosh/homepage.html">www.cdc.gov/niosh/homepage.html</a>	
! National Environmental Training Center for Small Communities . . . . .	(800) 624-8301
<a href="http://www.estd.wvu.edu/netc/netcsc_homepage.html">www.estd.wvu.edu/netc/netcsc_homepage.html</a>	

### EPA REGIONAL REGULATORY SMALL BUSINESS LIAISONS

REGION	1	CT, ME, MA, NH, RI, VT	Dwight Peavey	(617) 918-1829
	2	NJ, NY, PR, VI	John D. Wilk	(212) 637-3918
	3	DE, DC, MD, PA, VA, WV	David Byro	(800) 228-8711/(215) 814-5563
	4	AL, FL, GA, KY, MS, NC, SC, TN	Annette V. Hill	(404) 562-8287
	5	IL, IN, MI, MN, OH,	Glynis Zywicki	(312) 886-4571
	6	AR, LA, NM, OK, TX	David Gray	(800) 887-6063/(214) 665-2200
	7	IA, KS, MO, NE	Janette Lambert	(913) 551-7768
	8	CO, MT, ND, SD, UT, WY	Rob Laidlaw	(303) 312- 7064
	9	AZ, CA, HI, NV, AS, GU	Mark Samolis	(415) 744-2331
	10	AK, ID, OR, WA	Bill Dunbar	(206) 553-1138

# 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 53. 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 1-800-368-5888/202-260-1211.

### RECENT INITIATIVES TO BETTER SERVE YOU

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

- ! Hosted sixth National Small Business Ombudsman and Technical Assistance Program Conference in Tampa, FL, attended by 47 States, 2 Territories, and the District of Columbia (200 participants), and have set plans to issue a grant to the state of Montana's Department of Environmental Quality for a seventh Conference in the Spring of 2000.
- ! Developed external stakeholder guidance and acted as a principal participant in the Agency's Eighth Regulatory Tiering (prioritizing) Process.
- ! Coordinated individual meetings and follow-up meetings between major small business trade associations and the EPA Deputy Administrator, Assistant Administrators, and Agency Small Business Program Office Representatives on April 17, June 17, September 18, November 24, 1998, and June 11, 1999, to discuss small business initiatives and issues.
- ! Finalized EPA's 1997 Small Business Ombudsman Report to Congress under Section 507 of the 1990 Clean Air Act Amendments and have received state reports for the development of the 1998 report. Received 3-year ICR approval for reporting of years 1998-2000 from the Office of Management and Budget.
- ! Cooperatively managing Small Business Regulatory Enforcement Fairness Act of 1996 small business entity outreach activities in order to implement Act requirements.
- ! Planning to conduct annual Small Business Liaison Conference for EPA Regional Small Business Representatives on August 3-4, 1999.
- ! Upgraded EPA Small Business Ombudsman Home Page on <http://www.epa.gov/sbo>.
- ! Participated in 40 to 50 EPA Regulatory work groups or as formal reviewers to represent Small Business concerns.
- ! Conducted fourth State Compliance Advisory Panel (CAP) Training in April for 22 CAPs utilizing a newly completed Compliance Advisory Panel Management Manual to assist State CAPS with their Clean Air Act responsibilities.
- ! Issued Environmental Management Assistance Guide for Small Laboratories and are in the process of upgrading and expanding the document.

- ! Issued a State Resource Guide for Small Business Assistance Programs.
- ! Implementing Cooperative Agreement Programs with a number of states to improve outreach and to measure their assistance effectiveness.

### CLEAN AIR ACT (CAA)

#### IMPLEMENTATION STRATEGY UPDATE

EPA's Office of Air and Radiation has prepared a 1999 *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

EPA plans to announce the final Integrated Urban Air Toxics Strategy on July 1, 1999. 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 website at [www.epa.gov/ttn/uatw/112k/urbanpg.html](http://www.epa.gov/ttn/uatw/112k/urbanpg.html) or call EPA's Office of Air Quality, Planning and Standards at 919-541-4487.

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

In 1992, EPA issued regulations providing for the establishment of comprehensive state air quality permitting systems consistent with the requirements of Title V of the Clean Air Act. The Rule allows States to issue a general permit covering numerous similar small sources, each of which need only submit information covering its eligibility. The Rule was revised and expanded in 1994, including the provision of more flexibility in the revision of permits, with

more flexibility provided in 1995. Amendments were published on June 3, 1996, providing non-major source emission exemptions. See 7/1/96 Code of Federal Regulations (CFR), Part 70. In July 1998, the Agency extended state operating permit programs interim approvals until 6/1/00. For detailed history, see our Item I-25.

## CAA -- A GUIDE FOR SMALL BUSINESSES

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

## COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA DECISION ON NEW NATIONAL AMBIENT AIR QUALITY STANDARDS REVISIONS FOR PARTICULATE MATTER AND OZONE

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

- In July 1997, EPA issued health-based air quality standards for ozone and particulate matter. In response to challenges filed by industry and others, a 3-judge panel of the Court of Appeals for the District of Columbia Circuit issued a split opinion on May 14, 1999.
- The Court held (2 to 1) that the Act, as applied and absent further clarification, is unconstitutional because it "effects an unconstitutional delegation of legislative power."
- Contrary to the claims made by petitioners and other critics, nothing in the court's opinion undercuts or criticizes the science on which EPA relied.
- The Court rejected petitioners' claims that EPA should take cost into account in setting the air quality standards.
- Contrary to the claims made by petitioners, nothing in the Court's opinion undercuts or criticizes the process EPA used.
- The Court held paradoxically that the Clean Air Act allows EPA to revise the primary ozone standard, but stated that revised ozone standard "cannot be enforced."
- In addressing whether EPA should have considered alleged benefits of ozone as a shield in blocking UVb radiation, the Court held that EPA must consider whether ozone has a beneficial effect, and if so, consider such effects in assessing ozone's net effects on health.
- The Court found "ample support" for EPA's decision

- to regulate coarse particulate pollution below the 1987 levels, but also found that PM10 was "a poorly matched indicator for coarse particulate pollution" because PM10 includes fine particles.
- The Court rejected petitioners' claim that EPA should have considered any detrimental health effects relating to unemployment that allegedly would be caused by the NAAQS.
- The Court upheld EPA's decision to rely on the regional haze program to mitigate some of the adverse visibility effects caused by PM2.5.
- The opinion remands the cases to EPA for further consideration. During remand, the legal status of the standards is as follows:
- The Court left the new ozone standard in place based on its determination that it "cannot be enforced."
- The Court vacated the revised coarse particle (PM10) standards.
- The Court will set a briefing schedule to determine whether the PM2.5 standards should be vacated or remain in place while the case is remanded to the agency.

We will continue to keep you updated.

## NEW CAA MEDICAL WASTE INCINERATOR RULE

This final rule applies to incinerators that are used to burn hospital waste and/or medical/infectious waste (MIW). The rule encompasses incineration at hospitals, other health care type facilities, and commercial waste disposal incinerators that burn these wastes. For both new and existing sources, the regulation provides incinerator operators with a number of compliance options, i.e., pollution control technologies to meet the new air emission standards depending on the size of the MIW. We have worked closely with small community hospitals to provide them with the most affordable way to meet the new requirements. Rural incineration facilities are required to meet less stringent emission limits, but must still make changes, Item I-46.

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

In 1994, a General Provisions Rule was issued to establish a consistent set of requirements for NESHAPS under the air toxics provisions of the Clean Air Act, Item I-20. Since then, EPA has finalized rules which affect many small businesses, including Halogenated Solvent Cleaning Processes, Item I-21; (stay on continuous use of cleaning machines, until December 2, 1999), Chromium Electroplating and Anodizing Operations---revision of compliance deadlines for California: Federal Register 1/30/97, Item 1-22; Ethylene Oxide Emissions from Commercial Sterilization and Fumigation Operations, Item I-23 (IMPORTANT NOTE: Rule further SUSPENDED from 12/4/98 until December 6, 1999); 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, 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 Registers 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.

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

On June 4, 1996, EPA published a revision to the Initial List of Categories of Sources, as required under Section 112 (c)(1)of the Clean Air Act of 1990; and a revised schedule for the Promulgation of Emission Standards for the above categories; and an advance notice to propose adding more Research and Development Facilities was issued on 5/12/97, 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 and 1/9/98. Item I-29.

## **PERCHLOROETHYLENE (PCE) HEALTH EFFECT STUDIES**

EPA's National Center for Environmental Assessment (in 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 noncancer toxicity; in addition to conclusions about cancer hazards, if any, a reference concentration (RfC) for inhalation exposure and a reference dose (RfD) for ingestion exposure will be recommended. The assessment began in the Spring of 1999, and completion is expected in calendar year 2000. 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.

## **STRATOSPHERIC OZONE PROTECTION CFC PHASEOUT RULES**

An accelerated phase-out of the production of Chlorofluorocarbons (CFC), Halons, Carbon Tetrachloride, Methyl Chloroform, and Hydrochlorofluorocarbons (HCFC) was mandated and internationally endorsed in 1992 with reconsideration of petition criteria and incorporation of Montreal Protocol Decisions: Direct final rule, 8/4/98 FR 41625-655. 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, Item I-17, Labeling of products containing ozone depleting substances and their packaging, Item I-18, and significant new *alternative refrigerants, updated periodically*, Item I-19.

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

The proposed Field Citation's 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 is also clarifying 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),

Also, in the Federal Register (5/28/99 FR pp 29167-9), the Agency is providing a six-month stay of the effectiveness of its Risk Management Plan (RMP) rule under CAA section 112(r) as it applies to processes containing no more than 67,000 pounds of certain flammable hydrocarbon fuels. These FR notices are in OASBO Item I-30.

Elsewhere in our newsletter **Flammable Hydrocarbons in Risk Management** are addressed.

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

In 1995 and 1996, in part to response to several court decisions, EPA issued transitional guidance relative to the definition of PTE under the Clean Air Act. PTE is important because of a source's PTE determines its need for a State Operating Permit under Title V. This Office has advocated that concerns of small businesses regarding clarity, realistic definitional parameters, and alternatives be considered. EPA issued a second extension of the 1995 "transition" policy on 7/10/98, good until 12/31/99. In 1966 EPA issued a clarification of methods for calculating PTEs in Batch Chemical Manufacturing. Guidance to assist States in creating minor source status for low-emitting sources in 8 industries (gasoline service stations, gasoline bulk plants, boilers, cotton gins, coating sources, printing, degreasers using volatile organic solvents, hot mix asphalt plants) was issued on April 19, 1998. Finally, guidance regarding the PTE of some sources located on tribal lands was issued on March 7, 1999, 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 and other solid waste incinerators are scheduled for proposal on November 15, 1999. Regulations for the other industrial combustion source categories will be proposed after this date.

## **NATIONAL RADON PROFICIENCY PROGRAM**

EPA ceased operations of its National Radon Proficiency Program on 9/30/98. EPA awarded a cooperative agreement to the Conference of Radiation Control Program Directors to design criteria for private entities for Certification of Radon Services Providers, Accreditations of Radon Chambers and Laboratories and the Approval of Measurement Devices. The National Environmental Health Association will test the criteria program. The National Radon Safety Board also has developed a 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: landfills, industrial waste combustors, transportation equipment cleaning, centralized waste treatment, feedlots (swine, poultry, and cattle), pulp and paper, iron and steel, construction and development, metal products and machinery, oil and gas extraction (synthetic-based drilling fluids), and coal mining.

EPA participated in Small Business Advocacy Review Panels for three proposed rules in 1997 and 1998. Each of those proposals incorporated recommendations from the Panel. For most of the other industries, EPA analyzed the potential economic impacts on small businesses and concluded that the rules would not result in a significant impact on a substantial number of small entities. Later in 1999, EPA is planning to convene a Small Business Advocacy Review Panel for metal products and machinery.

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

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

For the first phase of the storm water program, EPA published the initial permit application requirements for certain categories of storm water discharges associated with industrial activity and discharges from municipal separate storm sewer systems located in municipalities with a population of 100,000 or more on November 16, 1990 (55 FR p. 47990).

The November 16, 1990, storm water regulations presented three permit application options for storm water discharges associated with industrial activity. The first

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

The next phase of the storm water program, phase II, is currently under development. EPA chartered a committee under the Federal Advisory Committee Act (FACA) to help frame the policy issues integral to protecting water quality from storm water discharges. EPA developed proposed phase II regulations with input from the FACA committee. The proposed regulations were signed on December 15, 1997, and appeared in the Federal Register on January 9, 1998. The comment period for the proposed rule ended on April 9, 1998. EPA also held public meetings and public hearings on the proposed rule in six cities. EPA is now in the process of addressing issues raised during the public comment period and preparing a final rule. This final rule is projected for October, 1999. Interested parties may obtain more information by calling (202) 260-5816 or sending e-mail requests to "sw2@epamail.epa.gov." For the name and phone number of the Storm Water primary contact for your State and the EPA Regional contact, phone us at (800) 368-5888 and request Item G-9, "Overview of the Storm Water Program."

## REVISION OF PRETREATMENT REQUIREMENTS

EPA is developing a proposal that will modify the General Pretreatment Regulations (40 CFR Part 403) to reduce the burden to publicly-owned treatment works (POTWs) and industrial users. These revisions will allow more flexibility in regulating low pH wastes, allow either mass or concentration based limits to be established, better tailor oversight of and sampling by significant industrial users, and allow the granting of removal credits for certain pollutants. The proposed rulemaking will also clarify how management practices and general permits can best be used, provide for use of electronic reporting, and address other important program issues. To facilitate regulatory changes that would be responsive to the needs of the stakeholders, EPA provided brief discussions of

the issues to stakeholders (state authorities, trade associations, industrial users, environmental organizations and individual POTWs) for their review and comment prior to drafting the formal proposal. The Notice of proposed rule-making is expected to be during July, 1999.

## ESTABLISHMENT OF ELECTRONIC REPORTING FOR NPDES PERMITTEES

USEPA expects to propose a rule to allow NPDES reports and other information to be submitted electronically. The proposed rule would establish criteria for electronic reporting and a specific process and conditions for electronic reporting of discharge monitoring reports. The proposal addresses electronic signature, certification, and record keeping requirements that permittees would follow when submitting forms to USEPA electronically. The proposal is planned for summer 1999.

## SAFE DRINKING WATER ACT (SDWA)

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

## SMALL SYSTEM CAPACITY DEVELOPMENT

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

By October, 2000 States have to develop and implement strategies to help water systems achieve and maintain capacity. States that do not set up these programs will lose a portion of their Drinking Water State Revolving Fund capitalization grant. In August 1998, EPA released guidance documents to assist states. These include a guidance for states on ensuring new water system capacity and a guidance for states on capacity development strategy preparation. A subgroup of NDWAC provided formal input to EPA as it developed these guidances. Copies can be requested through the Safe Drinking Water Hotline on 1-800-426-4791.

The SDWA Amendments of 1996 created a new multi-billion dollar Drinking Water State Revolving Fund

(DWSRF) program which provides capitalization grant funds to states to set up drinking water infrastructure programs and for other activities related to the protection of drinking water. The DWSRF pays special attention to the needs of small systems. A minimum of 15% of the DWSRF funds that a state expects to expend each year must go to drinking water systems serving less than 10,000 people. Most states have been well above that percentage. Up to 2% of a state's annual DWSRF allotment may be used for technical assistance to small drinking water systems. States also have the flexibility to provide an amount up to 30 percent of the capitalization grant for additional principal subsidies for disadvantaged communities. States have the flexibility to define the affordability criteria used to determine which systems meet the eligibility criteria for these additional subsidies.

As of June 30, 1999, EPA has awarded approximately \$ 1.78 billion to States for capitalization grants.

## **OTHER TECHNICAL ASSISTANCE FOR SMALL WATER SYSTEMS**

EPA supports a network of nine Small Water System Technology Assistance Centers that provide technical assistance to small water systems in several areas. These include the evaluation of treatment options, education and training programs for operators and managers, source water protection, and information management. These Centers are located at the University of Alaska Southeast at Sitka, Western Kentucky University, the University of Missouri at Columbia, Montana State University, the University of New Hampshire, California State University at Sacramento, Charles County Community College (Maryland), the University of Illinois at Urbana-Champaign, and Pennsylvania State University.

## **SOURCE WATER PROTECTION**

The SDWA Amendments of 1996 require states to conduct source water assessments of all the public water supplies in the state and provide funding through the DWSRF to assist the states. Source water assessments are the first step in developing a source water protection program which works to prevent contamination from entering the source of the local drinking water supplies. These protection programs represent the first line of drinking water protection, and they are often the most cost-effective protection programs for water systems. These protection programs can also be the basis for monitoring relief. EPA issued source water assessment and protection guidance in August 1997, and assisted the states in the development of their programs. States were required to submit their programs to EPA by February 6, 1999. All states but two submitted their programs on time, and these two are expected to submit their programs this summer. EPA is reviewing the program submittals, and expects to approve one-third in July, 1999. Each state must develop its program utilizing a citizen advisory committee. States were encouraged to have small business operators represented on these advisory committees.

## **CONSUMER CONFIDENCE REPORTS**

The 1996 SDWA Amendments require that all drinking water suppliers provide an annual report to their customers on the quality of their water, the source of the supply, and other factors. EPA released its consumer confidence report regulation in August 1998, and water systems are now developing their reports. All community water systems must develop these reports by October, 1999. EPA is working with States and drinking water utility associations to provide assistance to water suppliers in the form of guidance and electronic templates. Once States gain primacy for this program, they may develop an alternative form and content for the reports as well as allow an alternative means of distribution for systems serving fewer than 10, 000 persons.

## **VARIANCES AND EXEMPTIONS**

The Agency promulgated in August 1998 Revisions to Existing Regulations on Variances and Exemptions under the Safe Drinking Water Act, as amended. These regulations are part of an array of regulatory relief offered to small public water systems under the Act. Variances allow systems with poor source water quality to deviate from a Maximum Contaminant Level (MCL) or Treatment Technique for a given contaminant, while exemptions allow additional time for systems to come into compliance with a new MCL or Treatment Technique. The Agency sought and received extensive public comments on the proposed revisions.

## **LIST OF ALTERNATIVE SMALL WATER SYSTEM COMPLIANCE TECHNOLOGIES**

Some small water systems cannot afford to comply with current drinking water standards due to a number of possible factors which can include a lack of expertise in operating complex treatment technologies, lack of a full-time operator, or lack of a large customer base to lessen the cost impact of costly treatment. The 1996 amendments to the Safe Drinking Water Act requires EPA to identify alternative treatment technologies that can be used by these small water systems. EPA released this list of alternative technologies in August 1998. This is a dynamic list and will be periodically updated.

## **STRATEGY FOR THE MANAGEMENT OF CLASS V WELLS**

Class V injection wells are typically shallow disposal systems that are used to place a variety of fluids below the land surface, into or above underground sources of drinking water (USDWs). Examples of Class V injection wells include, industrial waste disposal wells, motor vehicle waste disposal wells, large-capacity septic systems, and stormwater drainage wells. The fluids released by certain types of these wells have a high potential to contain elevated concentrations of contaminants that may endanger USDWs. In January 1997, the EPA entered into a modified consent decree with the Sierra Club Legal Defense Fund. The modified consent decree requires three actions. First, EPA

must propose regulations for Class V injection wells determined to be high risk. Second, EPA must conduct a study of the remaining types of Class V wells to determine their risk to public health. And third, based on the outcome of the study, EPA must propose regulations for some or all of the remaining wells or propose a decision that no further rule making is necessary. To fulfill the first requirement, EPA proposed the Revisions to the Underground Injection Control Regulation for Class V Injection Wells, which were published in the Federal Register on July 29, 1998 (63 FR 40586). The proposed rule focuses on three high-risk Class V injection wells in source water protection areas: motor vehicle waste disposal wells; industrial waste disposal wells; and large-capacity cesspools. The final rule is scheduled to be signed by the Administrator by October 29, 1999. To meet another requirement of the consent decree, EPA is currently conducting a study of the remaining Class V injection well types, which is scheduled for completion by September 30, 1999. Further regulatory requirements will be determined based on the outcome of the study.

## **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. A Proposed Rule Change covering glove requirements was published in September, 1997. A Final Rule amendment is anticipated in LATE 1999.

Also, EPA has published a final Policy Statement on the manufacturer and distributor labeling revisions required by the WPS which is included in Item F-17. EPA has available many items to assist in compliance with the Worker Protection Standards, including bilingual training manuals for pesticide applicators, videos and leaflets for pesticide handlers, a pesticide safety poster for workers, a slide presentation covering the "Standard," a heat stress guide, and other items. A copy of the publication "*Worker Protection Standard: Materials Developed by EPA, States, and Other Organizations*," which describes Worker Protection Standard materials and how to obtain them, may be obtained from the EPA Certification and Worker Protection Branch, (7506-C) 401 M Streets, S.W., Washington, D.C. 20460, or by calling 1-703-305-7666. These WPS materials addressing pesticide safety and training may also be obtained through EPA Regional Offices (<http://www.epa.gov/epahome/locate2.htm>), States Agencies (<http://ace.ace.orst.edu/info/nptn/-state1.htm>) the Cooperative Extension Service (<http://www.reeusda.gov/>), the Government Printing Office, and private agricultural supply businesses.

### **RESTRICTED USE CRITERIA FOR PESTICIDES**

## **IN GROUND WATER POLICY STATEMENT**

The agency plans to publish a policy statement in the Federal Register by December, 1999, which will establish criteria for determining whether a pesticide should be considered for restricted use due its potential to reach ground water. Pesticide products classified for restricted use may be purchased and used only by certified pesticide applicators or individuals under their supervision. This policy does not directly change the classification of any pesticide products. EPA will propose restricted use classification for specific pesticide products only after further evaluation of products which meet the criteria.

## **HAZARDOUS WASTE MANAGEMENT RESOURCE CONSERVATION & RECOVERY ACT (RCRA)**

### **SOLVENT-CONTAMINATED SHOP TOWELS AND WIPES**

EPA's Office of Solid Waste is considering 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 261-265, 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.

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; and that land disposal restriction requirements also would have to be met.

### **HAZARDOUS WASTE RECYCLING REGULATIONS**

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

## **MODIFICATIONS TO THE DEFINITIONS OF SOLID WASTE AND REGULATIONS OF HAZARDOUS WASTE RECYCLING**

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

## **HAZARDOUS WASTE MANAGEMENT: SPENT LAMPS RULE-MAKING STATUS**

EPA is drafting a final rule for the management of spent hazardous waste lamps. A proposed rule was published on July 27, 1994, FR pp. 38289-304. The proposed rule solicited comment on two options: (1) an exclusion for mercury containing lamps (which include fluorescent lamps) from regulation as hazardous waste provided disposal is made in permitted landfills, and (2) adding spent mercury lamps to EPA's universal waste rule (see Item C-51). Over 300 public comments were received on the proposed rule. A related supplemental analysis was completed and published in the Federal Register on 7/11/97. A final rule is expected to be published in Summer 1999. The Proposed Rule on mercury lamps is included in Item C-80.

## **HAZARDOUS WASTE LAND DISPOSAL RESTRICTIONS RULE UPDATE**

Congress, in the Hazardous Solid Waste Amendments (HSWA) of 1984 to the Resource Conservation and Recovery Act (RCRA), established a timetable for restricting land disposal of hazardous wastes unless properly treated. Treatment standards have been finalized which are included in Title 40 of the U.S. Code of Federal Regulations (CFR) Part 268, July 1, 1996, as amended, (2/18/97, FR). The CFR Part 268, as amended, is included in Item C- 41. The Final (Phase III) Rule was published (4/8/96 FR pp. 15565-668) with subsequent corrections and revisions listed in Item C-88. The Phase IV Final Rule has been published (5/26/98, FR pp. 28555-754) and is included in Item C-89. Prior Rules included in Item C-89 cover treatment standards for wood preserving wastes, paperwork reduction, and clarification of treatability variances, (5/12/97 FR pp. 25998-990 and 12/5/97 FR pp. 64504-9).

This Final Phase IV Rule contains five major, interrelated sections. The first section explains the land disposal restrictions treatment standards for wastes identified as hazardous because they exhibit the toxicity

characteristic for metals (referred to as "TC metal wastes"). The second major section establishes the prohibition on land disposal plus treatment standards for a particular type of newly identified hazardous waste: mineral processing waste that exhibits a characteristics of hazardous waste. The third section addresses additional issues affecting both TC metal wastes and characteristic mineral processing wastes. The fourth section amends the rules defining when secondary materials being recycled are solid wastes. The final major section promulgates amended treatment standards for soil that contains hazardous waste or which exhibits a characteristic of hazardous waste.

This Final Rule also includes two brief sections on hazardous waste issues unrelated to the major sections. One clarifies that a previously-promulgated exclusion from hazardous waste regulation for recycled shredded circuit boards also applies to whole circuit boards under certain conditions. The other section promulgates an exclusion from RCRA jurisdiction for certain wood preserving wastewaters and spent wood preserving solutions when recycled.

On May 11, 1999 (5/11/99, FR pp 25408-17), EPA issued a technical correction to five Phase IV-related rules that were published on May 12, 1997, May 26, 1998, August 31, 1998, September 4, 1998, and September 24, 1998. On May 12, 1997, EPA published regulations promulgating Land Disposal Restrictions (LDR) treatment standards for wood preserving wastes, as well as reducing the paperwork burden for complying with LDRs. On May 26, 1998, EPA published regulations promulgating LDR standards for metal-bearing wastes, as well as amending the LDR treatment standards for soil contaminated with hazardous waste, and amending the definition of which secondary materials from mineral processing are considered to be wastes subject to the LDRs. On August 31, 1998, EPA published an administrative stay on the metal-bearing waste treatment standards as they apply to zinc micronutrient fertilizers. On September 4, 1998, EPA published an emergency revision of the LDR treatment standards for hazardous wastes from the production of carbamate wastes. On September 24, 1998, EPA published revised treatment standards for spent aluminum potliners from primary aluminum production. The technical correction corrects and clarifies these final regulations.

## **REINVENTING THE LAND DISPOSAL RESTRICTIONS PROGRAM**

The Land Disposal Restrictions (LDR) program was established to minimize threats posed by the land disposal of untreated hazardous wastes. The program has been in place for a number of years and now regulates all but the most recently listed hazardous wastes. The Agency is now examining the LDR program, exploring past accomplishments, current issues, and future possibilities. The goals of the examination are to make the LDR program more cost-effective, clearer, more enforceable, and, more flexible while continuing to be environmentally protective. The Agency will develop an advance Notice of Proposed Rulemaking (ANPRM) to present initial thinking and the results of some activities taken as part of the ongoing LDR Reinvention Project so that the public will have an

opportunity to comment. The ANPRM is scheduled for publication in Fall 1999. A proposed and final rule will follow.

## **LAND DISPOSAL RESTRICTIONS; POTENTIAL REVISIONS FOR MERCURY LISTED AND CHARACTERISTIC WASTES**

This Advanced Notice of Proposed Rulemaking (ANPRM), published in the Federal Register, May 28, 1999, pages 28949-63, solicits information and comments on EPA's data on Mercury-bearing hazardous waste, technical and policy issues regarding mercury hazardous waste treatment and potential avenues by which current mercury treatment standards might be revised. Some forms of mercury wastes are now required to be treated by either incineration or retorting. Both of these forms of treatment have the potential to emit mercury via air emissions. Also, some information suggests that certain waste types which are required to be retorted may not be amenable to that form of treatment. There also is a shrinking demand for mercury, which brings up concerns about requiring recovery of mercury wastes. The data and information gathered by this ANPRM process are intended to be used to propose revised treatment standards for some forms of mercury hazardous wastes in a future rulemaking.

More information on the ANPRM may be obtained from the RCRA Hotline at 1-800 424-9346 (DC area at 703-412-9810). The notice is also available from the World Wide Web site address [www.epa.gov/fedrgstr](http://www.epa.gov/fedrgstr).

## **UNIFORM HAZARDOUS WASTE MANIFEST UPDATE**

Further Rule-making 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 completion, transmission, and storage of manifest data. As part of the proposed rulemaking, EPA is also considering an exemption to the manifest rule in order to allow certain wastes from remote sites to be consolidated more easily. A notice of proposed rule-making is scheduled for about April 2000.

## **HAZARDOUS WASTE IDENTIFICATION RULE**

## **RE-PROPOSAL**

Other rule-making actions concerning management of hazardous wastes which have been reported in the FR and referenced in prior Updates concerned the December 9, 1991, U.S. Court of Appeals ruling which vacated the previously promulgated "mixture" and "derived-from" rules. EPA, after reviewing comments on a Proposed Rule addressing the Definition of Hazardous Waste, deemed it appropriate to withdraw the proposal and to remove the expiration date from the reinstatement of the "mixture" and "derived-from" rules. These actions were taken in the FR of October 30, 1992, pp. 49278-80 and EPA published a Proposed Rule (FR December 21, 1995, pp. 66344-469) included in OSBO Item C-87 under the title, "Identification and Listing of Hazardous Waste: Hazardous Waste Identification Rule." This rule proposed a "self-implementing" exemption for low-risk listed hazardous wastes, while still protecting health and environment, and it included a risk analysis to evaluate a variety of exposure pathways and receptors.

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

## **HAZARDOUS RULE (HWIR) FOR CONTAMINATED MEDIA**

As part of the President's March 1994 Environmental Regulatory Reform Initiative, the United States Environmental Protection Agency (EPA) has finalized new regulations for RCRA hazardous wastes that are treated, stored or disposed of during cleanup actions.

These regulations were proposed on April 29, 1996, and were titled "Requirements for Management of Hazardous Contaminated Media" but are commonly referred to as the Hazardous Waste Identification Rule for Contaminated Media" or "HWIR Media." That proposal covered a broad spectrum of potential reforms to the regulations of remediation waste. In the Final (HWIR) Media Rule as published, EPA finalized the four sets of provisions specified in the following paragraphs. Also, EPA has finalized the provisions for land disposal restrictions (LDR) treatment standards for hazardous soils that contain listed hazardous waste or exhibit a hazardous characteristic (from the HWIR-media proposal) in the "Phase IV" rule (5/26/98 FR pp. 28555-754, See Item C-89). EPA is withdrawing all other provisions of the HWIR-media proposal, including the proposal to withdraw the Corrective Active Management Unit (CAMU) rule. Since the provisions of this rule and the Phase IV rule, would not adequately replace the flexibility currently provided by the CAMU rule, the agency is therefore not withdrawing the CAMU rule.

The four main changes to regulatory requirements as published in the Final Rule 11/30/98 FR pp. 65873-947 and 12/01/98 FR 66101-2 (OSBO Item C-45), are: 1) streamlined permits for treatment, storage or disposal of

hazardous waste generated during cleanup that will be faster and easier to obtain than traditional RCRA permits, and that do not require facility-wide corrective action; 2) provisions for a new kind of unit called a "staging pile" that allows more flexibility for the storage of remediation waste during cleanup actions than is currently available under the RCRA Subtitle C requirements; 3) an exemption from RCRA Subtitle C for materials dredged under permits issued under Marine Protection, Research and Sanctuaries Act or the Clean Water Act to reduce confusion and dual regulation of dredged materials; and 4) streamlined authorization procedures for States seeking to be authorized and, therefore, able to implement, revisions to Federal RCRA regulations.

## **HAZARDOUS WASTE STORAGE AND DISPOSAL REGULATION RELATED TO LOW LEVEL MIXED WASTE**

EPA is considering a regulatory exemption from the RCRA hazardous waste disposal requirements for low level mixed waste (LLMW). EPA will determine whether the disposal of LLMW in facilities designed to address radiological hazards which are licensed by the Nuclear Regulatory Commission (NRC) will provide adequate protection of human health and the environment with respect to chemical hazards. If the Agency decides that such disposal is protective, EPA will propose that for the purposes of disposal these wastes meeting requirements under the land disposal restrictions program be conditionally exempted from the RCRA subtitle C disposal requirements. Commercial mixed waste generators, particularly nuclear power plants, contend that NCR regulations covering design, licensing and operation of low level radioactive waste disposal facilities offer human health and environmental protection similar to that required by EPA requirements governing chemical hazards under RCRA regulations.

A Notice of Proposed Rulemaking (NPRM) is anticipated in October this year.

## **SMALL QUANTITY GENERATOR HANDBOOK**

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

## **USED OIL MANAGEMENT STANDARDS**

On May 6, 1998, EPA issued a Direct Final Rule (5/6/98 FR pp 24963-9) which included eight amendments clarifying various parts of the used oil management standards and provisions of the hazardous

waste regulations concerning used oil. EPA also issued a notice of proposed rule-making 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(l) (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 FR Notices are included in the OSBO Item C-36. EPA will promulgate a final rule in the near future finalizing the three amendments, as appropriate, and addressing the comments received. The five amendments that did not receive relevant adverse comment became effective on July 6, 1998 as provided in the May 6, 1998 Direct Final Rule.

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

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

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

The rule 40 CFR Part 112, included in Item C-77, also concerns facility preparedness and development of response plans under the Oil Pollution Act (the Act of 1990) which requires that EPA issue regulations to require "Facility Response Plans" (FRP) covering events which could cause substantial harm to the environment. Also,

included in publication Item C-77 is the National Response Team's Integrated Contingency Plan Guidance, Notice 6/5/96 FR pp. 28641-64, with corrections, 6/19/96 FR pp. 31163-4, which provides additional guidance on emergency plan preparation.

## **EMERGENCY PLANNING, AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)**

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

Major requirements of the Act includes 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, 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 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.

### **REGULATORY RELIEF FOR RETAIL GAS STATIONS**

EPA issued a final rule February 11, 1999, 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.

### **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. They also are required to support transfers of toxic chemicals for waste management to off-site locations. 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 (SIC Codes 20 through 39 and metal-mining, coal mining, electric utilities, commercial hazardous waste treatment, chemicals and allied products-wholesale, petroleum terminals and bulk plants-wholesale, and solvent recovery services); 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, 5/1/98 FR pp. 23833-92, included in K-29.

If a facility meets the employee 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 use 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 (PBT) – On January 5, 1999, EPA published a proposed rule (01/05/99 FR pp. 686-729) included in K-29, to lower the EPCRA Section 313 reporting thresholds for certain chemicals that persist and bioaccumulate. EPA is proposing to lower the reporting thresholds for certain persistent bioaccumulative toxic chemicals that are subject to reporting under TRI. EPA is also proposing lower reporting thresholds for dioxin-like compounds, which were previously proposed for addition to the TRI list of toxic chemicals. In addition, EPA is proposing to add certain persistent and bioaccumulative toxic chemicals to the list of chemicals subject to the reporting under TRI and to establish lower reporting thresholds for these chemicals.

As part of these actions, EPA is amending its proposal 5/7/97 FR pp. 24887-96, to add a category of dioxin and dioxin-like compounds to the TRI list by proposing to exclude the co-planar polychlorinated biphenyls (PCBs) from the category and by proposing to add activity qualifier to the category. Finally, the proposal includes proposed modifications to certain reporting exemptions and requirements for those chemicals that would be subject to the lower reporting thresholds, including limitations on the reporting for vanadium and cobalt when contained in alloys.

Pollution Prevention Act – The Agency plans to issue a proposed rule in the winter of 2000 to define terms and clarify reporting requirements to assure that data reported pursuant to the Pollution Prevention Act (PPA) is accurate and consistent. Section 8 of the TRI Form R currently contains the majority of Pollution Prevention Act reporting elements which primarily include quantities of toxic chemicals managed as waste.

## **RECENT TOXICS RELEASE INVENTORY (TRI) PUBLIC DATA RELEASE**

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

The 1996 TRI Public Data Release was released in 1998. The titles and publication numbers for the three documents released in 1998 include: the 1996 Toxics Release Inventory, Public Data Release-Ten Years of Right-to-Know, EPA 745-R-98-005, the 1996 Toxics Release Inventory, Public Data Release, State Fact Sheets, EPA 745-F-98-001, and the 1996 Toxic Release Inventory, Public Data Release-Ten Years of Right-to-Know, Industry Sector Analyses, EPA 745-R-98-018.

Copies of these documents may be obtained by

calling the Emergency Planning and Community Right-to-Know Act (EPCRA) Hotline at (800) 535-0202 (in the Washington, DC area call (703)412-9877). Information is also found at the Web site <http://www.epa.gov/opptintr/tri/tri97/access.htm>

## **SUPERFUND COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT (CERCLA)**

### **CERCLA LENDER LIABILITY GUIDANCE**

One of the goals of the Final CERCLA Lender Liability Rule, published in 4/29/92 FR, pp. 18344-85, was to allow lenders to work with their borrowers without necessarily incurring liability. However, in February 1994, the U.S. Court of Appeals, in the case Kelly vs. EPA, struck down this Rule, finding that the EPA lacked authority to define the scope of liability by regulation. Following the Court action, guidance was drafted to "translate" the Rule into a policy statement addressing lender liability and involuntary government acquisitions. This policy statement was issued December 11, 1995. A Fact Sheet on effect of Superfund on lenders was published in June 1997. The Rule and the policy statement are included in Item D-17.

## **TOXIC SUBSTANCE CONTROL ACT CENTER (TSCA)**

### **LEAD; TSCA SECTION 403; IDENTIFICATION OF DANGEROUS LEVELS OF LEAD**

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

### **LEAD-BASED PAINT (LBP); FEES FOR ACCREDITATION AND CERTIFICATION ACTIVITIES**

The Toxic Substances Control Act (TSCA), Section 402(a), mandates implementing a fee schedule for the accreditation of training programs and certification of contractors engaged in lead-based paint. This rule establishes the fees to be charged in those states and Indian country without authorized programs for training programs seeking accreditation under 40 CFR 745.225 and for individuals or firms engaged in lead-based paint activities seeking certification under 40 CFR 745.226. The final rule was published in 64 FR, 5/9/99, p 31092. This rule, Item 48, amends CFR 745, Subpart L, Lead-Based Paint Activities, Item E-40.

## **LEAD: MANAGEMENT AND DISPOSAL OF LEAD-BASED PAINT DEBRIS**

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

## **DISPOSAL OF POLYCHLORINATED BIPHENYLS (PCBS)**

EPA has amended its rules under the Toxic Substances Control Act (TSCA) which address the manufacture, processing, distribution in commerce, use, cleanup, storage and disposal of polychlorinated biphenyls (PCBs). This rule provides flexibility in selecting disposal technologies for PCB wastes and expands the list of available decontamination procedures; provides less burdensome mechanisms for obtaining EPA approval for a variety of activities; clarifies and/or modifies certain provisions where implementation questions have arisen; modifies the requirements regarding the use and disposal of PCB equipment; and addresses outstanding issues associated with the notification and manifesting of PCB wastes and changes in the operation of commercial storage facilities. This rule codifies policies that EPA has developed and implemented over the past years.

This rule will streamline procedures and focuses on self-implementing requirements and the elimination of duplication. Some activities formerly requiring PCB disposal approvals no longer require those approvals. EPA believes that this Rule will result in substantial cost savings to the regulated community while protecting against unreasonable risk of injury to health and the environment from exposure to PCBs.

This rule became effective on August 28, 1998. Procedural and Technical Amendments were published on June 24, 1999 (FR pp. 33755-62) and became effective on that date. Copies of this Rule with the amendments may be requested under Item E-3 of our publication listing in "Information for Small Business."

Additional information on EPA's PCB program, including electronic versions of the new rule and the updated CFR can be found at World Wide Web site [www.epa.gov/pcbs](http://www.epa.gov/pcbs).

## **GENERAL**

### **NATIONAL ENVIRONMENTAL LABORATORY ACCREDITATION CONFERENCE (NELAC)**

In 1990, after receiving complaints from the laboratory community regarding the burden of multiple accreditations due to lack of a nationally recognized environmental laboratory accreditation program, former Deputy Administrator Hank Habicht established an internal work group to consider the feasibility and advisability of such a program. The work group concluded that EPA should consult with representatives of all

stakeholders. As a result, the National Environmental Laboratory Accreditation Conference (NELAC) was established by the current administration to redress the following problems:

1. inspections
2. no reciprocity among states
3. loss of accreditation in one state does not affect status in other states
4. accreditation not available for all EPA programs
5. clients have no information on lab status
6. accreditation not recognized in foreign markets
7. some labs never accredited

The first annual meeting was held in February 1995. The state and federal officials agreed on the roles and responsibilities of all parties, including the establishment of a federal advisory committee to obtain consensus advice from the private sector.

At the 5th NELAC annual meeting (June 28 - July 1, 1999) approximately a dozen state programs were recognized by EPA as being fully compliant with the standards for accrediting authorities. Those states will begin accepting applications from the laboratories immediately. It is expected that the first group of laboratories will be accredited by July 2000. Further information is available on the website at [www.epa.gov/ttn/nelac](http://www.epa.gov/ttn/nelac).

### **EPA AND STATES TO IMPROVE FACILITY INFORMATION**

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.

The first phase of this process was to establish a standard set of data elements for facility identification. These data elements include the facility name, address, locational data, business classification and contact information. The second phase was to make existing facility identification data available on the Internet through the EPA's Envirofacts Warehouse (<http://www.epa.gov/enviro/>). Using this application, a company can search EPA's databases to find all occurrences of the company and related facility information. During this phase, EPA is working with States to improve the accuracy of the facility identification data.

The third phase, which is now underway, is to develop a single master record with accurate facility identification information for each facility. Once this is accomplished, EPA will identify where similar data is collected in separate regulatory information collections and, where possible, eliminate the duplicated reporting. For further information, 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 pilot 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 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 include 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 will continue taking comments as the pilot project evolves.

The database is available at Internet address <http://www.epa.gov/oeca/sfi>. For the first 12 months of its availability, the website has been accessed with approximately 56,000 user sessions and 360,000 hits, an indication of the interest the project has generated. In keeping with SFIP's policy to incorporate information as it becomes available the data included within the project have been updated 4 times since the project's release. Another update is anticipated in July 1999.

We have included more information on the Sector Facility Indexing Project in the OSBO Item A-12.

## **ENVIRONMENTAL TECHNOLOGY VERIFICATION PROGRAM**

The Environmental Protection Agency (EPA) has instituted a new program, the Environmental Technology Verification Program—or ETV—to verify the performance of innovative technical solutions to problems that threaten human health or the environment. Managed by EPA's Office of Research and Development. ETV was created to substantially accelerate the entrance of new environmental technologies into the domestic and international marketplace. ETV verifies commercial-ready, private sector technologies through 12 pilots. The goals, operating principles, and future plans of ETV are described within the ETV strategy. Information on the ETV Program may be accessed at the Web Site [www.epa.gov/etv](http://www.epa.gov/etv).

The purpose of this web site is to inform the public and to help effectively manage the ETV Program.

The ETV Program has also recently initiated a listserv, ETVoice, which sends a brief monthly message to anyone interested in the ETV Program. You may subscribe to this listserv through the ETV web site

The ETV program director is Penelope Hansen, who may be reached at [hansen.penelope@epa.gov](mailto:hansen.penelope@epa.gov), or (202)

564-3212.

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

Recognizing the potential difficulties faced by small and medium organizations wishing to put EMSs in place, EPA's Offices of Water and Compliance Assurance have produced a guide to EMS implementation specifically to the needs of these types of organizations. The Guide is based on the elements of the ISO 14001 standard and is written in plain, easy to understand language. Several small organizations worked with EPA and National Science Foundation (NSF) to design and review the Guide and are presently using it. The Guide provides a step-by-step approach for putting an EMS in place and gives a number of examples from companies that have already done so. Contact person is Jim Horne, (202) 260-5802.

INTERNET: [http://www.icubed.com/epa\\_sbo/index.html](http://www.icubed.com/epa_sbo/index.html). The Guide also provides tips for putting in place an effective approach for managing an organization's compliance with regulatory requirements and using pollution prevention techniques to enhance the environmental management system. For copies of the Guide, call 1- (800) 368-5888, Item B-12.

## **COMMON SENSE INITIATIVE TRANSITIONS INTO AGENCY WIDE SECTOR-BASED APPROACHES TO PROTECTING THE ENVIRONMENT**

The Common Sense Initiative (CSI), a bold reinvention effort launched by EPA Administrator Browner in 1994, held its final meeting on December 17, 1998. CSI was designed to go beyond the single media, one-size-fits-all approach to regulation that has characterized and often limited environmental protection efforts. The result was an experiment focused on finding sector-based solutions to environmental problems. Using an inclusive and unprecedented process, CSI brought together industry, state and local governments, environmental and environmental justice groups, and organized labor to work together to find strategies that work more fairly, efficiently and cost effectively for industry and other stakeholders.

One of the final and lasting accomplishments of the CSI multi-stakeholder group was EPA's adoption of a new Sector-Based Action Plan that builds on CSI experience and outlines what the Agency will do differently in the future to integrate a sector approach into the Agency's toolbox for solving environmental problems. The goals of the Action Plan are to incorporate the use of sector strategies into the core functions of the Agency and to ensure that they are applied where they are appropriate. This will include the full range of regulatory activities from rulemaking through research and development and international cooperation.

One of the many important issues addressed in the Action Plan is the need to maintain the capacity for external stakeholders to provide advice and consultation to the Agency on sector-related issues. To ensure this input, a Standing Committee on Sectors has been created under the auspices of the National Advisory Committee on Environmental Policy and Technology (NACEPT). Three former CSI subcommittees, Metal Finishing, Printing and Petroleum Refining, will operate as workgroups under the new NACEPT standing committee.

PrintSTEP Pilot Efforts Proceeds Under NACEPT EPA, state regulatory agencies, printers, and community stakeholders continue to support the Printers Simplified Total Environmental Partnership (PrintSTEP) model program as it proceeds under the NACEPT Standing Committee on Sectors. The goal of PrintSTEP is to help the printing industry and the public achieve cleaner, cheaper, and smarter environmental protection through the creation of a simpler regulatory "framework." PrintSTEP does not change the existing environmental emissions or release standards for the printing industry. Instead, it changes the process of implementing those standards. This new approach encourages all stakeholders in the printing industry to get involved. To assist all stakeholders in implementing PrintSTEP, three guidance documents have been developed: 1) a State Guide to PrintSTEP, 2) the Plain Language Workbook for Printers, and 3) the Community Handbook.

Pilot projects with extensive evaluation will be the primary means of determining the effectiveness of PrintSTEP. To encourage and support states implementing PrintSTEP pilot projects, EPA plans to award three to five cooperative agreements at \$100,000 each. These funds will help defer the costs to states for piloting this new approach to regulating a printing facility's chemical releases by using a single-enforceable agreement. The Federal Register notice announcing the availability of these funds was published April 21, 1999, and the deadline for state applications is close of business July 20, 1999. EPA anticipates awarding the cooperative agreements no later than September 30, 1999.

For more information on the PrintSTEP project as well as other Agency sector-based activities, refer to the new EPA sector website at <http://www.epa.gov/sectors>.

## **SMALL LAB ENVIRONMENTAL MANAGEMENT ASSISTANCE GUIDE (UNDER REVISION)**

See the 2-page special announcement on the current Guide's availability in this Newsletter. The Guide can also be found and downloaded from the EPA Small Business Ombudsman's Home Page [www.epa.gov/sbo](http://www.epa.gov/sbo) and the State Small Business Home Page [www.small.biz.enviroweb.org](http://www.small.biz.enviroweb.org). We have initiated a project to update and expand the Guide, which should be available early next year. There will be more comprehensive coverage of environmental management issues affecting small labs. New areas of coverage will include radioactive materials and biologically active substances. A summary of hazardous waste management techniques allowing on-site treatment will be included, as well as, expanded pollution prevention opportunities, and opportunities for cost efficiencies. See Item B-18.

## **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 has completed 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 has been developed in cooperation with all the states and is primarily for assistance providers to be used as reference document. The information included will be extremely useful in helping locate readily available materials from other states in an effort to not "reinvent the wheel."

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

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

## **ENERGY STAR--A FIRST IN SMALL BUSINESS COMMUNICATION**

EPA's ENERGY STAR Small Business program has created the first national environmental service announcement (PSA) campaign targeted solely at small business. There are two 30-second PSAs, one of which is in Spanish.

Both PSAs can be seen online at [www.epa.gov/smallbiz](http://www.epa.gov/smallbiz), and have been distributed nationally to 200 TV stations. Each EPA Region has also received a copy.

One PSA is filmed in a restaurant, in both English and Spanish, and stars actor Edward James Olmos, known for the acclaimed film "Stand and Deliver" and his work to promote education. Olmos also has starred in television's "Miami Vice" and numerous films. The toll-free ENERGY STAR hotline (1-888 STAR YES) has a Spanish menu choice that connects callers to technical support in fluent Spanish.

The second PSA, filmed in a small office, stars Greg Germann, who plays "The Fish" in TV's highly rated "Ally McBeal." The show won its second Golden Globe award this spring and has a very large audience.

The potential view impressions over the initial six-month run of the PSAs is estimated to be 75 to 200 million, at a value to EPA of \$400,000 to \$1 million. The PSA cost about \$147,000 to produce and distribute. The contractor who produced the spots has successfully kept federal PSAs in use for more than two years.

## **SOURCE BOOKS ON ENVIRONMENTAL AUDITING (UNDER REVISION)**

EPA's Environmental Auditing Source Book for Small Business is a compilation of the bibliography, a training list, and a summary matrix of these trainings that will act as a quick reference to the fifteen courses listed. This book is presently being updated to identify relevant training and reference materials, an environmental auditors listing and qualification's guidelines. 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 these documents can be obtained by calling the EPA SBO's Office at 1-(800) 368-5888.

## **EPA COMPLIANCE ASSISTANCE TOOLS**

The Office of Compliance (OC) has produced a booklet, Item B-8, that offers a comprehensive listing of all OC

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

## PERFORMANCE MEASUREMENT TOOLS AND SUCCESS STORIES STILL NEEDED!

The new performance measurement tools and success stories database now has over 65 performance measurement tools and success stories available for direct downloading, revision, and use from the Small Business Environmental Home Page at the following address:

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

**WE STILL NEED YOUR HELP TO IMPROVE THIS RESOURCE!** Please send any performance measurement tools/surveys/success stories to Audrey Zelanko at CTC, 320 William Pitt Way, Pittsburgh, PA 15238. Electronic copies in word perfect or word formats would be the most helpful. You can send disks to the above address or email attachments to: [zelankoa@ctc.com](mailto:zelankoa@ctc.com), [audreyz@ccia.com](mailto:audreyz@ccia.com), and [bosilovich@ctc.com](mailto:bosilovich@ctc.com). If electronic copies are not available, you can fax hard copies to: (412) 826-6810 or mail them to the above address. If you have any questions, please call Rose Marie Wilmoth, Air Quality Representative for Small Business, Kentucky Department for Environmental Protection, and Implementation Team Leader at: (502) 564-2150, or Audrey Zelanko at: (412) 826-6807. THANKS in advance for your help!

## NEW JERSEY CHEMICAL INDUSTRY PROJECT

The New Jersey Chemical Industry Project of the Industry Sector Policy Division in the Office of Policy concentrated on four stakeholder-selected environmental protection strategies: Effluent Trading, Materials Recycling, Compliance Assistance, and Flexible Track.

The Effluent Trading Team has prepared a report titled Sharing the Load: Effluent Trading for Indirect Dischargers, EPA 231-R-98-003, May 1998, on trading local pretreatment limits among indirect dischargers. The Materials Recycling Report, titled Promoting Chemical Recycling: Resource Conservation in Chemical Manufacturing, EPA-231-R-99-001, May, 1999, describes five typical batch chemical process scenarios that present opportunities to recycle materials.

The Compliance Assistance Pilot Team sought to improve compliance among New Jersey facilities by preparing a set of compliance assistance materials which include:

- Plain Language summaries of 20 New Jersey environmental regulations;
- Detailed applicability flowcharts for six regulations that show if and how the regulations apply to a facility;
- Summaries of New Jersey compliance assistance

programs; and information on how to obtain additional resources, such as training materials and regulatory guides.

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

<http://www.state.nj.us/dep/enforcement/home.htm>. The Team also prepared a report: Inspiring Performance: The Government-Industry Team Approach To Improving Environmental Compliance, EPA 231-R-99-002, May, 1999.

The Flexible Track Team has developed a program that provides incentives for facilities that are good environmental performers to maintain and improve that performance. For additional information on the New Jersey Chemical Industry Project or for copies of any of the Project's reports contact Catherine Tunis, 401 M St., SW (2128), Washington, DC 20460, 202-260-2698, [tunis.catherine@epa.gov](mailto:tunis.catherine@epa.gov).

### 2000 STATE SMALL BUSINESS OMBUDSMAN AND TECHNICAL ASSISTANCE PROGRAM CONFERENCE SCHEDULED FOR MISSOULA, MONTANA

#### PLEASE MARK YOUR CALENDARS

The State Small Business Ombudsman and Small Business Technical Assistance Programs, which are required under Section 507 of the 1990 Clean Air Act Amendments to aid small businesses impacted by air quality regulations, will hold their annual conference in Missoula, Montana, on June 19-22, 2000.

For speeches and other presentation materials from the 1999 conference held on April 18-21, 1999, in Tampa, Florida, they can be downloaded from the Internet via a direct link at <http://www.epa.gov/ttn/sbap/conf99a.html>

### "WHAT OUR CUSTOMERS MEAN TO US"

"Customers are the most important people in our business.

"Customers do not depend on us, we depend on them.

"Customers never interrupt our work, they are our work.

"Customers do us a favor when they call; we don't do the favors by letting them in.

"Customers are part of our business, not outsiders.

"Customers are flesh-and-blood human beings, not cold statistics.

"Customers bring us their wants; we fulfill them.

"Customers are not to be argued with.

"Customers deserve courteous attention.

"Customers are the lifeblood of this and every other business.

"Customers are who we are when we're not working (So let's treat them the way we want to be treated ourselves!)

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

## EPA POLICIES ASSIST SMALL BUSINESSES WITH ENVIRONMENTAL COMPLIANCE

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

### POLICY ON COMPLIANCE INCENTIVES FOR SMALL BUSINESS

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

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

For more information on this policy, contact **Ginger Gotliffe**, *Office of Compliance*, at (202) 564-7072.

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

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

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

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

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

### ENFORCEMENT RESPONSE POLICY

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

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

For more information on this policy, contact **Ginger Gotliffe** at (202) 564-7072 or **Elliot Gilberg** at (202) 564-2310. For copies of these policies, call (800) 368-5888 and ask for Item 13.

## **EPA ASSISTS SMALL BUSINESSES BY ESTABLISHING COMPLIANCE CENTERS**

In partnership with industry, academic institutions, environmental groups, and other federal agencies, EPA's Office of Compliance has established national Compliance Assistance Centers (Centers) for nine specific industry sectors. These sectors include printing, metal finishing, automotive services and repair, agriculture, transportation, printed wiring board manufacturing, chemical manufacturing, paints and coatings applicators and local governments each of which is heavily populated with small businesses and governments that face substantial federal regulation.

These Centers are designed to provide small businesses with "first-stop" compliance information sources. The Centers offer a range of communications services, including Web sites, e-mail groups, fax-back systems, and telephone assistance lines. Also available are pollution prevention ideas, tips and techniques that can help an organization come into compliance... and go beyond compliance to save money and resources. The Centers also serve the assistance provider community by providing forums to exchange sector-based information.

### **EXISTING CENTERS**

**The National Metal Finishing Resource Center (NMFR)** is the most substantial, comprehensive environmental compliance, technical assistance, and pollution prevention information source available to the metal finishing industry. As an Internet Web Site, NMFR also serves as an information resource and distribution channel for technical assistance programs (TAPs). Services and products include an EPA Regulatory Determinations collection pertaining to metal finishing, performance and cost comparisons across technology options, pollution prevention case studies, and vendor information. For further information, contact Paul Chalmer (734-995-4911) at the National Center for Manufacturing Science or Scott Throwe (202-564-7013) at EPA. Internet: [www.nmfrc.org](http://www.nmfrc.org)

**The Printer's National Environmental Assistance Center (PNEAC)** electronically links trade, governmental and university service providers to efficiently provide the most current and complete compliance assistance and pollution prevention information to the printing industry. The PNEAC offers satellite and on-location training, compliance guides for state regulations, and two e-mail discussion groups on technical and regulatory issues: PRINTECH, designed for technical printing issues, and PRINTREG, which focuses on environmental laws and regulations affecting the printing industry. For further information, contact Gary Miller (217-333-8942) at the Illinois Hazardous Waste Research and Information Center or Ginger Gotliffe (202-564-7072) at EPA. Internet: [www.pneac.org](http://www.pneac.org). 1-888- USPNEAC

**CCAR-GreenLink® provides compliance assistance to the automotive service industry.** CCAR-GreenLink® develops materials for the automotive services industry, such as a consolidated screening checklist and environmental curriculum modules that walk shop owners and technicians through status, regulations, and health and environmental issues. The "Virtual Auto Shop" allows users to click on any part of a picture to call up environmental information for a particular shop activity. For further information, contact Sherman Titens (913 498-2227) at CCAR or Everett Bishop (202-564-7032) at EPA. Internet://[www.ccar-greenlink.org](http://www.ccar-greenlink.org). 1-888 GRN-LINK

**The National Agriculture Compliance Assistance Center** serves as a "first stop" for people in the agricultural community who need information on compliance with environmental regulations. Information topics addressed by the Center include: pesticides; animal waste management; emergency planning and response; groundwater, surface water, tanks and containment; solid waste; and hazardous waste. For further information, contact Ginah Mortensen (913-551-7207) at EPA. Internet: [www.epa.gov/oeca/ag/](http://www.epa.gov/oeca/ag/) 1-888-663-2155

**The Printed Wiring Board Center** provides the industry with easy access to current and comprehensive information on pollution prevention and regulatory compliance assistance. The Center offers a State Regulations Locator, with air, water, and hazardous waste regulations hyper linked for each state. The Center also offers a unique guide which provides pollution prevention information for each of the major process steps for multilayer board manufacturing. For further information, contact Steve Hoover (202-564-7007). Internet: [http:// www.pwbrc.org](http://www.pwbrc.org)

**ChemAlliance** provides compliance assistance and pollution prevention information to the chemical industry and technical assistance providers. Key features include: a "virtual plant tour" that provides an overview of regulations that may apply to a facility's operations; an "expert help feature" that offers an interactive guide to finding compliance assistance resources specific to a user's needs; and a "make your own bookmark" function which allows the user to organize links to various sources of on-line information. For further information, contact Emily Chow (202-564-7071). Internet: <http://www.chemalliance.org> 1-800-672-6048

**The Local Government Environmental Assistance Center (LGEAN)** is a "first-stop shop" providing environmental management, planning, and regulatory information for local government elected and appointed officials, managers, and staff. LGEAN offers 24-hour access to regulatory and pollution prevention information, message boards, regulatory updates, grants and information, and much more. LGEAN also offers a fax-on-demand service, a quarterly newsletter, "SCAN" and a Web site. Contact John Dombrowski (202) 564-7036. Internet: <http://www.lgean.org> 1-877-TO-LGEAN or 1-877-865-4326

**Transportation Environmental Resource Center** provides compliance assistance services for each mode of commercial transportation -- air, shipping and barging, rail, and trucking. Each home page offers a menu of technical fact sheets, regulatory information, contacts, bibliographies, sector notebooks, and related compliance Web sites. For more information, contact Virginia Lathrop at (202) 564-7057. Internet: <http://www.transsource.org/> 1-888-459-0656

**Paints and Coatings Resource Center** provides regulatory, compliance, and pollution prevention information to individual organic coating facilities, industry vendors and suppliers, and others. The Paints and Coatings Regulatory Locator helps users find relevant state and federal regulations. A technical database with over 5,000 full text conference papers and journal articles is also available online. For more information contact: Anthony Raia at 202-564-6045. Internet: <http://www.paintcenter.org/>

For general information on all Compliance Assistance Centers, contact Tracy Bach (202-564-7076) Internet: <http://www.epa.gov/oeca/mfcac.html>

## STATE SMALL BUSINESS ASSISTANCE PROGRAMS

### SMALL BUSINESS SPECIAL NEEDS:

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

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

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

### STATE LEAD FOR PROVIDING SMALL BUSINESS ASSISTANCE:

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

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

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

### FEDERAL OVERSIGHT AND SUPPORT:

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

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

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

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



## COMPONENTS OF AN OVERALL STATE ASSISTANCE PROGRAM

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

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

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

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

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## TYPES OF BUSINESSES SUBJECT TO AIR POLLUTION CONTROLS

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

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

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

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
AL	Blake Roper	(334) 394-4355 (N) (800) 533-2336	James Moore	(334) 271-7873 (N) (800) 533-2336
AK	David Wigglesworth	(907) 269-7582 (S) (800) 510-2332	Tom Chapple	(907) 269-7686 (S) (800) 510-2332
AZ			Gregory Workman	(602) 207-4337 (S) (800) 234-5677, x 4337
AZ MARICOPA COUNTY	Richard Polito	(602) 506-5102		
AR	Robert Graham	(501) 682-0708	Joe Bob Garner	(501)682-0866
CA	James Schoning	(916) 323-6791 (S) (800) 272-4572	Peter Venturini	(916) 445-0650 (S) (800) 272-4572
CA South Coast AQMD	La Ronda Bowen	(909) 396-3235 (S)(800)388-2121	Larry Kolczak	(909) 396-3215 (S)(800)388-2121
CO	Cathy Heald	(303) 692-2034 (s) (800) 886-7689	Nick Melliadis	(303) 692-3175 (N) (800) 333-7798
CT	Tracy Babbidge	(860) 424-3382 (S) (800) 760-7036		
DE	George Petitgout	(302) 739-6400		
DC	Donald Wambsgans II	(202) 645-6093 x3067	Olivia Achuko	(202) 645-6093, x 3071
FL	Elsa Bishop	(850) 488-0144 (S) 800-722-7457	Elsa Bishop	(850) 488-0144 (S) (800) 722-7457
GA	Marvin Lowry	(404) 362-2656	Anita Dorsey-Word	(404) 362-4842
HI	Anthony Ching	(808) 586-4527	Robert Tam	(808) 586-4205
ID	Phillip Bandy	(208) 373-0417	John Bernardo	(208)-373-0114
IL	Don Squires	(217) 785-1625 (S) (888) 372-1996	Mark Enstrom	(217) 524-0169 (S) (800) 252-3998
IA	Linda King	(515) 242-4761 (N) (800) 351-4668	John Konefes	(319) 273-8905 (S) (800) 422-3109
IN	Erika Seydel-Cheney	(317) 232-8598 (S) (800) 451-6027	Cheri Storms	(317) 233-1041 (S) (800) 451-6027
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*lhel461@ecy.wa.gov*

**Pacific Northwest P2 Resource Center**  
Madeline Sten  
1326 Fifth Ave., Suite 650  
Seattle, WA 98101  
Ph: 206/223-1151  
Fx: 206/223-1165  
*msten@pprc.org*

**Washington State University**  
Carol Reisenberg  
501 Johnson Tower  
Pullman, WA 99164  
Ph: 509/335-1576  
Fx: 509/335-0949  
*andersol@wsuvm1.csc.wsu.edu*

# Office of Small and Disadvantaged Business Utilization

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

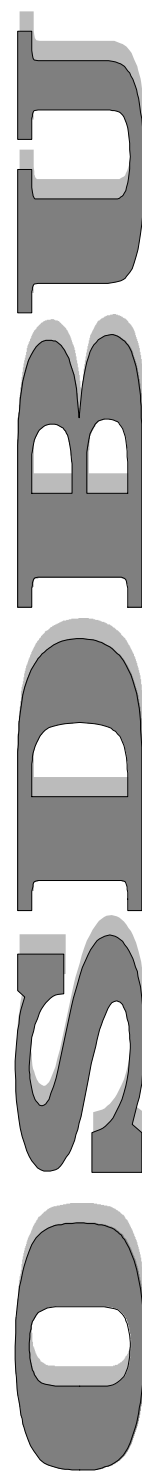
## Direct Procurement Program

### DESCRIPTION

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

### ACTIVITIES

- ◆ Develops policy and procurements impacting socioeconomic businesses
- ◆ Establish and monitor direct procurement goals for:
  - ☛ Small Business
  - ☛ 8(a) Business
  - ☛ Small Disadvantaged Business
  - ☛ Women-Owned Business
  - ☛ HUBZones
  - ☛ Subcontracting
- ◆ Compile, collect and assemble statistical data on socioeconomic programs
- ◆ Mentor-Protege Program
- ◆ Subcontracting Reviews and Approvals
- ◆ Outreach Efforts (Economic Development Programs for Selected Urban Centers)
- ◆ Education Training Program (Cosponsorships 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. If you have any questions during your visit, there will be experienced personnel on hand to assist you. Hours of operations are 9:00 am until 4:00 pm, you can call for an appointment at (202) 260-4100.

# 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	Stanley Scott Sharon Molden	CT, ME, RI, MA, NH, VT	(617) 918-1971 (617) 918-9012
II	Otto Salamon	NJ, NY, PR, VI	(212) 637-3417
III	Romona McQueen	DE, DC, MD, PA, VA, WV	(215) 814-5155
IV	Brenda Banks Dorothy Dimsdale	AL, FL, GA, KY, MS, NC, SC, TN	(404) 562-8420 (404) 562-8398
V	Robert Richardson	IL, IN, MI, MN, OH, WI	(312) 353-5677
VI	Debora Bradford	AR, LA, NM, OK, TX	(214) 665-7406
VII	Pradip Dalal	IA, KS, MO, NE	(913) 551-7454
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	Marie McPeak	AK, ID, OR, WA	(206) 553-2894
Cincinnati	Norman White		(513) 487-2024
Headquarters	Lupe Saldana		(202) 564-5353

### OSDBU STAFF

Jeanette Brown	Director	(202) 260-4100	Katheryn Maddox	Program Analyst	(202) 260-5097
David Sutton	Deputy Director	(202) 260-4100	Rebecca Neer	Program Analyst	(202) 260-4841
Mark Gordon	Attorney Advisor	(202) 260-8886	Denean Jones	Info. Mgmt. Specialist	(202) 260-4381
Elaine Rice	National Training Officer	(202) 260-4899	Tammy Thomas	Program Specialist	(202) 260-4723
Trina Porter	Soc. Bus. Program Officer	(202) 564-4322	Dionne Claytor	Clerk-Typist	(202) 260-4130
Mryna Mooney	Soc. Bus. Prog. Ofr./Tribal	(202) 260-1563	Thelma Harvey	SEE Employee	(202) 260-4286

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

Office Small Business Ombudsman (OSBO)

Summer 1999

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

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-11 | C-22 | C-53 | C-77 | D- 4 | E- 5 | E-31 | F- 5 | G-11 | I- 8 | I-30 | J-10 | K-23 | K-47 |
| A- 2 | B-12 | C-23 | C-54 | C-78 | D- 5 | E- 6 | E-32 | F- 6 | G-12 | I- 9 | I-31 | J-11 | K-24 | K-48 |
| A- 3 | B-13 | C-24 | C-55 | C-79 | D- 6 | E- 7 | E-33 | F- 7 | G-13 | I-10 | I-35 | J-12 | K-25 | K-49 |
| A- 4 | B-14 | C-25 | C-56 | C-80 | D- 7 | E- 8 | E-34 |      | G-14 | I-11 | I-36 | J-13 | K-28 | K-50 |
| A- 5 | B-15 | C-26 | C-57 | C-81 | D- 8 | E-10 | E-40 | F- 9 |      | I-12 | I-37 |      | K-29 | K-51 |
| A- 6 | B-16 | C-27 | C-60 | C-82 | D- 9 | E-11 | E-41 | F-10 | H- 1 | I-13 | I-38 | K- 1 | K-30 | K-52 |
| A- 7 | B-17 | C-28 | C-61 | C-83 |      | E-12 | E-42 | F-11 | H- 2 | I-14 | I-40 | K- 2 | K-31 | K-53 |
| A- 8 | B-18 | C-29 | C-62 | C-84 | D-12 | E-13 | E-43 | F-12 | H- 3 | I-15 | I-41 | K- 3 | K-32 | K-54 |
| A- 9 | C- 1 | C-30 | C-63 | C-87 | D-13 | E-14 | E-44 | F-14 | H- 4 | I-16 | I-42 | K- 4 | K-33 | K-55 |
| A-10 | C- 8 | C-31 | C-64 | C-88 | D-14 |      | E-45 | F-15 | H- 5 | I-17 | I-43 | K- 5 | K-34 | K-56 |
| A-11 | C- 9 | C-36 | C-65 | C-89 | D-15 | E-19 | E-46 | F-16 | H- 6 | I-18 | I-44 | K- 6 | K-35 | K-57 |
| A-12 | C-10 | C-37 | C-66 | C-90 | D-16 | E-20 | E-47 | F-17 | H- 7 | I-19 | I-45 | K- 8 | K-36 | K-58 |
| A-13 | C-11 | C-38 | C-67 | C-91 | D-17 | E-21 | E-48 |      | H- 8 | I-20 | I-46 | K- 9 | K-37 | K-59 |
| A-14 | C-12 | C-39 | C-68 | C-92 | D-18 | E-22 | E-49 | G- 1 | H- 9 | I-21 |      | K-10 | K-38 | K-60 |
| B- 1 | C-13 | C-41 | C-69 |      | D-19 | E-23 | E-50 | G- 2 |      | I-22 | J- 1 | K-11 | K-39 | K-61 |
| B- 2 | C-14 | C-42 | C-70 | D- 1 |      | E-24 | E-51 | G- 3 | I- 1 | I-23 | J- 2 | K-13 | K-40 | K-62 |
| B- 3 | C-15 | C-43 | C-71 | D- 2 | E- 1 | E-25 | E-53 | G- 4 | I- 2 | I-24 | J- 3 | K-14 | K-41 | K-63 |
| B- 4 | C-16 | C-44 | C-73 | D- 3 | E- 2 | E-26 | E-54 | G- 5 | I- 3 | I-25 |      | K-15 | k-42 | K-64 |
| B- 5 | C-17 | C-45 | C-74 |      | E- 3 | E-27 |      | G- 6 | I- 4 | I-26 | J- 6 | K-16 | K-43 | K-65 |
| B- 6 | C-18 | C-47 | C-75 |      | E- 4 | E-28 | F- 1 | G- 7 | I- 5 | I-27 |      | K-19 | K-44 |      |
| B- 7 | C-19 | C-50 | C-76 |      |      | E-29 | F- 2 | G- 8 | I- 6 | I-28 | J- 8 | K-20 | K-45 |      |
| B- 8 | C-20 | C-51 |      |      |      | E-30 | F- 3 | G- 9 | I- 7 | I-29 | J- 9 | K-21 | K-46 |      |
| B-10 | C-21 | C-52 |      |      |      |      | F- 4 | G-10 |      |      |      |      |      | K-22 |

**Mail to:**  
 Karen V. Brown, Small Business Ombudsman  
 U.S. Environmental Protection Agency  
 401 M Street, S.W. 2131  
 Washington, D.C. 20460

**Or Telephone:**  
 Toll Free Hotline: (800) 368-5888  
*In the D.C. area, (202) 260-1211,*  
 or Telefax (202) 401-2302

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