

SMALL BUSINESS OMBUDSMAN UPDATE NEWSLETTER

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

MEMORANDUM

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

Home page www.epa.gov/sbo

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: **January, 2000**

SMALL BUSINESS CONCERNS RANK HIGH UNDER NEW AGENCY RE-ORGANIZATION

I am extremely pleased that Mr. Richard Farrell, EPA's Associate Administrator for the Office of Policy, Economics and Innovation, has expressed and demonstrated a genuine concern for the small business community and its relationship to our Agency. Mr. Farrell has elevated the Small Business Ombudsman function to the Division level, adding new positions and resources. Furthermore, in recognition of his interests, he has placed the new Small Business Division in the Office of Business and Community Innovative Strategies under a most **friendly** and **supportive** Director, Mr. Alex Cristofaro. Yes, I think, at last, the Small Business Ombudsman has found a "home" within the EPA that will support and benefit our small business constituents.

Associate Administrator Farrell and Office Director Cristofaro have made it clear that they want to expand our outreach and assistance to small businesses and to deal with regulatory issues on a friendly and cooperative basis. They want to strongly encourage outreach, networking, and mutual assistance to bring about an atmosphere of trust and voluntary efforts to improve the environment.

During the next few months, we will be re-examining our plans and strategies to expand and improve upon our outreach and services to small businesses. We will need your input and suggestions to make it work! Therefore, I would like to hear from you directly at 800-368-5888 or through your Trade Association Representative.

LET'S MAKE 2000 THE STARTING POINT FOR A GREAT NEW RELATIONSHIP!

SMALL BUSINESS OMBUDSMAN STAFF AND THEIR EXPERTISE

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

SENIOR ENVIRONMENTAL EMPLOYEES

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

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

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

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

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Karen V. Brown

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.

Regulatory Flexibility Act (RFA)
Small Business Regulatory Enforcement Fairness Act (SBREFA)

Tom Kelly
Small Business Advocacy Chair

Since its passage in March 1996, the SBREFA has opened the door wider for small entities to participate in rulemakings that will significantly affect them. Among other things, SBREFA requires an interagency Small Business Advocacy Review (SBAR) Panel to review regulatory alternatives for small businesses and communities before either EPA or OSHA proposes a rule that is subject to the RFA.

In previous updates, I have discussed the Small Business Panel process in some detail and described various other Agency activities undertaken with an eye to assisting small businesses in their dealings with EPA. Today, rather than focusing on procedural nuts and bolts, I want to share with you in general terms the successes of the SBAR Panels. It is no exaggeration to say that EPA has been the Federal government's leader in implementation of SBREFA.

"These panels have been highly effective in saving small businesses regulatory compliance costs. According to the [SBA] Chief Counsel for Advocacy the EPA SBREFA panels have saved small businesses almost \$1 billion..."

Senator John Kerry, Ranking Member, Senate Small Business Committee, 5/27/99

Since March 1996, EPA has completed 15 inter-agency SBAR Panels, and another 5 will be completed by March 2000. Agency programs that have participated in the process have included the Air Office (Stationary Sources and Transportation), Water Office (Storm Water, Drinking Water, Effluent Limitation Guidelines, and NPDES Permits), and Toxics Office (Lead Abatement).

As previously described in this space, each Panel conducts its own outreach to individuals representative of small entities (whether businesses or communities) likely to be regulated by the rule and prepares a report to the Administrator with recommendations for methods to reduce the potential impact of the rule on small entities. In this way, EPA ensures that it considers carefully the unique problems and interests of small businesses in particular EPA rulemakings. Since SBREFA's enactment, over 250 small entity representatives have participated on our 15 completed SBAR Panels, while others are engaged in consultation on current and upcoming Panels. In response to their comment, the Panels have made over 140 recommendations to the Administrator to address particular concerns of small businesses, small communities and small non-profit enterprises, many of which have helped shape the regulatory proposal eventually published. Panel recommendations range from asking EPA to clarify technical details of the rule to proposing alternative regulatory approaches.

The SBAR Panel is an important procedural mechanism, but equally important is EPA's commitment to give specific attention to the concerns of small entities at all times, notably in the more frequent cases where they are affected less significantly by our rulemakings. EPA seriously tries to minimize the potential impacts of every rule on small entities. For additional information, contact SBREFA Team Leader, **Stuart C. Miles-McLean** at (202) 260-8518

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.

SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS

Regions/Members March 13, 2000

1. Roxanna Adams Atlantic Awards, Inc 840 Hammond Street Bangor, ME 04401 (207) 942-6464	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
2. Joan Haberle Joan Haberle Agency # 1 S. Main Street Lambertville, NJ 07036 (609) 397-9606	Sandra Lee Harold. Lee Insurance 31 Pell St. New York, NY 10013 (212) 962-6656	E. Peter Ruddy WESTNY Bldg. Product 2580 Walden Ave. Buffalo, NY 14225 (716) 681-2000	Phyllis Hill Slater Hill Slater, Inc. 45 N. Station Plaza Great Neck, NY 11021 (516) 773-7779	Manuel Cidre Pasteleria Los Cidrines Rey Federico Guaynabo, PR 00965 (787) 9732
3. Wilkins McNair, Jr Wilkins Acctg. Firm 201 N. Charles Street Suite 910 Baltimore, MD 21202 (410) 962-5252	Kenneth Ridriguez Rodriguez Enterprises 700 River Avenue Pittsburgh, PA 15212 (412) 231-5250	Shawn M. Marcell Prima Facie, Inc. 1006 W. 8th Ave., #A King of Prussia, PA 19406 (610) 291-9200	Ann P. Maust, Ph.D. Research Dimens, Inc. 1108 E. Main St., #1000 Richmond, VA 23219 (804) 643-1082	Victor Tucci Three Rivers Hlth & Sfty 406 Edwards Road New Kensington, PA 15068 (412) 826-5599
4. Jeffery Adduci Regional Invest Bankers 171 Church Street Suite 260 Charleston, SC 29608 (843) 577-2000	Robert G. Clark Clark Communi. Corp. 250 E. Short St. Lexington, KY 40523 (606) 233-7623	Rita P. Mitchell Edward Jones Invest. 718 Thompson Lane, Suite 105 Nashville, TN 37204 (615) 297-6960	Leroy Walker, Jr. LTM Enterprises 2310 Hwy 80 W Jackson, MS 39204 (601) 352-1742	Livia Whisenhunt PS Energy Group, Inc. 2957 Clairmont Rd Suite 510 Atlanta, GA 30359 (404) 321-5711
5. Hardie Blake Bethel Business, Inc. 118 Lincoln Way E. Mishawaka, IN 46544 (219) 259-1527	John Hexter Hexter & Assoc. 2199 Shelburne Road Cleveland, OH 44122-2049 (216) 378-2080	Donald Magett Magic P.I. & Security 529 Northhampton Rd Kalamazoo, MI 49006 (616) 381-2324	Thelma Alban Stevenson Associates. 680 N. Lake Shore Drive Chicago, IL 60611 (312) 335-0067	Reid Ribble The Ribble Grp, Inc. W6893 Manitowoc Rd Menasha, WI 54952 (920) 733-7635
6. Elise McCullough Staffing Sol, LLC 1305 Dublin Street New Orleans, LA 70118 (504) 864-9900			Larry Mocha Air Power Systems 8178 E. 44th St. Tulsa, OK 74147 (918) 622-5600	Wallace Caradine Caradine & Co. 2200 South Main Street P.O. 16430 Little Rock, AR 72206 (501) 372-4199
7. J. Scott George Mid Amer. Dental Ctr 1050 W. Hayward Dr. Mt. Vernon, MO 65712 (417)466-7184	Alonzo Harrison HDB Constr. 729 Wear Ave. Topeka, KS 66607 (913) 232-5444	Stella J. Olson Stat. Enterprises, Inc. 4444 Vaile Florissant, MO 630341 (3141) 972-1556-0029	Dan Morgan Morgan-Davis, Intern'tl Morgan Ranch Burrell, NE 68823 (308) 346-4394	Joanne Stockdale Nothem IA DieCasting 702 E Railroad St. Lake Park, IA 51347 (712) 832-3661
8. Donna Davis Eagle Butte Co-op P.O. Box 370 Eagle Butte, SD 57625 (605) 964-2226	Albert C. Gonzales Gonzales Consulting 303 E. 17th Ave., #910 Denver, CO 80203 (303) 861-0400	Mary Thoman Thoman Ranch HC65 Fontenelle Route Kemmerer, WY 83101 (307) 877-3718	Linda Nielsen Glasgow Stockyards HC 67, Box 175 Nashua, MT 59248 (406) 228-9306	Vernon Thompson Vern's Trucking P.O. Box 25 Minnewaukan, ND 58351 (701) 473-5727
9. Joseph Cerbone Travis Morgan Sec. 18952 McArthur Blvd Suite 315 Irvine, CA 92612 (949) 261-2906	Tim Moore Old Lahaina Cafe & Luau 505 Front St. Lahaina, HI 96761 (808) 667-2998	Kathy Chavez-Nopoli SC Truck Wreckers 795 Comstock St. Santa Clara, CA 95054 (408) 727-6655	Thomas Guthertia So. Nevada. Certified Development Corp. 2770 S. Maryland Pkwy Suite 212 Las Vegas, NV89109 (702) 732-3998	C. K. Tseng Northbridge Travel 9700 Reseda Blvd. Northbridge, CA 91324 (818) 886-2000
10. Morris Thompson Doyton Limited 201 1 st Avenue. Suite 300 Fairbanks, AK 99701 (907) 459-2060	Keith Sattler Sattler & Heslop 718 6 th Street Prosser, WA 99350 (509) 786-2404	Gretchen Mathers Gretchen's Course 2415 Airport Way, So. Seattle, WA 98134 (206) 623-8194	Clyde Stryker Spirit Communication 20493 Southwest Avery Court Tualatin, OR 97062 (503) 612-0600	Serena McAlvain McAlvain Construction, Inc 5559 W. owen Rd. Boise, ID 83709 (208) 362-4356

New Office of Policy, Economics and Innovation

“To help lead progressive change in the United States system of environmental protection – change that integrates a regulatory approach with broader stewardship”-- That’s the vision for EPA’s new Office of Policy, Economics, and Innovation (OPEI), which merges the formerly separate Policy and Reinvention offices.

Why is such change needed? As we begin the 21st century, remaining and emerging environmental problems, such as polluted runoff and climate change, call for nontraditional solutions. To solve these problems, we need to find effective uses for new policy tools, such as incentives and partnerships. We need to augment traditional regulatory approaches by engaging all parts of society in problem-solving. Even the basic concept of environmental protection has evolved beyond pollution control to include broader objectives, such as pollution prevention, sustainability, and environmental justice. All of these factors challenge EPA to constantly rethink the way we operate.

To carry out this vision of progressive change, the new office is organized around three objectives: take innovations from pilot to practice; develop innovative strategies for business and communities; and assure that EPA’s policies and programs are based on sound economic science.

More specifically, OPEI’s *Office of Innovative Pilots and System Change* will:

- ▶ create a centralized place where EPA will test innovative approaches,
- ▶ evaluate how well they work, and then
- ▶ integrate successful outcomes into our programs.

The *Office of Business and Community Innovative Strategies* will:

- ▶ consolidate various sector-related activities,
- ▶ help localities solve “livability” problems and build sustainable communities,
- ▶ provide better service to small businesses, and
- ▶ develop incentives for better environmental performance across the board.

The *National Center for Environmental Economics* will:

- ▶ promote use of economics in designing solutions to environmental problems,
- ▶ develop methods and tools to answer economic questions, and
- ▶ continue research on the relationship between the economy and the environment.

What This Means for Small Businesses

First of all, we’re expanding our efforts to make sure that small business concerns are considered as we develop new regulations and policies. We’re creating incentives for better environmental performance and developing a performance track to reward those who excel. We’re also working on providing compliance assistance through organizations you deal with on a regular basis, like trade associations, state small business assistance programs, and business development centers, so you can get the help you need from people you know and trust.

What used to be the Small Business Ombudsman Team has become the Small Business Division within OPEI’s Office of Business and Community Innovative Strategies. This change reflects our commitment to meet the special needs of small businesses in designing environmental policy. Our new role is still evolving but we’ll be looking at opportunities to support small businesses in new ways.

Our phone numbers haven’t changed. Call us at 800-368-5888 (toll free) or 202-260-0490. Or visit our Web site: www.epa.gov/smallbusiness.

INCIDENT-FREE Y2K TRANSITION REPORTED FOR EPA; PUBLIC-PRIVATE PARTNERSHIP CREDITED

The year 2000 arrived with no Y2K disruptions reported in key environmental sectors, including drinking water, wastewater treatment, chemical-related manufacturing, and hazardous materials. The Dec. 31-Jan. 3 millennium “rollover” period was the culmination of more than a year of cooperative effort between the U.S. Environmental Protection Agency, state and local governments, private industry and trade associations, and municipal water systems.

EPA officials credit the success of the Y2K transition to careful planning and hard work by hundreds of EPA employees and thousands of others involved in environmental sectors and the leadership of the President’s Council on Year 2000.

EPA’s close working relationship with trade associations resulted in few Y2K disruptions which affected public health and the environment. While small and medium sized entities were viewed as potentially more vulnerable, the attention to the issue and the work toward preparedness by Small and Medium-sized Enterprises produced positive results. EPA too, was pleased that their internal work allowed critical EPA systems to remain fully operational. For more information, see www.epa.gov.

EPA’S NEW INFORMATION INTEGRATION INITIATIVE

The Information Integration Initiative is the Environmental Protection Agency’s bold and fundamentally new approach to integrating, managing, and providing access to environmental information. In partnership with the States and Tribes, and in close consultation with our environmental information stakeholders, we will develop a single integrated multi-media core of environmental data and tools – an integrated environmental information system. Under the new system, EPA’s individual media programs (i.e, air, water, hazardous waste, etc.) will maintain flexibility to develop “plug-in” modules that will incorporate program-specific requirements. However, at its core, the new system will be a single, shared and integrated system.

The Integrated Environmental Information system will provide smarter ways of providing public health and environmental protection – shared stewardship , multimedia, facility-wide, geographic focus, improved public access, accurate and reliable data, and measurable results. The benefits are clear and significant:

- Improved environmental decision making at all levels
- Reduced burden and transaction costs for all who provide and use environmental and public health information
- Greater certainty for regulated businesses; more reliable and easier access for the public and improved performance for EPA
- Increased accuracy, reliable and high quality environmental data that will promote better access and understanding, improved compliance and greater accountability

For additional information, contact: **Don Flattery** at 260-7070.

10 INNOVATE STATE PROJECTS SELECTED FOR 1999 SMALL BUSINESS ASSISTANCE COOPERATIVE AGREEMENTS

On Oct. 6, EPA's Office of Small Business Ombudsman announced the 10 recipients for the 1999 Small Business Assistance Cooperative Agreement Program. A total of \$900,000 in awards up to \$100,000 each is available for State Small Business Ombudsmen or Small Business Assistance Programs. The awards reflect EPA's commitment to support innovation in existing networks that help businesses prevent pollution and comply with the law. The projects chosen for funding represent a wide range of small business sectors and offer the potential for demonstrating innovative ideas and have far-reaching benefits to other state assistance programs. Established under Section 507 of the 1990 Clean Air Act Amendments, this program measures their individual and collective success to help achieve National Ambient Air Quality Standards.

A total of 23 applications were submitted from throughout the United States. The recipients are: **California** South Coast Air Quality Management District to assist small businesses in reducing air emissions with a focus towards the water heater and boiler manufacturing industry, \$100,000; **Colorado** Department of Public Health and the Environment to market the Small Business Ombudsman and Small Business Assistance Program and train State Small Business Development Center personnel on environmental issues to better inform small businesses, \$84,177; **Kansas** State University Pollution Prevention Institute for three industries: drycleaners, automotive repair/auto body and metal finishing, direct technical assistance, including the development of promotional materials of the states' assistance program, \$99,984; **Maine** Department of Environmental Protection for technical assistance for compliance and pollution prevention to selected small business sectors, \$60,821; **Minnesota** Pollution Control Agency for sector-based, compliance assistance to the reinforced plastics and boat manufacturing industries, \$96,824; **Montana** Department of Environmental for marketing and evaluation of the Small Business Ombudsman and Small Business Assistance Program and evaluation of their effectiveness, \$75,000; **New Jersey** Department of Environmental Protection for cooperative effort between the state Department of Environmental Protection and state Commerce Department for marketing of services to other state small business providers, \$84,000; **New York** Environmental Facilities Corp., for demonstration of the improved environmental benefits providing compliance assistance to the Gasoline Dispensing Sites and Transport Vehicles, particularly Stage II requirements, \$83,681; **South Carolina** Department of Health and Environmental Control to measure the success of the technical assistance program to auto repair shops and salvage yards, \$93,000; **Wyoming** Department of Environmental Quality to conduct reviews of proposed new standards affecting small businesses, develop mailing packages to inform businesses and develop comprehensive data base sorted by SIC code and matched to new proposed standards, \$68,960. We will be providing periodic updates to the trade associations on the progress of these projects over a two-year period. After the two-year projects are completed, results will be published and distributed to the small business community and other interested parties wishing copies. For additional information concerning these projects contact, Contact: **Bob Rose**, at (202) 260-1133.

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

Illinois

The IL SBAP helped a small fiberglass company (11 employees) expand their operations by facilitating a state air permit through the regulatory agency and assisting with the permit applications.

Kansas

A small Kansas company needed to obtain their air permit, which was complicated since part of their process resulted in HAP emissions. The Kansas SBAP assisted the company by calculating their potential and actual emissions and helping them complete their paperwork. The ombudsman “hurried along” the process after their application had been delayed within the regulatory agency (due to the resignation of an engineer).

Tennessee

A small wood operation that wanted to expand its business ran into compliance problems associated with the expansion and continued to have visible emission complaints. The TN SBAP helped to pair the wood operation with a major source that would accept wood waste. The wood operation was able to acquire funding to purchase equipment to properly size the wood waste so that it would be suitable for the major source’s use. Compliance and emission complaints were resolved.

Minnesota

The small business loan program has been very successful, particularly within the dry cleaning industry. Many of these businesses have reduced their solvent use by as much as 90% by upgrading their equipment with a loan from the program. The loan program also helped a wood finisher make the move from solvent-based coatings to an aqueous-based line of wood products.

Virginia

SBAP hosted a roundtable meeting with selected trade associations to inform them of the program’s compliance assistance web site development activity. We asked for suggestions on how to improve the site and sought to understand the reach of the Internet within their organizations. The meeting was very successful, providing partnerships upon which we can build both electronically through the Internet, and in general, through joint outreach.

West Virginia

SBO and SBAP were successful in the passage of state legislation for a “Small Business Environmental Loan Program.” Loans can range from \$5,000 to \$150,000 with a 10 year payback at an APR of half the federal prime, but not less than 4.5%. The size of the small business cannot exceed 50 full time employees. Also, there is a provision to refinance loan balances where a small business has already obtained a commercial loan and completed a project.

Wyoming

During one-on-one site visits to small businesses that generate waste tires, the SBAP often hears concerns regarding this waste stream. Many landfills charge for accepting waste tires; the only tire shredding operation in the state charges to pick up tires and landfills the shredded tire waste. The SBAP office has been searching for secondary uses for waste tires. Initial efforts have led to reuse of whole tires for retaining walls, livestock shelters, hay barn enclosures, and some minor farmstead construction projects. Follow-on efforts include uses for shredded tire material depending on the economics of supply, transportation costs, and markets for finished products. For additional information contact: **Angel Martin-Diaz**, at 412-826-6819

INNOVATIONS IN COMPLIANCE ASSISTANCE

In July 1999, the Environmental Protection Agency (EPA) issued a new report, "Aiming for Excellence." This report commits EPA to take a number of actions to enhance our reinvention programs, including several to improve our compliance assistance efforts. The report was developed based on extensive external outreach to a broad range of stakeholders through a variety of forums. It is available on EPA's Reinvention home page (www.epa.gov/reinvent/).

In connection with this effort, EPA's Office of Enforcement and Compliance Assurance (OECA) has completed work on an action plan, "Innovative Approaches to Enforcement and Compliance Assurance." This action plan includes the compliance assistance activities identified in the Task Force report as well as additional OECA commitments. The action items described in the OECA report (available at www.epa.gov/oeca/innovative/approaches.html) will change fundamental aspects of the Agency's compliance assistance planning and programs.

To ensure that the compliance assistance activities in the action plan are implemented in a way that continues to reflect stakeholder needs, EPA's National Advisory Council on Environmental Policy and Technology (NACEPT) is creating a new standing committee - the Compliance Assistance Advisory Committee (CAAC). This will provide a continuing Federal Advisory Committee forum from which the Agency can continue to receive valuable multi-stakeholder advice and recommendations on compliance assistance activities.

As part of the efforts to improve compliance assistance, the Agency has committed its resources to three major projects. This coming year alone will result in a National Compliance Assistance Forum (Forum), a Clearinghouse of Compliance Assistance Material (Clearinghouse) and an annual Agency Compliance Assistance Plan (Plan). In addition to input from the CAAC, all stakeholders including small businesses and compliance assistance providers will have an opportunity to provide input into these three projects in order to help the Agency understand the compliance needs of the regulated community. This broad input will help EPA more readily identify and develop compliance assistance tools and approaches to address your needs.

An overview of each of the three projects, along with details of how you can participate are provided in this article. Cumulatively the goal of these projects is for the Agency to increase its role as a wholesaler of compliance assistance by: 1) providing opportunities to network between compliance assistance providers; 2) coordinating compliance assistance work to avoid duplication and target resources to priority areas, and; 3) providing easy access to all compliance assistance materials. Further information on each project can be viewed at www.seattle.battelle.org/ena-icaa/ .

Compliance Assistance Forum

On March 1-2,2000, EPA will be sponsoring a conference at the Atlanta Hilton and Towers in Atlanta, GA, entitled *Forum 2000: Building Compliance Assistance Partnerships*.

This national compliance assistance forum is aimed primarily at compliance assistance providers and will provide Federal, state, local, tribal and private compliance assistance providers an opportunity to share information and give input on several key EPA compliance assistance activities. In particular, the conference will include a session devoted specifically to the compliance assistance needs of small businesses. To get more information or to register for the conference, please contact Kate Sijthoff of the MarascoNewton Group at 703-292-5803. Rooms will be held at the Hilton until February 1,2000.

Compliance Assistance Clearinghouse

In response to the need for having a central depository of compliance assistance information and resources, EPA is developing a Compliance Assistance Clearinghouse. The Clearinghouse is a web site that will provide easy access to a network of Compliance Assistance Providers and a comprehensive list of compliance assistance tools and materials. The Clearinghouse will also provide a forum for the Compliance Assistance Providers to share the latest information to facilitate collaboration and avoid duplication. The Clearinghouse will be presented at the Forum 2000 to get broad stakeholder feed back. The Clearinghouse is scheduled to be operational in September 2000.

EPA Annual Compliance Assistance Plan

The Annual Compliance Assistance Plan (Plan) is an approach to consolidate and coordinate all of the Agency's key compliance assistance activities. In doing so, all compliance assistance providers and the regulated community will know where the Agency will be focusing its compliance assistance resources during a given year. The Plan will lay out the Agency's priorities and the type of compliance assistance that we hope to provide to address those priorities. In turn, compliance assistance providers can determine how to focus their resources, without duplicating EPA's efforts. The regulated community will be able to identify and focus their attention on activities which apply to their facilities. The first Plan, to be completed in May of 2000, will focus on FY 2001. At Forum 2000, participants will have an opportunity to comment on EPA's draft plan.

EPA looks forward to continuing to strengthen our partnership with small businesses and other stakeholders. The activities discussed in this article provide a great opportunity for compliance assistance providers and the Agency to work together to craft the most effective and efficient approaches to improving compliance and protecting the environment. We strongly urge your participation. For additional information contact: **Gina Bushong** at 202-564-2242.

Risk Management Program and Flammable Fuels

Understanding Recent Changes

Carole L. Macko

EPA's Chemical Emergency Preparedness and Prevention Office

Recent developments in the Risk Management Program coverage of propane and other flammable fuels 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 fuels?

The recently enacted Chemical Safety Information, Site Security and Fuels Regulatory Relief Act established new provisions for ALL flammable fuels, including propane. Under the law, as of Aug. 5, 1999, flammable substances used as fuel at any type of facility OR held for sale as fuel at a retail facility no longer are covered by the Clean Air Act Risk Management Program. However, flammable fuels used as a feedstock to produce something else OR held for sale as fuel at a non-retail facility, such as a wholesale operation, terminal, or manufacturing site, still are covered.

Will there be a phase-in period for facilities that were not required to file RMPs for propane by June 21.

No. There will not be a phase-in period for facilities with propane that will still be covered under Section 112(r) of the Clean Air Act. Facilities that use propane as a feedstock to produce something else or hold propane for purposes other than on-site fuel use at a non-retail facility must immediately come into compliance with Section 112(r) of the Clean Air Act.

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. 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.

FLAMMABLE FUELS ALERT

EPA is issuing a regulation for reporting flammable fuels under Section 112(r) of the Clean Air Act to codify a recently enacted law.

The recently enacted Chemical Safety Information, Site Security and Fuels Regulatory Relief Act established new provisions for ALL flammable fuels. Under the law, as of Aug. 5, 1999, flammable substances used as fuel at any type of facility OR held for sale as fuel at a retail facility no longer are covered by the Clean Air Act Risk Management Program. However, flammable fuels used as a feedstock to produce something else or held for sale as fuel at a non-retail facility, such as a wholesale operation, terminal, or manufacturing site, still are covered.

Under Section 112(r) of the CAA, by June 21 certain facilities were required to have in place a risk management program and submit a summary of that program - called a Risk Management Plan (RMP) - to EPA.

Q. When will the regulation be effective?

A. As of Aug. 5, 1999, requirements for flammable fuels used as fuel or held for sale as fuel by retailers were no longer covered under the Clean Air Act Section 112(r). The regulation merely

codifies the law's provisions. Therefore, the regulation will be effective immediately.

Q. What about EPA's Administrative Stay issued earlier this year?

A. The purpose of the administrative stay was to relieve certain fuel facilities from RMP coverage while EPA completed the work necessary to create a permanent exemption for facilities having up to 67,000 pounds of flammable fuel in a process. The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act, reached further than the scope of the administrative stay, since it 1) removed from RMP coverage ALL listed flammable substances when used as a fuel or held for sale as a fuel at a retail facility, and 2) had no eligibility threshold. The new law in effect rendered EPA's Administrative stay moot. Because the stay will expire on Dec. 21, EPA will not publish notice withdrawing the stay.

Q. Will there be a phase-in period for facilities that were not required to file RMPs for propane by June 21.

A. No. There will be no phase-in period for facilities with propane that will still be covered under Section 112(r). Assuming the court lifts the judicial stay for propane as expected, facilities that use propane as a feedstock to produce something else or hold propane for purposes other than on-site fuel use at a non retail facility must immediately come into compliance with Section 112(r) of the Clean Air Act.

Q. My facility did not have to submit an RMP by June 21, but is now required to do so. I filed an RMP for a Program 2 propane process. The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act requires facilities that submit RMPs for Program 2 or Program 3 processes to hold a public meeting by Feb. 1, 2000, to discuss their Risk Management Program and off-site impacts. Does my facility have to hold a meeting?

A. No. Only facilities that were required to submit RMPs for Program 2 and Program 3 process by June 21, 1999, must hold a meeting.

PUBLIC MEETINGS

The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act also requires facilities that submitted an RMP for a Program 2 or Program 3 process to announce and hold a public meeting by Feb. 1, 2000, to discuss their Risk Management Program, including the off-site consequence analysis sections (sections 2 through 5 of the RMP). Small business stationary sources may opt to publicly post a summary of their OCA information. In either case, a certification must be sent to the FBI by June 5, 2000, that a meeting has been held or a summary has been posted. Facilities having only Program 1 processes are exempt from the public meeting/summary requirement.

Facilities are "small business stationary sources if they:

- Are owned or operated by a person that employs 100 or fewer employees (this is calculated at the corporate level);
- Meet the definition of small business concern in the Small Business Act (you need to know your North American Industrial Classification code to determine this);
- Are not major stationary sources under the Clean Air Act;
- Emit less than 50 tons per year of **any** regulated pollutant; and
- Emit less than 75 tons per year of **all** regulated pollutants (you need to combine emissions for all your pollutants to calculate this).

For more information, contact the EPCRA Hotline at (800) 424-9346 or (703) 412-9810.

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

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

Progress To Date:

There has been a remarkable response to this challenge from the chemical industry across the board. As of late November, over 220 companies had agreed to sponsor, either individually or as a member of one or more of over 60 testing consortia that have been established, the generation of screening data for almost 1200 of the chemicals on the HPV list. With the passage of the December 1st deadline for the closing of the voluntary portion of the program, we have become inundated with hundreds of new sponsorship letters. As of this writing, the final numbers of sponsored chemicals, as well as the names of the sponsoring companies and consortia, are in considerable flux, but should be available by the beginning of the new year. (A list of the currently sponsored HPV Challenge Program Chemicals can be found at <http://www.epa.gov/chemrtk/spnchems.htm>, where there is also a link to the summary report of companies and consortia, as well.)

Why Are Companies Participating?:

Many companies are participating because they understand that under the industry's principles of Responsible Care they can and should do nothing less. They also were troubled when they saw how few HPV chemicals had complete public test data available and they agreed that the existing gaps needed to be filled. In addition, they recognized that there were real practical advantages to participating in a voluntary program, rather than waiting for the imposition of a test rule. For example, under the voluntary program there is much more flexibility in the ways that the data can be acquired and made available. Now that the voluntary sponsorship phase of the HPV Challenge Program has ended, any HPV chemicals that have not been sponsored are subject to being included in a Test Rule under Section 4 of the Toxics Substance Control Act (TSCA). Under TSCA-directed testing there is no such flexibility.

Who is Participating?:

It initially appeared that the majority of the companies who first signed up to sponsor chemicals, either individually or as part of consortia, were among the larger companies in the industry. For example, about 70 percent of the largest Fortune Magazine chemical companies are on the list of sponsoring firms (seven of the top ten firms and 18 of the top 25). Many of the

sponsoring companies are also members of one or more of the larger trade associations, such as CMA or the American Petroleum Institute (API), and are participating in consortia that are sponsored by those organizations.

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

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

Key Dates and Timeline:

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

Although the period to sign up to sponsor HPV chemicals has ended, the actual program implementation and its 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:

In collaboration with various trade associations (CMA, API, SOCMA and others) and non-governmental organizations (EDF, the Doris Day Animal League, and others), during 1999 the Agency held a total of five scheduled stakeholder meetings in the Washington, DC, area, each sponsored by one or another of the major stakeholder groups. The final meeting under the voluntary phase of the program took place on November 9th. While new rounds of meetings have not yet been scheduled, it is all but certain that future meetings will continue to be scheduled as the program matures from its solicitation to its implementation phases.

How can you find out more about this Program?

For more information on the Program and to learn of new developments as they occur, you may visit our Web Site at 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), as noted above, or you may contact the Office of Pollution Prevention and Toxic's Small Business Liaison -- Frank Neumann at (202) 260-1772 or at neumann.frank@epa.gov.

In conclusion, we are interested in hearing any ideas you might have on how we might ensure that small business concerns are well-represented, so please write me:

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

ENERGY STAR TO EMPHASIZE ONLINE TECH SUPPORT

As small business' own e-commerce Web sites and Internet use continue their rapid growth, EPA's **ENERGY STAR** Small Business program will provide enhanced online support for cutting energy costs. In 2000, the **ENERGY STAR** Small Business Web site will increase its free tools and ease of use for helping small firms find energy efficiency products and services at better prices. Cutting energy costs 30 per cent is typical for small businesses who make a serious effort. **ENERGY STAR** provides unbiased, free technical support.

Early in 2000, **ENERGY STAR** Small Business will add an "action" area to its award-winning informational Web site, at www.epa.gov/smallbiz. The Web site recently won its third award for content, ease of navigation and appearance. At the Web Site, small businesses can download a free 100-page book for "non-technical" business owners, find nearly 50 case studies on successful upgrades of diverse small businesses, and use a state-by-state finance directory. Small firms can also e-mail technical questions for response, and a toll-free hotline backs up the Web site with live tech support. Small firms can also submit their own "success stories" online for national awards.

First, the new energy efficiency action area will help small businesses find tools, software, and local contractors to evaluate their facilities for energy savings potential. Secondly, the finance directory already online will continue to grow as many electric utilities renew their support for small business energy efficiency, and other new sources of finance become available.

Thirdly, an exciting example already online for helping small business get better prices on products is the link (from the Web site's "tech info") to the US Department of Energy (DOE) Web site to purchase "subcompact" fluorescent lamps, which fit virtually all sockets now using conventional (and very wasteful) incandescent bulbs. Here small firms can buy "state-of-the-art" lighting at very competitive prices thanks to US DOE competitive bidding. DOE anticipates further efforts make other efficiency technology more affordable, and **ENERGY STAR** will ensure that small business can easily find these opportunities.

ENERGY STAR is also working with private sector energy efficiency product and service vendors who are interested in aggregating small business purchasing power to get better prices for individual small business who participate in group purchasing.

Finally, small "office" type buildings over 5,000 square feet in size can now use the **ENERGY STAR** Buildings online tools to "benchmark" their facilities against comparable national energy users, and determine what efficiency upgrades would most profitable. This analytical Web site is accessible through the "Tech Info" section of the **ENERGY STAR** Small Business Web site. Modules for retail and grocery stores will go online later in the year.

ENERGY STAR Small Business ended 1999 working with about 2400 voluntary small business "Partners" who want to cut their energy costs. For information, **ENERGY STAR** Small Business is online at www.epa.gov/smallbiz, or can be called toll-free at 1-888 **STAR YES** (1-888-782-7937). All information and services are free of charge.



EPA's Small Business Innovation Research (SBIR) Program

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

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

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

EPA's next Phase I Solicitation will open on March 30, 2000, and will close on May 25, 2000. The solicitation will be posted on the National Center for Environmental Research and Quality Assurance WEBSITE at:

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

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

1-800-490-9194



NATIONAL AGRICULTURE COMPLIANCE ASSISTANCE CENTER



Helping Agriculture Comply with Environmental Requirements

The “first stop” for people in the agricultural community who need information on compliance with environmental regulations is the National Agriculture Compliance Assistance Center. Offered by the U.S. Environmental Protection Agency (EPA) with the support of the U.S. Department of Agriculture (USDA), the Ag Center offers comprehensive, easy-to-understand information about approaches to compliance that are both environmentally protective and agriculturally sound.

The Ag Center—a part of EPA’s Office of Compliance—is focusing first on providing information about EPA’s own requirements. The Center relies heavily on existing sources of agricultural information and established distribution channels.

Growers, livestock producers, other agribusinesses, and agricultural information/ education providers can access the Center’s resources easily—through telephone, fax, mail, and the Internet.

USDA and other agencies provide educational and technical information on agricultural production, but assistance in complying with environmental requirements has not been as readily accessible. The Ag Center is working with USDA and other federal and state agencies to provide the agricultural community with a definitive source for federal environmental compliance information.

*Working with
other
agricultural
agencies*

The Ag Center offers information on a variety of topics, including:

- Pesticides
- Animal waste management
- Emergency planning and response
- Groundwater/surface water
- Tanks/containment
- Solid/hazardous waste

The Ag Center also supports regional and state regulatory agencies in their effort to provide compliance assistance to local agricultural communities.

Ag Center Products and Services

- An Internet home page regularly updated and expanded with current news, compliance policies and guidelines, pollution prevention information, sources of additional information and expertise, and summaries of regulatory initiatives and requirements.
- User-friendly materials that consolidate information about compliance requirements, pollution prevention, and technical assistance resources for use by regional and state assistance and educational programs, trade associations, businesses, citizens, and local governments.
- Agriculture-related information on reducing pollution and using the latest pollution prevention methods and technologies.
- Identification of common-sense, flexible ways to reduce the costs of meeting environmental requirements, including identification of barriers to compliance.

Ag Center



National Agriculture
Compliance Assistance Center
Toll-free: 1-888-663-2155
Internet:
www.epa.gov/oeca/ag
Fax: 1-913-551-7270

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!** The National Small Business Financial Assistance (SBFA) Work Group, created to respond to the need of small businesses for financial assistance from the government, now has a web page on the Home Page. This web page (<http://www.smallbiz-enviroweb.org/financialgroup.html>) provides news on the Work Group and direct links to downloadable monthly bulletins in Word and PDF formats.
- # Don't forget the performance measurement tools and success stories searchable database (<http://www.smallbiz-enviroweb.org/perfmeas.asp>) still needs your tools and stories to add! The database enables tools from states and EPA to be reviewed and directly downloaded, revised, and used.
- # The publications searchable database now includes over 2,270 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 Pollution Prevention/ISO 14000 subpage has been updated, new SBREFA fact sheets have been added to the Small Business Initiatives/Policies/Laws subpage, a new Compliance Assistance Centers brochure has been added, and contact lists and other links have been updated.
- # Go to the State News–Share and Find! subpage to find out the latest state and EPA news focused on small business. **Coming soon** is a new way to share and find state news!
- # Remember...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 and 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

EPA Web Pages and Hotlines

Phone Number

• National Center for Environmental Publications	800-490-9198
(www.epa.gov/ncepihom/index.html)	513-489-8190
• Indoor Air Quality Information Clearinghouse	800-438-4318
(www.epa.gov/iaq)	
• Radon	800-767-7236
(www.epa.gov/iaq/radon)	
• EPA Energy Star	888-782-7937
(www.epa.gov/smallbiz)	
• Clean Air Technical Center	919-541-0800
(www.epa.gov/ttn/catc)	
• Mobile Sources (Emissions)	734-214-4333
(www.epa.gov/omswww)	
• Emission Measurement Center	919-541-0200
(www.epa.gov/ttn/emcl)	
• Stratospheric Ozone Information	800-296-1996
(www.epa.gov/ozone)	
• Acid Rain (emission trading, auctions, Information)	202-564-9620
(www.epa.gov/acidrain)	
• Safe Drinking Water Hotline	800-426-4791
(www.epa.gov/safewater)	
• National Small Flows Clearinghouse (WV Univ)	800-624-8301
(www.nsfrc.wvu.edu)	
• Storm Water Phase II Information	202-260-5816
(www.epa.gov/owm/sw2.htm)	
• Water Resource Center	202-260-7786
• Pollution Prevention Information Clearinghouse	202-260-1023
• National Solid & Hazardous Waste Ombudsman	800-262-7937
Washington Metro Area	202-260-9361
• Wetlands Information	800-832-7828
(www.epa.gov/owow/wetlands)	
• U.S. EPA RCRA, Superfund & Underground Storage Tanks Hotline	800-424-9346
Washington Metro Area	703-412-9810
(www.epa.gov/epaoswer/hotline)	
• Emergency Planning & Community Right to Know Title III (EPCRA)	800-535-0202
Washington Metro Area	703-412-9877
• Toxic Substance Control Act (TSCA) & Asbestos Information for Schools	202-554-1404
• Office of Pesticide Program Registration Division (Ombudsman)	703-305-5446
(www.epa.gov/pesticides)	
• Bio-Pesticide Staff Assistance	703-308-8098
(www.epa.gov/pesticides/biopesticides)	
• National Pesticide Telecommunications Network	800-858-7378
(http://ace.orst.edu/info/nptn)	
• EPA Waste Wise/Waste Reduction	800-372-9473
(www.epa.gov/wastewise)	
• Office of Environmental Justice	800-962-6215
• Office of Pollution Prevention & Toxics	202-260-2983
(www.epa.gov/opptintr)	
• Chemical Emergency Preparedness & Prevention Office	202-260-7938
(CEPPO) Small Business Liaison	
(www.epa.gov/ceppo)	
• Small Business Innovation Research (SBIR)	800-490-9194
(http://es.epa.gov/ncercqa/sbir)	
• EPA Inspector General (IG)	202-260-4977
(www.epa.gov/oigearth/index.htm)	

OTHER WEBSITES & HOTLINES

Phone Number

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

EPA REGIONAL REGULATORY SMALL BUSINESS LIAISONS

REGION	1	CT, ME, MA, NH, RI, VT	Dwight Peavey	(617) 918-1829
	2	NJ, NY, PR, VI	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 47. 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 through a grant to the state of Montana's Department of Environmental Quality for a seventh Conference in Missoula, Montana in June 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.
- ! Finalizing EPA's 1998 Small Business Ombudsman Report to Congress under Section 507 of the 1990 Clean Air Act Amendments. 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.
- ! Conducted annual Small Business Liaison Conference for EPA Regional Small Business Representatives on August 3-4, 1999 which was also attended by over a dozen state small business program representatives.
- ! Upgraded EPA Small Business Ombudsman Home Page on <http://www.epa.gov/sbo>.
- ! Participated in 40 to 50 EPA Regulatory work groups 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, and planning another for June 2000.
- ! Issued Environmental Management Assistance Guide for Small Laboratories and are well along in the process of upgrading and expanding the document, as well as a Source Book on Environmental Auditing for Small Business.
- ! Issued a State Resource Guide for Small Business Assistance Programs.
- ! Awarded October 6, 1999, and in the process of implementing Cooperative Agreement Programs with ten states to improve

small business technical assistance and outreach and to measure their assistance effectiveness. Conduct one-day specialized training to potential awardees of August 5, 1999.

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

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/tn/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 remanded the cases to EPA for further consideration.
- The Court left the new ozone standard in place based on its determination that it "cannot be enforced."
- The Court vacated the revised coarse particle (PM10) standards.
- The Court will 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.

Summary of Opinions Re EPA's Request for Rehearing of May 14, 1999 Decision

- On June 28, 1999, EPA filed a petition for rehearing on three aspects of the May 14 decision.
 - ▶ The petition gave the original three-judge panel the opportunity to reconsider and modify portions of its May 14 decision.
 - ▶ The petition also asked the entire D.C. Circuit to rehear three issues and reverse the decision of the original panel.
 - ▶ The three aspects at issue were whether the panel erred:
 - # in determining that the Act, as applied and without further clarification, represents an unconstitutional delegation of legislative authority;
 - # in concluding that EPA lacks authority to implement the revised, more stringent ozone NAAQS;
 - # in determining that EPA must consider alleged benefits of ozone pollution to address health risks posed by the sun's natural rays when setting an ozone NAAQS.
- On October 29, 1999, the Court responded to EPA's petition.
 - ▶ The original three-judge panel kept most of its original decision as issued on May 14, but it partially modified one aspect of its decision (see the "Ability to Enforce Ozone Standard" section below).
 - ▶ Rehearing before the entire court was denied, although the majority of voting judges voted in favor of rehearing.
 - ▶ On the key constitutional issue, of the nine judges who voted, five voted in favor of granting the petition for rehearing in front of the entire Court. (Two judges did not participate in the decision for unspecified reasons.)
 - # -The petition for rehearing was denied, however, because the court rules require a majority of the 11 active judges to vote for rehearing (rather than a majority of the voting judges).
 - # -A vigorous opinion in favor of rehearing, stated that the panel's decision on the constitutional issue was "fundamentally unsound" and went on to conclude that "the panel implicitly asserts a greater role for a reviewing court than is justified."
- The industry challengers to the July 1997 health-based air quality standards did not seek rehearing on any of the issues they lost in the May 14 decision -- including those portions of the panel's decision that upheld key aspects of the science EPA relied on and the process EPA followed in setting the standards.
- NONDELEGATION DOCTRINE:
 - ▶ May 14 Panel Decision: In the May 14 decision, the Court held (2 to 1) that the Clean Air Act, as applied and absent further clarification, is unconstitutional because it "effects an unconstitutional delegation of legislative power."
 - # The Court stated that "the factors EPA uses in determining the degree of public health concern associated with different levels of ozone and PM are reasonable."
 - # However, the Court said that when EPA considers these factors for non-threshold pollutants, "what EPA lacks is any determinate criterion for drawing lines" to determine where the standard should be set.
 - # The vigorous dissent on this issue stated that the

relevant Clean Air Act provision's "delegation of authority is narrower and more principled than delegations the Supreme Court and this court have upheld since [a 1935 case relied on by the majority]."

- ▶ October 29 Panel Decision on Rehearing Request: In a split opinion reiterating its earlier views, the panel denied rehearing on this issue.
- ▶ Request for Rehearing Before the Entire Court: Of the nine judges voting, five voted to have the entire Court rehear the case -- six votes were needed to grant rehearing. Four of these five clearly said that the panel's decision on the nondelegation doctrine should be reversed.

In a strongly worded opinion, three judges concluded that, "Not only did the panel depart from a half century of Supreme Court separation-of-powers jurisprudence, but in doing so, it stripped the Environmental Protection Agency of much of its ability to implement the Clean Air Act, this nation's primary means of protecting the safety of the air breathed by hundreds of millions of people."

• **ABILITY TO ENFORCE THE REVISED OZONE STANDARD**

- ▶ May 14 Panel Decision: In the May 14 decision, the Court held paradoxically that the Clean Air Act allows EPA to revise the primary ozone standard, but stated that the revised ozone standard "cannot be enforced."
- ▶ October 29 Panel Decision on Rehearing Request: In response to EPA's petition for rehearing, the panel modified this portion of the opinion.
 - # The panel replaced language in the May 14 decision stating that the revised ozone standard "cannot be enforced" with language saying that it could be enforced "only in conformity with Subpart 2."
 - # -The majority did not explain what it meant to enforce a revised ozone standard "in conformity with Subpart 2," which sets out specific requirements for enforcing the pre-existing 1-hour ozone standard.
 - # -The concurring opinion states that this "leaves open the possibility that the new ozone standard can be implemented in areas that have attained the old standard."
- ▶ The panel also changed the May 14 decision to say that Subpart 2 does not bar EPA from enforcing a revised secondary air quality standard. This replaced language that would have precluded EPA from enforcing a revised secondary standard before an area had attained the pre-existing 1-hour standard.
- ▶ The panel also modified its rationale for not vacating the 8-hour ozone standard. It continues to allow the 8-hour standard to remain in effect because "the parties have not shown that the standard is likely to engender costly compliance activities in light of our determination that it can be enforced only in conformity with Subpart 2."
- ▶ Request for Rehearing Before the Entire Court: The petition for rehearing this issue before the entire court was denied.

• **CONSIDERATION OF UVb RADIATION**

- ▶ May 14 Panel Decision: In addressing whether EPA should have considered alleged benefits of ground-level

ozone as a shield in blocking ultraviolet (UVb) radiation, the May 14 decision held that EPA must consider whether ground-level ozone has a beneficial effect, and if so, consider such effects in assessing ozone's net effects on health.

- ▶ October 29 Panel Decision on Rehearing Request: The petition for rehearing on this issue was denied.
- ▶ Request for Rehearing Before the Entire Court: The petition for rehearing on this issue was denied.

We will continue to keep you up to date on any new development.

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, See OSBO, Item I-46.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) RULES AVAILABLE FOR SOME INDUSTRIES

In 1994, a General Provisions Rule was issued to establish a consistent set of requirements for NESHAPs under the air toxics provisions of the Clean Air Act, Item I-20. Since then, EPA has finalized rules which affect many small businesses, including various types of *Halogenated Solvent Cleaning Processes, Item I-21; (See new revised Direct Final Rule w/Amendments), *Chromium Electroplating and Anodizing Operations---revision of compliance deadlines for California: Federal Register (FR) 1/30/97 and area source deferrals FR 8/18/99, Item 1-22; *Ethylene Oxide Emissions from Commercial Sterilization and Fumigation Operations, Item I-23 (**IMPORTANT NOTE**: Certain portions of the Rule have been SUSPENDED until December 6, 2000, and December 6, 2001); *Dry Cleaners--rule amended relative to certain transfer machines, Item I-27; Aerospace Manufacturing and Rework--amendments and control techniques guidelines finalized 9/1/98, 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, and since then in almost every year. Several of the amendments exclude some volatile organic compounds and ease implementation plan requirements. Equipment leaks have also been addressed. Item I-24.

IMPORTANT NOTE:

*Discretionary deferment of Title V Operating Permit requirements

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

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

On November 18, 1999, EPA published a new revision to the Initial List of Categories of Sources, as required under Section 112 (c)(1) of the Clean Air Act of 1990; and a revised schedule for the Promulgation of Emission Standards for the above categories. 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 and a new proposal issued on 8/20/99. Item I-29.

PERCHLOROETHYLENE (PCE) HEALTH EFFECT STUDIES

EPA's National Center for Environmental Assessment in The Office of Research and Development (ORD) has started a health assessment to update the Agency's data base on possible health hazards associated with chronic exposure to perchloroethylene. The assessment will characterize hazard and dose-response for cancer and general 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: Final rule, 6/1/98 FR 29240-245. Item I-5. A final rule *detailling* 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*, last update 12/6/99 FR 68039-043, Item-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 clarified its interpretation of Clean Air Act sections 112(l) and 112(r)(11), as they relate to Department of Transportation (DOT) requirements under the Federal Hazardous Materials Transportation Law under a settlement agreement with the Chlorine Institute (CI), (5/26/99 FR p. 28705). Item I-30.

CHEMICAL SAFETY ACT

On August 5, 1999, President Clinton signed the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act. The law concerns the public availability of the Offsite Consequence Analysis portions of the Risk Management Plans submitted by facilities under Section 112(R) of the Clean Air Act. It requires most facilities to provide the public with a summary of this information—either through holding a public meeting or by posting a summary.

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. Guidance regarding the PTE of some sources located on tribal lands was issued on March 7, 1999. Finally, a new booklet has been developed as a Guide to Small Businesses, Item I-31.

CLEAN AIR ACT COMPLIANCE ASSISTANCE ENFORCEMENT POLICY FOR SMALL BUSINESSES

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

NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES FOR SEVERAL CATEGORIES OF INDUSTRIAL COMBUSTION SOURCES

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

COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS; PROPOSED STANDARDS AND GUIDELINES (40 CFR Part 60, Subparts CCCC and DDDD)

The EPA has proposed air pollution emission limits for incineration units that burn commercial and industrial waste materials. The proposal, which was published in the Federal Register on November 30, 1999 (vol. 64, no. 229, pages 67091-67127, OSBO Item I-46), would require wet scrubbing on most new and existing units. Additionally, there are proposed requirements for operator training and qualification, preparation of a waste management plan, and new unit siting. Nine pollutants are

addressed by the proposed rule, including dioxins/furans, lead, and mercury. Public comments on the proposal are due by January 31, 2000.

NATIONAL RADON PROFICIENCY PROGRAM

EPA ceased operations of its National Radon Proficiency Program on 9/30/98. Contact your State Radon Contact, (Item J-4) to determine what are the, or whether there are, requirements associated with providing radon measurement and or radon mitigation/reductions in your state. Some states have proficiency programs or requirements of their own, Item J-1.

CLEAN WATER ACT NEWS

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: transportation equipment cleaning, centralized waste treatment, feedlots (swine, poultry, beef, and dairy cattle), iron and steel, construction and development, metal products and machinery, oil and gas extraction (focused on synthetic-based drilling fluids), and coal mining.

For two of the rules under development—feedlots and metal products and machinery—EPA convened a Small Business Advocacy Review Panel in December 1999. Both Panels are on schedule to complete their review and issue a report in February 2000. You can check for updates on all of the effluent guidelines on the Internet at <http://www.epa.gov/OST/guide/>.

CONFINED ANIMAL FEEDING OPERATIONS (CAFOs): REVISIONS TO EFFLUENT GUIDELINES AND NPDES PERMIT REGULATIONS

EPA is revising the 1974 regulations for Confined Animal Feeding Operations (CAFOs) as part of its settlement agreement with the Natural Resources Defense Council. The revisions cover three regulations, all on the same schedule:

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

These revisions are needed because of the changes in the industry over the past 25 years, including: concentration of animals in fewer, larger operations; vertical integration within the industry; and changes in the relationship between herd size and available land

(e.g. more manure than can be properly applied to available land). EPA is considering a number of changes to update the regulations to reflect current industry characteristics and practices, and to make the rules simpler and easier to understand. Changes under consideration include: covering dry poultry operations, permit requirements to develop Comprehensive Nutrient Management Plans for the proper application of manure, and increased public involvement in general permits for CAFOs.

EPA is currently in the process of conducting a SBREFA panel (see article above) for these rules, and will factor the findings into its options selection process later this year. EPA plans to propose all three rules for public comment in December 2000.

REISSUANCE OF THE NPDES INDUSTRIAL STORM WATER GENERAL PERMIT (MULTI-SECTOR GENERAL PERMIT)

The current and (in nearly all instances) only general permit available to industrial storm water dischargers is the Multi-Sector General Permit (MSGP). This permit was originally published in the Federal Register in 1995 and was subsequently modified in 1998. As with all NPDES permits, the maximum length of time the MSGP is effective is five years, which occurs in September, 2000. EPA has revised the original / modified MSGP and will be proposing the revision (known as the MSGP-2000) in the Federal Register some time in January 2000. It will also be posted on the internet at www.epa.gov/owm/sw web site.

All permittees currently covered by the MSGP will need to obtain a copy of the MSGP-2000 after it becomes final, to ensure that any new requirements are met and then submit a new Notice of Intent (NOI) form to obtain coverage or a Notice of Termination (NOT) form to indicate coverage is no longer needed. A new "no-exposure" permitting exemption will also be available to all industrial dischargers as of February 8, 2000. This new exemption, as part of the Phase II storm water regulations, provides incentives for industrial facilities to protect their operations from storm water exposure. If this is a viable option for a facility, the operator would not need an NOI or NOT, just the submission of the No Exposure Certification form. At least 70,000 industrial facilities will be able to take advantage of this new permitting exemption by protecting their operations from storm water, such as covering operations under a storm resistant shelter.

Comments on the proposed MSGP-2000 from interested parties will be accepted for a period of 60 days following publication, following which the comments will be addressed and the permit language modified as appropriate. Information on where to submit comments will be contained in the Fact Sheet portion of the proposal.

REVISION OF PRETREATMENT REQUIREMENTS

On July 22, 1999, EPA published a proposed rule to streamline the General Pretreatment Regulations (40 CFR Part 403) in the Federal Register [64 FR 39563]. The purpose of the proposed rulemaking is to reduce the burden to publicly-owned treatment works (POTWs) and industrial users. The proposed revisions would allow POTWs : more flexibility in regulating low pH wastes, the option to establish either mass or concentration

based limits, to better tailor oversight of and sampling by significant industrial users, and to allow the granting of removal credits for certain pollutants. The proposed rulemaking also clarifies how management practices and general permits can best be used, provide for use of electronic reporting, and address other important program issues. EPA worked with stakeholders (State approval authorities, trade associations, industrial users, environmental organizations and individual POTWs) prior to drafting the proposal by asking for their review and comment on brief discussions of the issues. The public comment period on the proposed rulemaking closed on November 19, 1999. EPA received 216 comments from a variety of interested stakeholders. EPA is currently reviewing and preparing a response to comments for inclusion in the preamble to the final rulemaking. EPA anticipates promulgation of a final rule in early 2001.

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 winter 2000.

SAFE DRINKING WATER ACT NEWS

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/ in the calendar section.

DRINKING WATER STATE REVOLVING FUND

The reauthorized SDWA of 1996 included the establishment of a Drinking Water State Revolving Loan Fund (DWSRF). States receive capitalization grants which they use to fund eligible water system drinking water infrastructure projects needed to address problems in public health and improvements needed to comply with drinking water standards. Under the DWSRF, States are required to provide a minimum of 15% of available funds to small systems serving fewer than 10,000 persons. Also, under the DWSRF set-aside programs, States are allowed to take up to 2% of their DWSRF allotment to provide technical assistance to small systems. Through other set-aside categories, States can also provide technical assistance to water systems in the areas of capacity development, operator training, and source water protection. To date, 800 loans for \$1.6 billion have been made to water systems for eligible projects. Of

these 800 loans, 75% went to small water systems.

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.

In August 1998, EPA released guidance documents to assist states with ensuring new water system capacity and to develop a capacity development strategy for systems already in existence. A subgroup of NDWAC provided formal input to EPA as it developed these guidances. Recently, the subgroup also finished producing two documents concerning small systems to assist them in their deliberations: *Small System Regulatory Requirements Under the Safe Drinking Water Act as Amended in 1996* and *National Characteristics of Drinking Water Systems Serving Populations Under 10,000*. Copies of all these documents can be requested through the Safe Drinking Water Hotline on 1-800-426-4791.

Over the past year, states submitted to EPA programs to ensure that any new system commencing operation after October 1, 1999 will demonstrate technical, managerial, and financial capacity. Every state met the September 30, 1999 deadline for the new systems capacity development program. States are now developing and enhancing strategy programs to help existing water systems achieve and maintain capacity. States must be developing and implementing their existing systems strategies by October 1, 2000 or else lose a portion of their DWSRF funds.

CAPACITY DEVELOPMENT FOR TRIBAL SYSTEMS

EPA has begun development of several resource documents to assist those working with Tribal water systems. These documents will focus on the development of technical, managerial, and financial capacity of systems serving Tribal lands, which often face unique situations and challenges. The documents include a Tribal capacity development resource handbook, a brochure of existing EPA efforts to ensure drinking water for Tribes, a preventative maintenance tool for Tribal systems, and a brochure on building water system capacity for Tribal Administrators. EPA will finalize these products during the coming year.

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

States are currently conducting assessments of the sources of drinking water for all public water supplies in the United States. States have until 2003 to complete these assessments. Each assessment will define source waters to be protected, identify potential sources of contamination, and determine the relative vulnerability of the water supply to contamination. The information in these assessments will help water suppliers and local governments develop any necessary measures to protect their water supplies.

CONSUMER CONFIDENCE REPORTS

All 55,000 community drinking water systems were required to provide their first annual water quality report to their customers by October 19, 1999. The next report is due to customers by July 1, 2000, and July 1 for each year thereafter. These short reports provide consumers of public drinking water supplies with information on the source of their drinking water, levels of any contaminants found in the water, and potential health effects of any contaminants that exceed federal or state public health standards, as well as give them information on how to participate in drinking water protection. EPA has developed a series of materials to help water systems create these reports. You can find this information on EPA's website at www.epa.gov/safewater/ccr1.html.

CLASS V UNDERGROUND INJECTION CONTROL (UIC) CONTROL WELLS

On December 7, 1999, EPA published its final Class V UIC rule in the Federal Register (64 FR 68546). Class V injection wells are typically shallow disposal systems that are used to place a variety of fluids below the land surface, into or above underground sources of drinking water. The fluids released by certain types of these wells have a high potential to contain elevated concentrations of contaminants that may endanger drinking water.

The Class V rule focuses on two categories of Class V injection wells, that are known to pose a threat to underground sources of drinking water: motor vehicle waste disposal wells and large-capacity cesspools. New large capacity (serving 20 or more people per day) cesspools are banned nationwide as of April 5, 2000. Existing large capacity cesspools will be closed nationwide by April 5, 2005. New motor vehicle waste disposal wells are banned nationwide as of April 5, 2000. Existing motor vehicle waste disposal wells will be regulated in areas identified by States as sensitive to protecting existing and future drinking water supplies. EPA has extended the deadline for States to identify regulated water areas and fully believes that all States will meet the deadline. A fact sheet is available on the EPA website at www.epa.gov/safewater/uic.html#classv.

UPCOMING DRINKING WATER RULES AFFECTING SMALL WATER SYSTEMS

In the Spring of 2000, EPA will be proposing rules to protect consumers of public drinking water supplies from certain high-risk contaminants. EPA is required under the Safe Drinking Water Act to promulgate the Ground Water Rule (GWR) to require disinfection "as necessary" for drinking water systems using ground water. Drinking water systems using surface water have been required to

disinfect since 1989. The GWR establishes a multi-barrier strategy designed to identify high-risk water systems, and will require corrective action only where contamination or significant deficiencies have been identified. Thus, only a subset of the ground water systems will be required to disinfect. EPA expects to propose the GWR in April 2000.

The Long Term Surface Water Treatment Rule will establish protections against *Cryptosporidium* and other microbial contaminants for water systems using surface water sources. EPA expects to propose this rule in March. Finally, EPA expects to propose in late Spring the Arsenic rule, to tighten standards against arsenic in drinking water. A March 1999 National Academy of Sciences report concluded that the current drinking water standard of 50 ppm be lowered as soon as possible based on the risks of lung, bladder and other internal cancers. Further information on these rules can be found at www.epa.gov/safewater/standards.html, or by calling the Safe Drinking Water Hotline at 1-800-426-4791.

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 early 2000.

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 published a notice covering Pesticide Reregistration Performance Measures and Goals: 11/18/99 FR, 63036-045. It is in Item F-5. EPA has available many items to assist in compliance with the Worker Protection Standards, including bilingual training manuals for pesticide applicators, videos and leaflets for pesticide handlers, a pesticide safety poster for workers, a slide presentation covering the "Standard," a heat stress guide, and other items. A copy of the publication "*Worker Protection Standard: Materials Developed by EPA, States, and Other Organizations*," which describes Worker Protection Standard materials and how to obtain them, may be obtained from the EPA Certification and Worker Protection Branch (<http://www.epa.gov/pesticides/safety>), (7506-C) U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC . 20460, or by calling 1-703-305-7666. These WPS materials addressing pesticide safety and training may also be obtained through EPA Regional Offices (<http://www.epa.gov/epahome/locate2.htm>), States Agencies (<http://ace.ace.orst.edu/info/nptn/-state1.htm>) the Cooperative Extension Service (<http://www.reeusda.gov/>), the Government Printing Office, 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 Spring 2000, which will establish criteria for determining whether a pesticide should be considered for restricted use due to its potential to reach ground water. Pesticide products classified for restricted use may be purchased and used only by certified pesticide applicators or individuals under their supervision. This policy does not directly change the classification of any pesticide products. EPA will propose restricted use classification for specific pesticide products only after further evaluation of products which meet the criteria.

HAZARDOUS WASTE MANAGEMENT RESOURCE CONSERVATION & RECOVERY ACT (RCRA)

REVISED STANDARDS FOR HAZARDOUS WASTE COMBUSTION FACILITIES

Under the Clean Air Act (CAA) Amendment of 1990, EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors (HWCs) (i.e., incinerators, cement kilns, boilers, and some types of smelting furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment. EPA is concerned that its current RCRA standards for HWCs may not be adequately protective given that the standards do not take into account indirect pathways of exposure and that there have been advances both in risk assessment and control technologies since promulgation of the current standards.

Consequently, the Agency established new emissions standards for HWCs, for cement kilns, Light Weight Aggregate Kilns (LWAKs), and incinerators under joint CAA and RCRA authority. This will avoid duplicative Agency effort and piecemeal regulation of the hazardous waste combustion industry.

The Agency is in the process of developing a proposal to address boilers and other industrial furnaces.

Final action on cement kilns, LWAKs, and incinerators (Phase I) has been completed (Sept. 30, 1999 FR p 52828) Included in Item C-92; and a Notice of Proposed Rulemaking (NPRM) is anticipated early this year (2000) on boilers and other industrial furnaces (Phase II).

RCRA REPORTING AND RECORDKEEPING BURDEN REDUCTION

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

A notice of Proposed Rulemaking (NPRM) is anticipated late this year (2000).

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.

STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES

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

A Notice of Proposed Rulemaking (NPRM) is anticipated for the Spring of this year (2000).

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.

GLASS-TO-GLASS RECYCLING OF CATHODE RAY TUBES (CRTS): CHANGES TO HAZARDOUS WASTE REGULATIONS

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

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

This action is planned in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to The Environmental Protection Agency (EPA). CSI is a consensus-based process for developing cleaner, cheaper, smarter environmental improvements. The Council includes representatives of industry; environmental groups; community groups; environmental justice groups; labor; and, Federal, State, local, and tribal governments. The recommendation involves minimizing RCRA requirements for glass-to-glass recycling while retaining appropriate controls to ensure protection of human health and the environment. The goal of the recommendation is to facilitate an increase in glass-to-glass recycling, thereby minimizing disposal of lead, increasing resource recovery, and enhancing protection of human health and the environment.

A Notice of Proposed Rule Making (NPRM) is anticipated to be published later this Spring, perhaps in April 2000.

HAZARDOUS WASTE MANAGEMENT: SPENT LAMPS RULE-MAKING STATUS

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

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE; INORGANIC CHEMICAL INDUSTRY WASTES; AND DESIGNATION AND REPORTABLE QUANTITIES

EPA, under an environmental Defense Fund settlement agreement, will amend, if necessary, the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to reduce hazards to human health and the environment for inorganic chemical industry wastes. The wastes covered under this listing document include: sodium dichromate production wastes,

wastes from the dry process for manufacturing phosphoric acid, phosphorus trichloric production wastes, phosphorus pentasulfide production wastes, wastes from the production of sodium phosphate from wet process phosphoric acid, sodium chlorate production wastes, antimony oxide production wastes, cadmium pigments production wastes, barium carbonate production wastes, potassium dichromate production wastes, phenyl mercuric acetate production wastes, boric acid production wastes, inorganic hydrogen cyanide production wastes, (except for chloride process waste solids). This action is proposed under the authority of section 3001(e)(2) of RCRA which directs EPA to make a hazardous waste listing determination for inorganic chemical wastes. After an extensive study of the waste streams of the above chemical industry processes, including characterization of the wastes generated and a risk assessment evaluating plausible mismanagement scenarios, EPA will propose which of the above wastes, if any, should be listed as a hazardous waste under 40 CFR part 261.

A Notice of Proposed Rule Making (NPRM) is anticipated for late this summer.

MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT: CODIFICATION OF WASTE MANAGEMENT PROVISIONS

The purpose of this rule is to codify into the Code of Federal Regulations certain provisions of the Mercury-Containing and Rechargeable Battery Management Act that impact the May 11, 1995 Universal Waste Rule (40 CFR Part 273). The Act was signed by the President on May 13, 1996 and became immediately effective nationwide on the date of signature. Specifically, one provision of the Law requires the collection, storage, and transportation of the following types of batteries be managed according to standards established in the Universal Waste rule: used rechargeable batteries, lead-acid batteries not covered by 40 CFR part 266 or the equivalent requirements of an approved state program, rechargeable alkaline batteries, certain mercury-containing batteries banned from domestic sale, and used consumer products containing rechargeable batteries that are not easily removable. The law prohibits State imposed requirements that are not identical to those found in the Federal Universal Waste Rule, but allows States to adopt and enforce identical standards and to implement and enforce collection, storage, and transport requirements identical to those included in the universal waste rule if the standards are approved by the EPA Administrator.

Rule making action is anticipated for December of this year (2000) to include a Direct Final Rule, and a Notice of Proposed Rule Making (ANPRM)

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 early 2000.

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

The Advanced Notice of Proposed Rulemaking (ANPRM), published in the Federal Register, May 28, 1999, pages 28949-63, solicited 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. A Notice of Proposed Rule Making (NPRM) is anticipated for late Spring this year (2000).

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/fedgrstr.

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 the electronic completion, signing, 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 June 2000.

HAZARDOUS WASTE IDENTIFICATION RULE (HWIR)

On November 19, 1999, the Environmental Protection Agency published in the Federal Register a proposal retaining and revising the mixture and derived-from rules under RCRA's hazardous waste management program (64 FR 63381). The mixture and derived-from rules ensure that hazardous wastes that are mixed with other wastes or treated in some fashion do not escape regulation as long as

they are reasonably likely to continue to pose threats to human health and the environment. This proposal also includes a discussion of two regulatory options for concentration-based exemptions, (i.e., a "generic" exemption and a "landfill-only" exemption). In addition, this notice discusses the possibility of revising the Land Disposal Restrictions (LDRs) by replacing technology-based treatment standards in 40 CFR 268.40 and 268.48 with risk-based treatment standards.

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

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

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

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

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

The focus of the proposed rule is to provide flexibility under RCRA Subtitle C to generators of eligible mixed waste. EPA is proposing a conditional exemption from the definition of hazardous waste applicable to: low-level mixed waste (LLMW) for storage; and LLMW or Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM) for transportation and disposal. The proposal is expected to reduce dual regulation for generators in the management and disposal of their wastes. This flexibility will enable generators of LLMW who are licensed by the Nuclear Regulatory Commission (NRC) to claim an exemption for storing and treating these wastes in tanks or containers (using solidification, neutralization, or other stabilization processes) without a RCRA permit. The proposal will also provide flexibility for the manifesting, transportation and disposal of eligible mixed

waste. Waste meeting the proposed conditions will be exempted from certain RCRA Subtitle C hazardous waste requirements and managed as radioactive waste in accordance with NRC regulations.

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

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(I) (applicability of the used oil management standards to used oil contaminated with polychlorinated biphenyls (PCBs)), and 40 CFR 279.74(b) (record-keeping requirements for marketers of used oil that meets the used oil fuel specification). Accordingly, on July 14, 1998 (7/14/1998 FR pp 37780-3), the Agency withdrew these three amendments and reinstated the regulatory text that existed prior to the May 6, 1998 Direct Final Rule. These 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.

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.

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

SUPPORTING THE STATE LOCAL EMERGENCY PLANNING COMMITTEES (LEPC)

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

March 1, 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. EPA issued a final rule February 11, 1999 (Relief for retail gas stations) that eliminated reporting on gasoline and diesel fuel stored entirely underground in tanks, fully in compliance with Underground Storage Tank (UST) Regulations at retail gas stations with thresholds of:

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

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

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

The other items in the proposed rule of June 8, 1988 will most likely not be finalized until 2001.

TOXICS RELEASE INVENTORY (TRI) (UPDATE)

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

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

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

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

Lead and Lead Compounds -- On August 3, 1999 (64 FR 42222) EPA published a proposed rule that would lower the reporting thresholds for lead and lead compounds. EPA believes

that lead and lead compounds are persistent, bioaccumulative toxic (PBT) chemicals that warrant lower reporting thresholds than those currently established under EPCRA section 313. The proposal includes a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds. (Also included in K-29).

Pollution Prevention Act – The Agency plans to issue a proposed rule in the Summer of 2000 to define terms and clarify reporting requirements to assure that data reported pursuant to the Pollution Prevention Act (PPA) are 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.

TOXICS RELEASE INVENTORY (TRI) PUBLIC DATA RELEASE

The 1998 Toxics Release Inventory Public Data Release (PDR) is planned for release in early 2000. Both the 1998 TRI Public Data Release (PDR) and the 1998 TRI PDR State Fact Sheets documents will be available on the TRI website and by calling the EPCRA Hotline upon release in Spring 2000 (see the contact information below).

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

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 Releases 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. (Item in K-61).

(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_).

TOXIC SUBSTANCE CONTROL ACT (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 as certified individuals and firms engage in LBP activities and persons operating accredited training programs. Certification applies to the following disciplines: inspector, risk assessor, supervisors, project designer, abatement worker. 40 CFR Subpart L 745.238, Item E-48.

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)

As reported in previous editions EPA 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."

Practical application of rules and regulations can be challenging, especially to the small business person. To aid all members of the regulated community, EPA developed a series of questions and answer documents based on questions submitted by members of the regulated community.

These documents and 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.

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.

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 are 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>. Since it has been available, the website has been accessed with approximately over 75,000 user sessions and over 1/2 million 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 5 times since the project's release. Another update is anticipated in January 2000.

The Agency is completing a formal evaluation of SFIP's initial year of availability. Obtaining feedback from all stakeholders (government, facilities, trade association, environmental groups), the evaluation has shown SFIP to be successfully meeting its goals of providing greater public access to accurate compliance and facility-level information as well as improving multimedia facility profiling and sector based analysis. The evaluation results will assist the Agency in determining how to proceed with the project, including possible expansion. 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.

The ETV Program also has a listserv, ETVoice, which sends a brief monthly message to anyone interested in the ETV Program listing new and updated material on the web site.. 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, 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. 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.

EPA REVIEWS PUBLIC PARTICIPATION POLICIES

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

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

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

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

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

These questions were recently posed in a federal register notice with a 30 day public comment period that ended December 30, 1999. As stated in the original notice, EPA is still seeking input on these questions and will use your comments as the Agency moves further in updating the 1981 policy and other stakeholder

involvement regulations and policies. For a copy of the federal register notice, go to EPA's stakeholder website at www.epa.gov/stakeholder. To provide comments, contact Deborah Dalton at EPA by fax at 202 260-5478 or submit comments through the stakeholder website. Keep an out on the website for a posting of all comments received on this issue.

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 and the State Small Business Home Page www.small.biz.enviroweb.org. We have initiated a project to update and expand the Guide, which should be available early this 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-16

CONSOLIDATION OF GOOD LABORATORY PRACTICE STANDARDS (GLPS) REGULATIONS CURRENTLY UNDER TSCA AND FIFRA INTO ONE RULE

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

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

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

(12/29/99 FR pp. 72972-85)

Final Action anticipated later this year, 2000, which is included in Item B-16.

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 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.

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

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, audreyz@ccia.com, and 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 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,

COMPLIANCE ASSISTANCE CENTERS ARE RECOGNIZED FOR THEIR SERVICES

In partnership with industry, academic institutions, environmental groups, and other federal agencies, EPA's Office of Compliance has launched 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.

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. The Centers can be accessed at <www.assistancecenters.net>.

Recently, three Centers were recognized for their services. CCAR-GreenLink® – the automotive service and repair compliance assistance center – has been selected to receive a

Vision 2000 Model of Excellence award by the US SBA Office of Small Business Advocacy for its work with "regulations that work for small business." The Model of Excellence awards are provided to honor innovative and successful programs and policies at the state and local level that promote the growth of small businesses.

ChemAlliance has been listed by the Dow Jones Business Directory as a "Select Site." ChemAlliance was considered along with thousands of other business sites in many categories, and was chosen as a "Select Site" because it provides exceptional value to the Dow Jones Business News and Wall Street Journal readers.

The editors of @g Online (Successful Farming's on-line magazine) has selected the National Agriculture Compliance Assistance Center (Ag Center) as a "high ranking site". The review notes that the Ag Center is easy to navigate, offers a wealth of information, and is a valuable resource for compliance and environmental questions.

For general information on the Centers, please contact **Tracy Back** at (202) 564-7076 or E-mail at back.tracy@epa.gov.

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

PLEASE MARK YOUR CALENDARS

The State Small Business Ombudsmen 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 20-22, 2000.

Specialized training classes will be offered before the conference on June 19th.

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 meeting the disclosure period.
- 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.

This policy is currently undergoing modifications. For more specific information on this policy, contact **Ginger Gotliffe**, *Office of Compliance*, at (202) 564-7072.

POLICY ON ENVIRONMENTAL SELF-POLICING

EPA issued the Final Policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" in the Federal Register on December 22, 1995 (60 FR 66,706). Commonly referred to as the EPA Audit Policy, it provides regulated entities of all sizes with incentives to voluntarily discover, disclose, and correct violations of environmental laws and requirements.. Under the Audit Policy:

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

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

On May 17, 1999, EPA issued a Federal Register Notice proposing a number of revisions to the Audit Policy (64 FR 26,745). Major proposed revisions include broadening the period for prompt disclosure from the current ten days, clarifying that the Audit Policy is available in the multiple facility context, and clarifying that violations do not have to be systematically discovered in order to be eligible for the "no recommendation for criminal prosecution" benefit. EPA is now in the process of finalizing the proposed revisions and expects to issue a revised Final Audit Policy shortly.

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

ENFORCEMENT RESPONSE POLICY

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

- 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 (NMFRC) is the most substantial, comprehensive environmental compliance, technical assistance, and pollution prevention information source available to the metal finishing industry. As an Internet Web Site, NMFRC also serves as an information resource and distribution channel for technical assistance programs (TAPs). Services and products include an EPA Regulatory Determinations collection pertaining to metal finishing, performance and cost comparisons across technology options, pollution prevention case studies, and vendor information. For further information, contact Paul Chalmer (734-995-4911) at the National Center for Manufacturing Science. Internet: 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 1-888- USPNEAC. Internet: www.pneac.org.

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 1-888 GRN-LINK. Internet: www.ccar-greenlink.org.

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 (913-551-5211) at EPA or 1-888-663-2155. Internet: www.epa.gov/oeca/ag/

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 Paul Chalmer (734-995-4911). 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. For further information, contact Scott Butner (206-528-3290) or 1-800-672-6048. 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. For further information, contact David George (202-962-3531) or 1-877-TO-LGEAN or 1-877-865-4326. Internet: <http://www.lgean.org>

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 Carter Morris (703-824-0500) or 1-888-459-0656. Internet: <http://www.transource.org/>

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 Paul Chalmer (734-995-4911). Internet: <http://www.paintcenter.org/>

For general information on all Compliance Assistance Centers, contact **Tracy Back** (202-564-7076) or E-mail at < back.tracy@epa.gov >.

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.

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

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SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
AL	Blake Roper	(334) 394-4335 (N) (800) 533-2336	Mike Sherman	(334) 271-7873 (N) (800) 533-2336
AK			Tom 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			Joe Bob Garner	(501)682-0866
CA	Kathleen Tschogl	(916) 323-6791 (S) (800) 272-4572	Peter Venturini	(916) 445-0650 (S) (800) 272-4572
CA South Coast AQMD	La Ronda Bowen	(909) 396-3235 (S)(800)388-2121	Larry Koleczak	(909) 396-3215 (S)(800)388-2121
CO	Cathy Heald	(303) 692-2034 (S) (800) 886-7689	Nick Melliadis	(303) 692-3175 (N) (800) 333-7798
CT	Tracy Babbidge	(860) 424-3382 (S) (800) 760-7036		
DE	To be Announced	(302) 739-6400		
DC	Sandra Handon	(202) 535-1722	Olivia Achuko	(202) 535-2997
FL	Elsa Bishop	(850) 414-8399 (S) 800-722-7457	Bruce Thomas	(850) 921-7744 (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) 586-4200
ID	Sally Tarowski	(208) 373-0472		
IL	Don Squires	(217) 785-1625 (S) (888) 372-1996	Mark Enstrom	(217) 524-0169 (S) (800) 252-3998
IA	Linda King	(N) (515) 242-4761 (S) (800) 358-5510	John Konefes	(319) 273-8905 (S) (800) 422-3109
IN	Erika Seydel-Cheney	(317) 232-8598 (S) (800) 451-6027	Cheri Storms	(317) 233-1041 (S) (800) 451-6027
KS	Janet Neff	(785) 296-0669 (N) (800) 357-6087	Jean Waters	(785) 532-4698 (N) (800) 578-8898
KY	Rose Marie Wilmoth	(502) 564-2150 X128 (N) (800) 926-8111	Gregory Copley	(606) 257-1131 (N) (800) 562-2327
LA	Jim Friloux	(225) 765-0735 (S) (800) 259-2890	Dick Lehr	(225) 765-2453 (S) (800) 259-2890
MA			Terry Goldberg	(617) 367-8558 X 302
MD	Don Jackson	(410) 631-3165 (S) (800) 633-6101, X 3772	Andrew Gosden	410-631-4158 (S) (800)633-6101,x4158
ME	Ron Dyer	(207) 287-4152 (S) (800) 789-9802	Brian Kavanah	(207) 287-6188 (S) (800) 789-9802
MI	Dana Cole	(517) 241-3518	Dave Fiedler	(517) 373-0607 (N) (800) 662-9278
MN	Charlie Kennedy	(651) 297-8615 (S) (800) 985-4247	Troy Johnson	(651) 296-7767 (S) (800)657-3938
MO	Angie Heffner	(573) 751-3222 (S) (800)361-4827	Byron Shaw	(573) 526-6627 (N) (800) 361-4827
MS	Jesse Thompson	(601) 961-5167 (N) (800) 725-6112	Randy Wolfe	(601)961-5166 (N) (800)725-6112

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
MT	Karen Ekstrom	(406) 444-2960 (N) (800) 433-8773	Warren Norton	(406) 444-2960 (N) (800) 433-8773
NE	Dan Eddinger	(402) 471-3413		
NV	Marcia Manley	(775) 687-4670, x3162 (S) (800) 992-0900	Janet Goodman	(775) 687-4670, x3164
NH	Rudolph Cartier	(603) 271-1379	Rudolph Cartier	(603) 271-1379
NJ	Lauren Moore	(609) 292-3863 (N) (800) 643-6090	Chuck McCarty	(609) 292-5565
NM	Robert Horwitz	(505) 827-9685 (N) (800) 810-7227	Cecilia Williams	(505) 827-0042 (N) (800) 810-7227
NY	Tria Case	(212) 803-2280 (N) (800) 782-8369	Marian J. Mudar, Ph.d	(518) 457-9135 (S) (800) 780-7227
NC	Edythe McKinney	(919) 733-0823 (N) (800) 829-4841	Karen Davis	(919) 733-1267 (N) 800-829-4841
ND	Jeff Burgess	(701) 328-5153 (S) (800) 755-1625	Tom Bachman	(701) 328-5188 (S) (800) 755-1625
OH	Mark Shanahan	(614) 728-3540 (S) (800) 225-5051	Rick Carleski	(614) 728-1742
OK	Steve Thompson	(405) 702-7100	Alwin Ning	(405) 702-6100
OR	Paul Burnet	(503) 229-5776 (800) 452-4011 (S)	Jill Inahara	(503) 229-6147 (S) (800) 452-4011
PA	Greg Czarnecki	(717) 772-8951	Cecily Beall	(215) 656-8709 (N) (800) 722-4743
PR	Tomas DeLeon	(787) 724-1451	Maria Rivera	(787) 767-8025 X296
RI	Roger Greene	(401) 222-2771 X 2402 (S) (800) 932-1000	Pam Annarummo	(401) 222-6822 X7204 (S) (800) 253-2674
SC	Phyllis Copeland	(803) 898-3997 (N) (800) 819-9001	Natalie M. Loquist	(803) 898-3957 (N) (800) 819-9001
SD	Joe Nadenicek	(605) 773-3836 (S) (800) 438-3367	Bryan Gustafson	(605) 773-7171 (S) (800) 438-3367
TN	Ernest Blankenship	(615) 532-6262 (N) 800-734-3619	Linda Sadler	(615) 532-8012 (N) (800) 734-3619
TX	Israel Anderson	(512) 239-5319 (N) (800) 447-2827	Tamra Shae-Oatman	(512) 239-1066 (N) (800) 447-2827
UT	Stephanie Bernkopf	(801) 536-4479 (N) (800)458-0145	Ron Reece	(801) 536-4091 (N) (800) 270-4440
VT			Judy Mirro	(802) 241-3745 (S) (800) 974-9559
VA	John Daniel	(804) 698-4311 (S) (800) 592-5482	Richard Rasmussen	(804) 698-4394 (S) (800) 592-5482
VI	Marylyn A. Stapleton	(340) 777-4577,x228	Marylyn A. Stapleton	(340) 777-4577,x228
WA	Leighton Pratt	(360) 407-7018	Bernard Brady	(360) 407-6803
WV			Fred Durham	(304) 558-1217 (S) (800) 982-2474
WI	Hampton Rothwell	(608) 267-0313 (N) (800) 435-7287	Pam Christenson	(608) 267-9214 (N) (800) 435-7287
WY	Dan Clark	(307) 777-7388	Charles Raffelson	(307) 777-7347

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

State Pollution Prevention Technical Assistance Programs

Region 1

US EPA Region 1

Mark Mahoney
JFK Federal Bldg (SPP)
Boston, MA 02203
Ph: 617/918-1155
Fx: 617/565-4939
mahoney.mark@epa.gov

Connecticut DEP

Kim Trella
79 Elm St
Hartford, CT 06106
Ph: 860/424-3234
Fx: 860/566-4924

Maine DEP

Chris Rushton
State House Station 17
Augusta, ME 04333
Ph: 207/287-7100
Fx: 207/287-2814
chris.rushton@state.me.us

Massachusetts DEP- OTA

Scott Fortier
100 Cambridge St. Rm 2109
Boston, MA 02202
Ph: 617/626-1090
Fx: 617/6261095
scott.fortier@state.ma.us

MA OTA - STEP Program

Paul Richard
100 Cambridge St. Rm 2000
Boston, MA 02202
Ph: 617/626-1042
paul.richard@state.ma.us

Toxics Use Reduction Institute

Janet Clark
One University Avenue
Lowell, MA 01854
Ph: 508/934-3346
Fx: 508/934-3050
clarkjan@turi.org

New Hampshire DES

Stephanie D'Agostino
6 Hazen Drive
Concord, NH 03301
Ph: 603/271-6398
Fx: 603/271-2867
s_dagostino@des.state.nh.us

Rhode Island DEM

Richard Enander
235 Promenade St.
Providence, RI 02908
Ph: 401/277-3434
Fx: 401/277-2591

Narragansett Bay Commission

James McCaughey
235 Promenade St.
Providence, RI 02908
Ph: 401/277-6680
Fx: 401/277-2584
ppr@narrabay.com

Vermont ANR

Gary Gulka
103 South Main St
Waterbury, VT 05671
Ph: 802/241-3626
garyg@dec.anr.state.vt.us

NEWMOA

Terri Goldberg
129 Portland St, Suite 602
Boston, MA 02114
Ph: 617/367-8558
Fax: 617-367-0449
nepr@tiac.net

Region 2

US EPA Region 2

Danielle Fuligni
290 Broadway (SPMMB)
New York, NY 10007
Ph: 212/637-3584
Fx: 212/637-3771
fuligni.danielle@epa.gov

New Jersey DEP

Melinda Dower
401 E State St, PO Box 423
Trenton, NJ 08625
Ph: 609/292-1122
Fx: 609/777-1330
mdower@dep.state.nj.us

NJ TAP

Laura Battista
138 Warren St
Newark, NJ 07102
Ph: 973/596-5864
Fx: 973/596-6367
battista@megahertz.njit.edu

New York DEC-P2 Unit

Mary Werner
50 Wolf Rd
Albany, NY 12233
Ph: 518/457-2553
Fx: 518/457-2570
mhwerner@gw.dec.state.ny.us

Puerto Rico Environment

Carlos Gonzales
Ph: 809/765-7517 x381
Fx: 809/765-6853

Region 3

US EPA Region 3

Jeff Burke
1650 Arch St
Philadelphia PA 19103
Ph: 215/814-2761
Fx: 215/814-2782
burke.jeff@epa.gov

Delaware DNR

Andrea Kreiner
PO Box 1401
89 Kings Highway
Dover, DE 19903
Ph: 302/739-3822
Fx: 302/739-6242
akreiner@dnrec.state.de.us

MD Dept of Environment

Laura Armstrong
2500 Broening Hwy
Baltimore, MD 21224
Ph: 410/631-4119
Fx: 410/631-4477
larmstrong@mde.state.md.us

PA Dept of Environment

Meredith Hill
PO Box 2063
Harrisburg, PA 17105
Ph: 717/783-8727
Fx: 717/787-8470
hill.meredith@dep.state.pa.us

PA Technical Assistance

Jack Gido
110 Barbara Bldg II
University Park, PA 16802
Ph: 814/865-0427
Fx: 814/865-5909

Virginia DEQ

Sharon K. Baxter
PO Box 10009
Richmond, VA 23240
Ph: 804/698-4344
Fx: 804/698-4277
skbaxter@deq.state.va.us

West Virginia DEP-OWR

Leroy Gilbert
HC 61 Box 384
Danese, WV 25831
Ph: 304/484-6269
Fx: 304/558-2780
llgilbert@hotmail.com

Region 4

US EPA Region 4

Dan Ahern
61 Forsyth St SW
Atlanta, GA 30303
Ph: 404/562-9028
Fx: 404/562-9066
ahern.dan@epa.gov

Alabama DEM - P2 Unit

Gary Ellis
PO Box 301463
Montgomery, AL 36130
Ph: 334/213-4303

Florida DEP - P2 Program

Julie Abcarian
2600 Blair Stone Road
Tallahassee, FL 32399
Ph: 850/488-0300
Fx: 850/921-8061
julie.abcarian@dep.state.fl.us

Georgia DNR- P2AD

Jancie Hatcher
7 MLK Jr. Dr. Suite 450
Atlanta, GA 30334
Ph: 404/651-5120
Fx: 404/651-5130
p2ad@ix.netcom.com

Kentucky DEP

Vicki Pettus
14 Reilly Road
Frankfort, KY 40601
Ph: 502/564-6716

Kentucky P2 Center

Cam Metcalf
420 Lutz Hall
Louisville, KY 40292
Ph: 502/852-0965
Fx: 502/852-0964
jcmetc01@gwise.louisville.edu

Mississippi DEQ

Thomas E. Whitten
PO Box 20305
Jackson, MS 39289
Ph: 601/961-5241
Fx: 601/961-5349

North Carolina DEHNR

Gary Hunt
PO Box 29569
Raleigh, NC 27626
Ph: 919/715-6500
Fx: 919/715-6794

gary_hunt@owr.ehnr.state.nc.us

South Carolina DHEC

Robert Burgess
2600 Bull St
Columbia, SC 29208
Ph: 803/898-3971
burgesse@columb30.dhec.state.sc.us

Tennessee DEC

Angie Pitcock
401 Church St
Nashville, TN 37243
Ph: 615/532-0760

Region 5

US EPA Region 5

Phil Kaplan
77 West Jackson Blvd
Chicago, IL 60604
Ph: 312/353-4669
Fx: 312/353-4788
kaplan.phil@epa.gov

Illinois EPA

Keri Luly
1021 N Grand Ave. East
Springfield, IL 62794
Ph: 217/524-1846
Fx: 217/557-2125
epa8604@epa.state.il.us

Illinois Waste Mgmt

Tim Lindsey
One East Hazelwood Dr.
Champaign, IL 61820
Ph: 217/333-8955
Fx: 217/333-8944
tlindsey@wmrc.hazard.uiuc.edu

Indiana DEM

John Chavez
100 N Senate Ave PO6015
Indianapolis, IN 46206
Ph: 317/233-6658
Fx: 317/233-5627
jchavez@dem.state.in.us

IN Clean Manufacturing Tech & Safe Materials Institute

Alice Smith
2655 Yeager Rd. Suite 103
West Lafayette, IN 47906
Ph: 765/463-4749
Fx: 765/463-3795
alice@ce-ecn.purdue.edu

Michigan DEQ

Marcia Horan
PO Box 30273
Lansing, MI 48909
Ph: 517/373-9122
Fx: 517/335-4729
horanm@state.mi.us

Minnesota (MN TAP)

Cindy McComas
1313 5th St SW Suite 207
Minneapolis, MN 55414
Ph: 612/627-4556
Fx: 612/627-4769
mccom003@tc.umn.edu

MN Pollution Control Agency

Al Innes
520 Lafayette Road North
St. Paul, MN 55155
Ph: 651/296-7330
Fx: 651/282-6247
alister.innes@pca.state.mn.us

State Pollution Prevention Technical Assistance Programs

MN Office of Environmental Assistance

Phillip Muessig
520 Lafayette Road North
St. Paul, MN 55155
Ph: 651/215-0204
Fx: 651/215-0246
phillip.muessig@moea.state.mn.us

MN Technology Inc.

Kevin O'Donnell
111 3rd Ave. South
Minneapolis, MN 55401
Ph: 612/672-3446
Fx: 612/497-8475
kodonnell@mail.mntech.org

Ohio EPA

Michael Kelley
P.O. Box 1049
Columbus, OH 43216-1049
Ph: 614/644-3469
Fx: 614/728-2807
michael.kelley@epa.state.oh.us

University of Wisconsin

Rick Grote
610 Langdon St, Rm 530
Madison, WI 53703
Ph: 608/265-3055
Fx: 608/262-6250
grote@wmep.org

National Farmstead Program

Liz Nevers
B142 Steenbock Library
Madison WI 53706
Ph: 608/265-2774
Fx: 608/265-2775
enevers@facstaff.wisc.edu

Wisconsin DNR

Lynn Persson
PO Box 7921
Madison, WI 53707
Ph: 608/267-3763
Fx: 608/267-0496

Region 6

US EPA Region 6

Eli Martinez
1455 Ross Ave Suite 1200
Dallas, TX 75202
Ph: 214/665-2119
Fx: 214/665-7446
martinez.eli@epa.gov

Arkansas IDC

Alford Drinkwater
One Capitol Mall
Little Rock, AR 72201
Ph: 501/682-7325
Fx: 501/682-2703
adrinkwater@aedc/state.ar.us

Louisiana DEQ

Gary Johnson
PO Box 82263
Baton Rouge, LA 70884
Ph: 504/765-0739
Fx: 504/765-0742
gary_j@deq.state.la.us

Louisiana TAP

University of New Orleans
New Orleans, LA
Ph: 504/286-6305
Fax: 504/286-5586

New Mexico ED

Patricia Gallagher
1190 St Francis Dr
Sante Fe, NM 87502
Ph: 505/827-0677
Fx: 505/827-2846
pat_gallagher@nmenv.state.nm.us

Oklahoma DEQ

Dianne Wilkins
707 N Robinson PO Box 1677
Oklahoma City, OK 73101
Ph: 405/702-6116
Fx: 405/702-6100
dianne.wilkins@deqmail.state.ok.us

Texas NRCC

Kathey Ferland
PO Box 13087 - MC112
Austin, TX 78711
Ph: 512/239-3177
Fx: 512/239-3165
kferland@tnrcc.state.tx.us

Gulf Coast Hazardous Substance Research

Margaret Aycock
PO Box 10671
Beaumont, TX 77710
Ph: 409/880-8897
Fx: 409/880-1837
aycock@ALMARK.lamar.edu

TX Manuf. Assistance Center

Conrad Soltero
Univ. of TX-El Paso
500 W University , Burges
El Paso, TX 75202
Ph: 915/747-5930
Fx: 915/747-5437
conrad@utep.edu

Lower Colorado River Authority

Mark Johnson
PO Box 220
Austin, TX 78703
Ph: 512/473-3200
Fx: 512/473-3579
mark.johnson@lcra.org

Region 7

US EPA Region 7

Marc Matthews
726 Minnesota Ave (ARTD/TSPP)
Kansas City, KS 66101
Ph: 913/551-7517
Fx: 913/551-7065
matthews.marc@epa.gov

Iowa DNR

Jeff Fiagle
502 E. 9th St
Des Moines, IA 50319
Ph: 515/281-5353
Fx: 515/281-8895
jfiagle@max.state.ia.us

Iowa Waste Reduction Center

Christine Twait
1005 Technology Parkway
Cedar Fall, IA 50613
Ph: 319/273-8905
Fax: 319/268-3733
twait@uni.edu

IOWA DED

Linda King
Small Business Liasion
Ph: 515/242-4761
Fx: 515-242-6338

Kansas DHE

Janet Neff
Bldg. 283 , Forbes Field
Topeka, KS 66620
Ph: 785/296-0669
Fx: 785/296-3266
jneff@kdhe.state.ks.us

KSU - P2 Institute

Sherry Davis
133 Ward Hall
Manhattan, KS 66506
Ph: 785/532-6501
Fx: 785/532-6952
sbd@ksa.edu

Missouri DNR - TAP

David Goggins
PO Box 176
Jefferson City, MO 65102
Ph: 573/526-6627
Fx: 573/526-5808
nrgoggd@mail.state.mo.us

NE Business Development Center

Rick Yoder
1135 M St, Suite 200
Lincoln, NE 68508
Ph: 402/472-1183
Fx: 402/472-3363
ryoder@unomaha.edu

Nebraska DEQ, P2 Office

Ben Hammerschmidt
PO Box 98922
Lincoln, NE 68509
Ph: 402/471-6988
Fax: 402/471-2909
deq219@mail.deq.state.ne.us

MAMTC

Anne Brown
801 Campus Dr
Garden City, KS 67846
Ph: 316/276-9505
Fx: 316/276-9523
abrown@midusa.net

Region 8

US EPA Region 8

John Larson
999 18th St, Suite 500
Denver, CO 80202
Ph: 303/312-6030
Fx: 303/312-6741
larson.john@epa.gov

Colorado DHE

Parry Burnap
4300 Cherry Creek Dr
Denver, CO 80222
Ph: 303/692-3009
Fx: 303/782-4969
parry.burnap@state.co.us

Montana P2 Program

Michael P. Vogel
109 Taylor Hall
Bozeman, MT 59717
Ph: 406/994-3451
Fx: 406/994-5417
acxmv@montana.edu

North Dakota Dept of Health

Jeffrey L. Burgess
PO Box 5520
Bismarck, ND 58506-5520
Ph: 701/328-5150
Fx: 701/328-5200
jburgess@state.nd.us

South Dakota DENR

Dennis Clarke
523 E Capitol Ave
Pierre, SD 57501-3151
Ph: 605/773-4254
Fx: 605/773-4068

Utah DEQ

Sonja Wallace
168 N 1950 West
Salt Lake City, UT 84114
Ph: 801/536-4477
Fx: 801/536-0061
swallace.deq.state.ut.us

Wyoming DEQ

Patricia Jordan
122 West 25th
Cheyenne, WY 82002
Ph: 307/777-6105
Fx: 307/777-5973
pjorda@missc.state.wy.us
Region 9

US EPA Region 9

Eileen Sheehan
75 Hawthorn St (WST-1-1)
San Francisco, CA 94105
Ph: 415/744-2190
Fx: 415/744-1680
wilson.bill@epa.gov

Arizona DEQ

Jacqueline Maye
3033 North Central Ave
Phoenix, AZ 85012
Ph: 602/207-4607
Fax: 602/207-2302
maye.jacqueline@ev.state.az.us

California EPA

Terri Cronin
8800 Cal Center Dr
Sacramento, CA 95826

California Energy Commission

David Jones
1519 9th St
Sacramento, CA 95814
Ph: 916/654-4554

CA Toxic Substance Control

Kathy Barwick
PO Box 806
Sacramento, CA 95812
Ph: 916/323-9560
Fx: 916/327-4494

UCLA P2 Center

Billy Romain
Ph: 310/825-2654
Fx: 310/206-3906

Hawaii Department of Health

Marilyn Aguilar
919 Ala Moana Blvd, Rm 212
Honolulu, HI 96814
Ph: 808/586-7496
Fx: 808/586-7509
maguilar@eha.health.state.hi.us

Nevada Small Business Development Center

Kevin Dick
6100 Neil Rd. Suite 400
Reno, NV 89511
Ph: 775/689-6677
Fx: 775/689-6689
dick@unr.edu

Region 10

US EPA Region 10

Carolyn Gangmark
1200 Sixth Ave (01-085)
Seattle, WA 98101
Ph: 206/553-4072
Fx: 206/553-8338
gangmark.carolyn@epa.gov

State Pollution Prevention Technical Assistance Programs

Alaska DEC

Marianne See
555 Cordova St
Anchorage, AK 99501
Ph: 907/269-7586
Fx: 907/269-7600
msee@envircon.state.ak.us

Idaho DEQ

Katie Sewell
450 West State St
Boise, ID 83720
Ph: 208/373-0465
Fx: 208/373-0169
ksewell@deq.state.id.us

Oregon DEQ

Marianne Fitzgerald
811 SW Sixth St
Portland, OR 97204
Ph: 503/229-5946
Fax: 503/229-5850
fitzgerald.marianne@deq.state.or.us

Washington DEC

Lynn Helbrecht
PO Box 47600
Olympia, WA 98504
Ph: 360/407-6760
Fx: 360/407-6715
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.

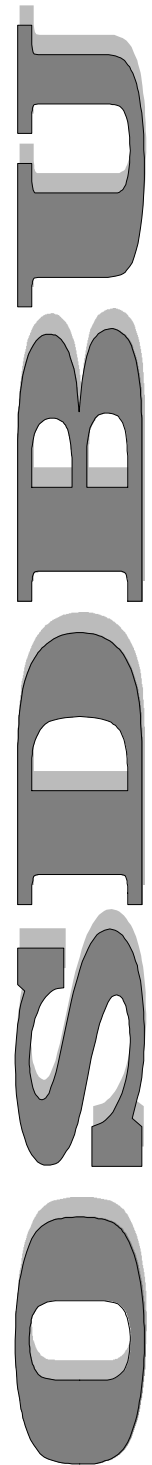
Direct Procurement Program

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-Protégé Program
- ◆ Subcontracting Reviews and Approvals
- ◆ Outreach Efforts (Economic Development Programs for Selected Urban Centers)
- ◆ Education Training Program (Co-sponsorships with Workshops, Seminars and Trade Fairs) Provides technical and management assistance to small, disadvantaged business enterprises and women-owned entities, Alaskan Indian/American Natives and HBCUs
- ◆ Liaison with Trade Associations, Business Organizations, and Federal Agencies, including: Small Business Administration, Minority Business Development Agency of Department of Commerce, Office of Federal Procurement Policy, OMB, Congress, General Services Administration, on Socioeconomic matters



The Office of Small and Disadvantaged Business Utilization (OSDBU) has a **OUTREACH CENTER** for small, minority and women-owned firms to come in and use our facilities to surf the Internet for business opportunities. Our Center is set up in a private room with a computer, printer and informational packages that will be very informative in your journey in looking for opportunities on how to do business with EPA. 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	Michael Letourneau	AK, ID, OR, WA	(206) 553-1187
Cincinnati	Norman White		(513) 487-2024
Headquarters	Lupe Saldana		(202) 564-5353

OSDBU STAFF

Jeanette Brown	Director	(202) 564-4100	Katheryn Maddox	Program Analyst	(202) 564-4143
David Sutton	Deputy Director	(202) 564-4100	Rebecca Neer	Program Analyst	(202) 564-4237
Mark Gordon	Attorney Advisor	(202) 260-8886	Denean Jones	Info. Mgmt. Specialist	(202) 564-4142
Elaine Rice	National Training Officer	(202) 564-4141	Tammy Thomas	Program Specialist	(202) 564-4298
Trina Porter	Soc. Bus. Program Officer	(202) 564-4322	Dionne Claytor	Clerk-Typist	(202) 564-4139
Mryna Mooney	Soc. Bus. Prog. Ofr./Tribal	(202) 564-4386	Thelma Harvey	SEE Employee	(202) 564-4526
Theresa Stewart	SEE Employee	(202) 564-2314			

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)

WINTER 2000

EPA USE ONLY Small Business _____ Asbestos _____

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

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

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

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

Organization: _____

Address: _____ Date: _____

City: _____ State: _____ Zip: _____

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

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

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

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

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

- | | | | | | | | | | | | | | | |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| A- 1 | B-11 | C-22 | C-53 | C-77 | D- 4 | E- 7 | E-31 | F- 5 | G-11 | I- 8 | I-30 | J-10 | K-23 | K-47 |
| A- 2 | B-12 | | C-54 | C-78 | D- 5 | E- 8 | 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- 9 | 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-10 | 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-11 | E-40 | F- 9 | | I-12 | I-37 | | K-29 | K-51 |
| A- 6 | B-16 | C-27 | C-58 | C-82 | D- 9 | E-12 | E-41 | F-10 | H- 1 | I-13 | I-38 | K- 1 | K-30 | K-52 |
| A- 7 | B-17 | C-28 | | C-83 | | E-13 | E-42 | F-11 | H- 2 | I-14 | I-40 | K- 2 | K-31 | K-53 |
| A- 8 | B-18 | C-29 | C-60 | C-84 | D-12 | E-14 | E-43 | F-12 | H- 3 | I-15 | I-41 | K- 3 | K-32 | K-54 |
| A- 9 | | C-30 | C-61 | | D-13 | E-15 | E-44 | F-14 | H- 4 | I-16 | I-42 | K- 4 | K-33 | K-55 |
| A-10 | C- 1 | C-31 | C-62 | C-87 | D-14 | | E-45 | F-15 | H- 5 | I-17 | I-43 | K- 5 | K-34 | K-56 |
| A-11 | C- 8 | C-36 | C-63 | C-88 | D-15 | E-19 | E-46 | F-16 | H- 6 | I-18 | I-44 | K- 6 | K-35 | K-57 |
| A-12 | C- 9 | C-37 | C-64 | C-89 | D-16 | E-20 | E-47 | F-17 | H- 7 | I-19 | I-45 | K- 8 | K-36 | K-58 |
| A-13 | C-10 | C-38 | C-65 | C-90 | D-17 | E-21 | E-48 | | H- 8 | I-20 | I-46 | K- 9 | K-37 | K-59 |
| A-14 | C-11 | C-39 | C-66 | C-91 | D-18 | E-22 | E-49 | G- 1 | H- 9 | I-21 | | K-10 | K-38 | K-60 |
| A-15 | C-12 | C-41 | C-67 | C-92 | D-19 | E-23 | E-50 | G- 2 | H-10 | I-22 | J- 1 | K-11 | K-39 | K-61 |
| A-16 | C-13 | C-42 | C-68 | C-93 | | E-24 | E-51 | G- 3 | I- 1 | I-23 | J- 2 | K-13 | K-40 | K-62 |
| | C-14 | C-43 | C-69 | | E- 1 | E-25 | E-53 | G- 4 | I- 2 | I-24 | J- 3 | K-14 | K-41 | K-63 |
| B- 1 | C-15 | C-44 | C-70 | D- 1 | E- 2 | E-26 | E-54 | G- 5 | I- 3 | I-25 | J- 4 | K-15 | k-42 | K-64 |
| B- 2 | C-16 | C-45 | C-71 | D- 2 | E- 3 | E-27 | | G- 6 | I- 4 | I-26 | J- 6 | K-16 | K-43 | K-65 |
| B- 3 | C-17 | C-47 | C-73 | D- 3 | E- 4 | E-28 | F- 1 | G- 7 | I- 5 | I-27 | | K-19 | K-44 | |
| B- 4 | C-18 | C-50 | C-74 | | E- 5 | E-29 | F- 2 | G- 8 | I- 6 | I-28 | J- 8 | K-20 | K-45 | |
| B- 5 | C-19 | C-51 | C-75 | | E- 6 | | F- 3 | G- 9 | I- 7 | I-29 | J- 9 | K-21 | K-46 | |
| B- 6 | C-20 | C-52 | C-76 | | | | F- 4 | G-10 | | | | | K-22 | |
| B- 7 | C-20 | | | | | | | | | | | | | |
| B- 8 | C-21 | | | | | | | | | | | | | |
| B-10 | | | | | | | | | | | | | | |

Mail to:
 Karen V. Brown, Small Business Ombudsman
 US Environmental Protection Agency
 Ariel Rios Building, 1200 Pennsylvania Ave, NW (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: _____