



# Small Business Ombudsman UPDATE



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Washington, DC 20460

Small Business Division Publication  
National Hotline 800-368-5888

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## Supporting Our Partnerships in 2004

When anyone asks me how we accomplish so much for such a small program, I let them in on our secret – we focus the majority of our resources on supporting the partnerships we have developed over many years with small business assistance providers across America. These partnerships include state and local programs, trade associations, and other small business assistance providers who work directly with small businesses to improve their environmental performance.

As I reflect on our achievements during 2003, I am especially pleased with the results of the first National Summit on Small Business and the Environment and the revised EPA Small Business Strategy, which represented years of collaborative effort with our partners. We also sponsored and provided training at the annual SBO/SBAP National Conference; produced documents to assist small businesses with their environmental management planning; developed outreach materials; improved the Small Business Environmental Homepage; and responded to over 1,000 calls each month on our toll-free hotline. There are more details on these and other efforts inside this issue of *Update*.

For 2004, we will continue building on these achievements and carry out the commitments the Agency made at the National Summit and in the revised Strategy. As always, we know that the only way to continue “Opening Doors for America’s Small Businesses” is through supporting our small business assistance partnerships in 2004.

Sincerely,

Karen V. Brown

## One-Stop-Relief

### Small Business Ombudsman Functions

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

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

**SMALL BUSINESS DIVISION**  
**Small Business Ombudsman Regulatory Assistance and Outreach Program**

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

**Senior Environmental Employees (SEEs):**

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

**Major Functions/Products:**

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

**Customers:**

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

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

## Accomplishments in 2003

As we close the door on 2003, the EPA Small Business Division would like to thank all our customers for helping us in our quest to help small businesses and the environment. We accomplished a lot in 2003 and we would like to share with you a few of those major accomplishments:

- **National Summit on Small Business and the Environment** - Hosted in March of 2003 by former EPA Administrator Christine Whitman, and highlighting EPA's revised Small Business Strategy, the Summit brought together most of EPA's Senior Management and key small business leaders and other small business stakeholders to focus on developing more collaborative relationships.
- **Small Business Strategy** - The final EPA Small Business Strategy, signed by EPA Administrator Whitman on June 27, 2003, lays out EPA's vision for unifying its diverse programs in a coordinated approach to small business issues, assistance, and environmental performance.
- **"Practical Guide to Environmental Management for Small Business"** - This guide helps small businesses design a management plan that addresses all their environmental concerns, while helping them save money and being more competitive.
- **"Documenting Your Environmental Management Plan - A Workbook for Small Business"** - This workbook, developed as a companion piece to the "Practical Guide to Environmental Management for Small Business," provides a step-by-step process for developing an Environmental Management Plan, organizes all information compiled, and helps track the steps followed.
- **"Memorandum of Understanding between the National Park Service & EPA"** - EPA and the National Park Service entered into a MOU in March of 2003 to seek innovative approaches to improve the environmental performance of approximately 600 NPS concessioners. The MOU was signed at the March, 2003 *National Summit on Small Business and the Environment* by EPA Administrator Christine Todd Whitman and NPS Director Fran Mainella.
- **"2003 SBO/SBAP National Conference"** - This year's outstanding conference was hosted by the Maryland SBAP in Baltimore in April, 2003 and again provided participants a forum for sharing and learning ways to assist small businesses in dealing with their environmental responsibilities.
- **Smallbiz Website (<http://www.smallbiz-envioweb.org>)** - Our small business website has a new look and feel and is more user-friendly. Also, new materials and features have been added to help both assistance providers and small businesses.
- **Small Business Ombudsman Toll-Free Hotline** - This popular hotline, manned by our Senior Environmental Engineers, continues to provide high-quality, current information and assistance on a diverse list of topics. Staff handle an average of 1000 calls each month.

We would like to thank each and every one of you for helping us provide high-quality assistance to the small business community in 2003. **We wish all of you a prosperous New Year and look forward to continuing "Opening Doors for America's Small Businesses" in 2004!**

Small Business Division  
Small Business Ombudsman

## ***EPA SMALL BUSINESS STRATEGY*** **IMPLEMENTATION PLAN**



On June 27, 2003 EPA Administrator Christine Todd Whitman signed the final *EPA Small Business Strategy*. This concluded a three-year process which involved all major EPA offices and regions, as well as states and other stakeholders. The public presentation of the Strategy by Administrator Whitman during the first *National Summit on Small Business and the Environment* on March 13, 2003 was attended by most EPA Senior Management, in an unprecedented show of support. The Summit was attended by high-level leaders of industry, state government, several federal agencies, EPA, and actual small business owners.

With the Strategy signed, it was time to start the implementation process. The first step was to develop an Implementation Plan. To ensure awareness of the Strategy by senior management, and to develop participation and buy-in by all program and regional offices, the Implementation Plan was proposed as a Tier 2 level action. Because the Small Business Workgroup that developed the Small Business Strategy had worked well, was well-versed on the Strategy, and felt ownership, EPA offices were asked to maintain existing memberships if possible, and to add as appropriate.

The first meeting of the reconstituted workgroup was held on May 21, 2003. During that meeting, the workgroup brain-stormed an outline to develop the Implementation Plan, including a standardized format; identified major milestones; and established a target timeline of six months to develop a draft Plan, which could be adjusted based on progress.

To ensure a more thorough Agency-wide thought process, the Workgroup decided to establish a Subgroup for each of the four Strategy Elements: Advocacy, Regulatory Development, Tools & Resources, and Environmental Leadership. Program and Regional Offices were asked to assign representatives for any or all subgroups. Each Subgroup was assigned development of a draft implementation plan for its respective Strategy Element, and each selected a Leader.

The kick-off meeting of the subgroups was held on July 17, 2003. After a brief meeting of the Small Business Work-group, the group divided into the four subgroups for the first time, to discuss their respective assignments and to coordinate future meetings. Subsequently, the subgroups met separately on a weekly basis as they progressed through the draft development process. Four meetings have been held to date with Subgroup Leaders to address process issues, overarching themes, and coordination of development activities. Two additional meetings of the Small Business Workgroup have also been held to date on September 24 and November 13, 2003 to report on subgroup progress and issues, and to provide guidance for continued development.

To ensure that EPA Management remains aware of development progress and associated issues, EPA's Small Business Division presented an update to the EPA Regulatory Steering Committee (RSC) on August 20, 2003. Additional briefings to the RSC will be held throughout the process. Senior Management of the Office of Policy, Economics and Innovation, where the Small Business Division is housed, has been briefed on a regular basis, at least bi-weekly.

In developing their respective draft plans, the subgroups developed lists of potential activities addressing their respective areas and then prioritized them to identify the top priority activities that they would recommend. Once all sub-group priorities were received and compiled, the group combined similar actions and categorized them. The revised compiled and categorized list was reviewed by the Subgroup Leaders, who opted to convert the list into potential guiding principles to be reflected throughout the Implementation Plan. At present, the EPA Small Business Division is developing a compiled draft of all subgroup recommendations and top priorities. This revised draft is expected to be completed in mid-January, 2004 and will be sent to all subgroup members for comment.

Although the Small Business Workgroup had established a timeline which anticipated completing the Implementation Plan in November, 2003, Workgroup members recognized that, due to the complexity of the issues and potential actions, as well as the process itself, more time would be needed to complete the Plan. At present, the Workgroup estimates that Final Agency Review (FAR) would occur in March, 2004. A more defined timeline will be developed once all comments are received on the revised draft to be released in mid-January, 2004.

The final *Small Business Strategy* is available at:  
[http://www.smallbiz-enviroweb.org/html/pdf/Strategy\\_Final\\_062303.pdf](http://www.smallbiz-enviroweb.org/html/pdf/Strategy_Final_062303.pdf)

**Contact: Elsa Bishop, 202/566-2814**

## Small Business Paperwork Relief Act of 2002

The Small Business Paperwork Relief Act (SBPRA) was passed by the 107<sup>th</sup> Congress in 2002 as H.R.327. It requires Federal agencies to take several steps to make it easier for businesses to find information needed to comply with certain Federal requirements and it establishes an interagency task force to examine collection and dissemination of information. SBPRA amends Federal law (USC 44, Chap. 35) to impose five very different requirements on Federal agencies. Below is a summary of each requirement, and the status of how EPA is addressing that requirement.

Requirement 1: *Annually publish a list of compliance assistance resources in the Federal Register and on the web.* The Small Business Administration compiled the first annual list by Agency, that the White House Office of Management and Budget (OMB) published in the *Federal Register* on June 27, 2003, pp. 38525-38556. ([http://www.whitehouse.gov/omb/fedreg/062703\\_compliance\\_assistance.pdf](http://www.whitehouse.gov/omb/fedreg/062703_compliance_assistance.pdf))

Requirement 2: *Establish an agency point of contact as liaison for small business concerns.* Karen V. Brown, Small Business Ombudsman and Director of the Small Business Division, is EPA's Agency Point of Contact.

Requirement 3: *"Make efforts to further reduce information collection burden for small business concerns with fewer than 25 employees."* EPA's Small Business Division is establishing an Agency-wide workgroup to make efforts to further reduce the paperwork burden on small businesses and identify quantifiable measures for reporting reductions.

Requirement 4: *Interagency Task Force to study feasibility of streamlining requirements with respect to small business concerns about the collection of information and strengthening dissemination of information.* The Task Force is led by OMB. The Task Force has already met and focused on its first set of tasks: 1) identify ways to integrate information collection across agencies so that small businesses can submit all required information to one point of contact, in single format, with synchronized reporting; 2) look at feasibility and benefits of publishing a list of the "collections of information applicable to small business concerns" by NAICS code, sector, or other manner; and 3) look at savings and make recommendations for electronic submissions (reporting), and interactive reporting systems. The Task Force produced a draft report on these three tasks that was published by OMB in the *Federal Register* on May 9, 2003, pp. 25165-25186. The Task Force is now being organized to take on three additional tasks: 4) make recommendations to improve electronic dissemination of reporting information; 5) make recommendations to develop an interactive Government-wide internet-based system to allow each small business to better understand and comply with applicable Federal requirements; and 6) consider coordinating with States and Agency points of contact. EPA representatives on the Task Force to address these last three tasks are Kim Nelson, Assistant Administrator, Office of Environmental Information, Jay Benforado, Director of the National Center for Environmental Innovation, Jim Edward, Director of the Compliance Assistance and Sector Programs Division in the Office of Enforcement and Compliance Assurance, and Karen V. Brown. It is expected that the interagency work now underway for the Business Gateway and E-forms initiative will serve to inform the work of the Task Force in the final three tasks. The Task Force is expected to produce a report on these tasks by June 28, 2004.

Requirement 5: *Each agency shall submit a report to Congress on the number of enforcement actions taken with civil penalty, the number of enforcement actions taken with civil penalty against small entity, the number of enforcement actions as above where the penalty was reduced or waived, and the total dollar value of any reductions. This report shall be made for the year ending September 30, 2003, due on December 31, 2003, and the year ending September 30, 2004, due on December 31, 2004.* EPA's Office of Enforcement and Compliance Assurance has prepared and submitted the report to Congress for the year ending September 30, 2003 with explanations of how the enforcement programs operate so readers can better understand the data.

You can find the SBPRA text and the US Code through the THOMAS web site, <http://thomas.loc.gov/><sup>1</sup> EPA's point of contact for the SBPRA is Karen V. Brown, 202-566-2816, [brown.karen@epa.gov](mailto:brown.karen@epa.gov). For more information or to offer comments, contact Catherine Tunis at 202-566-2830 or [tunis.catherine@epa.gov](mailto:tunis.catherine@epa.gov).

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<sup>1</sup>THOMAS is the official web site of the US Library of Congress. It is an excellent source of information on the status and text of bills, both in process and passed, contact information for your Senators and Representatives, and links to other government information.

# **Business Gateway Project**

The Business Gateway Project is one of twenty-five “E-Gov” initiatives under the President’s Management Agenda. It is an inter-agency effort being led by the Small Business Administration and the General Services Administration that is intended to use technology to help improve public access to government information and make it easier to find and file Federal government forms. There are two components of the Business Gateway: the Business Portal and the E-Forms Portal.

## **“Business Portal”**

The “Business Portal” will provide a “one-stop” access point for all the government services and information needed to start, run, and grow a business and for finding the information needed on legal and regulatory requirements and how to comply with them. It is envisioned that the Business Portal will include: information on laws, regulations, and compliance assistance; information and advice on entrepreneurial development; information on loans, access to capital, grants and other financial resources; an opportunity to file complaints or provide input/feedback; and information on selling products and services to the federal government. The Business Portal is expected to be available on October 1, 2004.

## **“E-Forms Portal”**

The “E-Forms Portal” will provide a single place for accessing all federal government forms used by businesses and citizens. Government to government forms may also be included. In the beginning, forms will be made available in whatever format they are now—electronic or paper. It is expected that the system will grow to provide for forms that can be filled out, filed, and even signed electronically. The E-Forms Portal is expected to be available March 1, 2004.

At the start of both components of the Business Gateway, the site will be mostly a collection of links back to individual Agency sites where one can access or download information or forms. As the system develops in the next few years, it is envisioned that its capabilities will grow and the information and forms will become integrated into a common system. While the information provided and received through the Portals will still be managed by individual agencies, business users will be able to customize features and all users should find smooth access to all federal government information and forms.

Contact: **Catherine Tunis** at 202-566-2830, [tunis.catherine@epa.gov](mailto:tunis.catherine@epa.gov).

# NATIONAL COMPLIANCE ADVISORY PANEL



## RECENT ACTIVITIES

The National Compliance Advisory Panel (NCAP) has had a busy year trying to support the state SBAPs and CAPs.

**Congressional Outreach** - On February 26-27, 2003, NCAP members met with congressional representatives and/or their staffs in Washington, DC. to increase awareness of the SBO/SBAP by high-ranking members of Congress and their staffs; to introduce to them representatives of the US small business community who strongly support and can attest to the benefits provided by the state SBOs/SBAPs; and to provide specific examples of direct assistance.

The NCAP visits focused on high-ranking leaders of the House and the Senate, and members of committees involved in small business issues. A total of 42 congressional offices were visited, of which 20 were Senate Offices and 22 were House of Representatives Offices. Congressional leadership offices visited included top Senate and House leadership; staff of Olympia Snow, Chair, Senate Committee on Small Business & Entrepreneurship; and staff of Congressman Donald Manzullo, Chair, House Small Business Committee.

Members felt that this Congressional Outreach effort was extremely successful and that it significantly raised awareness of the state SBAPs, as well as provided the vehicle for establishing a direct line between actual small business owners and Congress. Shortly after these visits, Massachusetts re-established an SBO and an SBAP.

**Meeting with EPA Administrator Whitman** – The NCAP met with EPA Administrator Christine Todd Whitman on February 27, 2003. Members discussed three key topics with the Administrator: 1) nationwide consistency of programs; 2) multi-media services; and 3) “first offender exemption.” Members felt the meeting went very well and perceived good reception from the Administrator. Letters were sent to Administrator Whitman thanking her for making time to meet with the NCAP and to hear about the SBAPs.

**EPA Small Business Summit** – The NCAP participated in the *National Summit on Small Business and the Environment* held in Washington, DC on March 13-14, 2003. Members felt the Summit was a great success and that it was heartening to hear the emphasis on small businesses from top EPA management. The Summit was attended by most EPA Senior Management in an unprecedented show of support.

**2003 Annual CAP Training** - The NCAP was very involved in developing and presenting the 2003 Annual CAP Training session held on Sunday, April 13 in Baltimore, Maryland, again in conjunction with the Annual SBO/SBAP National Conference. Twenty-eight participants, of which fifteen were state CAP members, heard fellow-CAP members discuss many topics of interest. The agenda for the annual CAP Training is developed in a collaborative effort between the NCAP and EPA's Small Business Division, with various members of the NCAP participating as presenters.

**NCAP News** – NCAP members are very anxious to enhance their interaction with state CAP members in their respective regions. To that effect, they agreed that each NCAP regional representative would directly forward the NCAP News to all CAP members in his/her respective regional states. This approach proved unsuccessful due to various factors. Thus, after discussion with National Steering Committee representatives, it was agreed that the NCAP News would be sent to all – state CAP members, SBOs and SBAPs directly by the EPA Small Business Division. This new approach will start with the next issue of the newsletter in January of 2004.

The NCAP would also like to highlight activities undertaken by state CAPs and has created a new section in the NCAP News (“**State CAP Highlights**”) for that purpose. State CAPs are requested to provide input for future issues of the newsletter.

**Regional Call Participation** – During the National Conference in Baltimore, the NCAP requested that the National Steering Committee poll regional representatives on potential participation by NCAP regional representatives in regional calls. A poll of NSC representatives indicated that, while not all regions have regular conference calls, those that do would welcome participation by NCAP members. This is another effort by the NCAP to establish more direct communication with state CAPs and SBAPs in their regions.

**Full Representation** – For the first time since its creation in 2001, all ten EPA Regions are represented on the NCAP.

**Contact: Elsa Bishop, 202/566-2814**

# UPCOMING EVENTS

(SAVE THESE DATES AND MARK YOUR CALENDARS)

## **January 26, 2004 - January 30, 2004**

*AESF/US EPA Conference for Environmental and Process Excellence*

*Lake Buena Vista, FL*

Contact Info: American Electroplaters and Surface Finishers Society at 407-281-6441

Web site: [www.aesf.org/conferences/aesfweek.html](http://www.aesf.org/conferences/aesfweek.html)

## **March 9, 2004 - March 10, 2004**

*Living with TSCA*

*Arlington, VA*

Contact Info: Synthetic Organic Chemical Manufacturers Association at 202-721-4100

Web site: [www.socma.com/conferences/index.htm](http://www.socma.com/conferences/index.htm) E-mail: [info@socma.com](mailto:info@socma.com)

## **April 18, 2004 - April 20, 2004**

*2004 ECOS Spring Meeting*

*Hot Springs, AR*

Web Site: [www.sso.org/ecos](http://www.sso.org/ecos) E-mail: [lparisie@sso.org](mailto:lparisie@sso.org)

## **April 19, 2004 - April 22, 2004**

*National Environmental Assistance Summit 2004: One Environment, One Conference*

*Baltimore, MD*

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

Web Site: [www.p2.org/summit2004/index.cfm](http://www.p2.org/summit2004/index.cfm) E-mail: [summit2004@p2.org](mailto:summit2004@p2.org)

## **June 2, 2004 - June 5, 2004**

*2004 Small Business Ombudsman/Small Business Assistance Program (SBO/SBAP) National Conference*

*Sacramento, CA*

Contact Info: Business Environmental Resource Center of Sacramento County, California at 916-364-4110

Web site: [www.sacberc.org/2004SBO-SBAPconference.html](http://www.sacberc.org/2004SBO-SBAPconference.html) E-mail: [sbo-sbap@sacBERC](mailto:sbo-sbap@sacBERC)

## **June 15, 2004 - June 18, 2004**

*US EPA 2004 Community Involvement Conference and Training; Going the Extra Mile: Meeting Community Needs*

*Denver, CO*

Web site: [www.epancic.org/2004](http://www.epancic.org/2004)

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

**<http://www.smallbiz.enviroweb.org/events/allevts.asp>**





**HOLD THESE DATES!  
MARK YOUR CALENDARS  
for the  
2004 SBO/SBAP NATIONAL  
CONFERENCE  
JUNE 1-5, 2004  
SACRAMENTO, CALIFORNIA**

The 2004 SBO/SBAP National Conference will be held, **June 1-5, 2004 at the Holiday Inn Capitol Plaza Hotel, 300 J Street, Sacramento, California.** The phone number for the Holiday Inn is **916-446-0100**. You can reach the conference website at: [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org) and click on the 2004 SBO/SBAP National Conference link.

Conference activities will begin on Tuesday, June 1, 2004. An environmental field trip is scheduled for the morning of Tuesday, June 1 and the Newcomers Orientation is from 4:00-7:00pm that evening. Regional meetings will take place on the morning of Wednesday, June 2, and the conference opening session will start at 12:30pm with a reception that evening.

The 2004 conference will offer high level informative plenary and breakout sessions. The breakout sessions are based on two track themes: 1) Business and 2) Providers. The Business Track will focus on air, waste, and water issues that impact small business. The Providers Track will focus on partnering, agriculture, and technical issues. Participants are also encouraged to take advantage of the two site visits that will be offered on a first come first served basis.

The Compliance Advisory Panel (CAP) Training is scheduled for Saturday, June 5, from 11:00am to 3:30pm. There will also be a CAP reception on the evening of June 5.

Please plan to attend this very exciting and informative conference that is designed to help the small business community with their efforts to understand and comply with environmental regulations.

For more information about the conference contact **Robert White, Business Environmental Resource Center, at (916) 364-4110 or via e-mail at [sbo-sbap@sacBERC.org](mailto:sbo-sbap@sacBERC.org).**



# Documenting Your Environmental Management Plan *a Workbook for Small Business*



- A New Publication -

*Documenting Your Environmental Management Plan - A Workbook for Small Business (Workbook)*, produced by US EPA's Small Business Division, is now available! The Workbook is for small business owners who worry that what they don't know can hurt them and want to move away from "fire fighting" environmental issues. It shows them how to get to a proactive stance without disrupting their-day-to-day business operations. It will help them formalize environmental management activities while increasing productivity and lowering costs.

The Workbook allows the small business owner to get environmental management issues organized one step at a time. Each section includes an explanation of what needs to be done, worksheets to help the business owner complete the tasks, and examples of completed documentation from two hypothetical small businesses: a furniture refinishing company and a marina. The examples show how that portion of the environmental management plan (EMP) might look once it is done. Business owners who complete all the worksheets will be in a strong position to obtain environmental management system (EMS) certification or other outside recognition should they choose to.

## The sections of the *Workbook* parallel a typical environmental management system approach:

- *Environmental Policy*: Its purpose, what elements it should have, and how to develop one.
- *Responsibilities*: Why everyone in the company needs to understand their environmental responsibilities, how to distinguish between critical and important ones, and how to document them.
- *Getting it Written Down – Environmental Manual*: A method to document what environmental activities are already being done, and how to find and address gaps to assure compliance.
- *Making Progress Over Time – Setting Goals*: How to set goals that are both realistic and inspiring.
- *Keeping Track of Information – Recordkeeping*: What records need to be kept; provides a sample master file list and explains a simple way to put files in order.
- *Keeping Track of Information – Document Control*: How to assign responsibility for and set up a system to keep key documents up to date and available.
- *Master Schedule of Reports, Notifications, and Permits*: How to set up a system so that these items are produced and filed with the appropriate authority in a timely way.
- *Communication*: How to develop a plan to communicate the environmental management plan within and outside of the business to enhance environmental efforts.
- *Training*: How to identify who needs training, what training they need, and how to keep track of the training program.
- *Keeping the EMP Alive and Well – Monitoring and Corrective Action*: How to make goals more powerful by linking them with targets, how to conduct audits and performance checks, and how to follow up on problems detected and prevent them from recurring.

The Workbook goes hand in hand with the *Practical Guide to Environmental Management for Small Business (Guide)*. The Guide describes a common sense process for improving the business's environmental management activities. The Workbook shows small business owners the steps to take while going through the process and provides a place to keep and organize all of the information they compile while doing it.

To obtain a copy contact:

US EPA, Small Business  
Division Hotline at  
1-800-368-5888  
or Daniel Eddinger at  
1-202-566-2820



# News

## from the SBO/SBAP Steering Committee

Mark Shanahan, Chairman

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Contact: Marcia Manley  
Awards Subcommittee Chair  
(775) 687-9309

### **PANEL SEEKS NOMINATIONS FOR SMALL BUSINESS ENVIRONMENTAL STEWARDSHIP AWARD**

January 6, 2004 - The Steering Committee for National Small Business Assistance and Ombudsman Program (SBAP/SBO) is seeking nominations for the first annual Small Business Environmental Stewardship Award. The award recognizes small businesses and/or trade associations that have shown dedication and commitment to environmental stewardship. More than one award may be given.

The Steering Committee represents delegated 507 Small Business Assistance Programs throughout the nation and is part of a program that was designed by the U.S. EPA to comply with the Clean Air Act Amendments of 1990. The amendments include provisions that direct each state to establish a program to assist small businesses in complying with regulatory requirements under the Act.

The 2004 award will recognize exemplary performance in one or more of the following areas: pollution prevention, reducing emissions, emission control and/or community air quality leadership. A luncheon to honor the winner or winners will be held at the Holiday Inn, Sacramento, on June 3, 2004.

Individuals, businesses and organizations may nominate themselves or others for the award by submitting a completed form, [completing the nomination form online](#), or by requesting a nomination form from the Awards Subcommittee Chair. Nominations will be evaluated by a committee of SBAP/SBO representatives, National Compliance Advisory Panel members (small business owners), and the EPA Office of the Ombudsman.

The application period is now through March 1, 2004 and must be postmarked by that date. Information about the Small Business Assistance Programs and the award is available on the Web Page at: <http://www.smallbiz-enviroweb.org>

The Web Page is maintained by Audrey Zelanko, Concurrent Technologies, Corp., representative for Small Business Assistance Programs pursuant to funding by the U.S. Environmental Protection Agency, Small Business Division.



# News

## from the SBO/SBAP Steering Committee

Mark Shanahan, Chairman

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Contact: Marcia Manley  
Awards Subcommittee Chair  
(775) 687-9309

### **PANEL SEEKS NOMINATIONS FOR SMALL BUSINESS ASSISTANCE PROGRAM RECOGNITION AWARD**

January 6, 2004 - The Steering Committee for the National 507 Small Business Assistance and Ombudsman Program (SBAP/SBO) is seeking nominations for the first annual Small Business Assistance 507 Program Recognition Award. The award recognizes 507 Programs and individuals that have shown dedication and commitment to furthering small business assistance and environmental compliance through education and outreach. More than one award may be given.

The Steering Committee represents delegated 507 Small Business Assistance Programs throughout the nation and is part of a program that was designed by the U.S. EPA to comply with the Clean Air Act Amendments of 1990. The amendments include provisions that direct each state to establish a program to assist small businesses in complying with regulatory requirements under the Act.

The 2004 award will recognize exemplary performance in one or more of the following areas: leadership, outstanding service, outstanding accomplishments and/or outstanding achievements. A luncheon to honor the winner or winners will be held at the Holiday Inn, Sacramento on June 3, 2004.

Individuals, businesses and 507 programs may submit nominations for the award by submitting a completed form, [completing the nomination form online](#), or by requesting a nomination form from the Awards Subcommittee Chair. Nominations will be evaluated by a committee of SBAP/SBO representatives, National Compliance Advisory Panel members (small business owners), and the EPA Office of the Ombudsman.

The application period is now through March 1, 2004 and must be postmarked by that date to be eligible. Information about the Small Business Assistance Programs and the award is available on the Web Page at: <http://www.smallbiz-enviroweb.org>

## Small Business Environmental Home Page

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

The Small Business Environmental Home Page (Home Page) continues to benefit the small business community and Section 507 programs. This Home Page was developed and is being maintained by *Concurrent Technologies Corporation (CTC)* under cooperative agreement funding provided by U.S. EPA Small Business Division/Small Business Ombudsman's Office. Developed in response to requests from the State small business assistance programs (SBAPs) and the small business community, the Home Page provides efficient access to EPA, state, and other environmental and pollution prevention information focused on small business. Please note the following updates:

- **PLEASE FILL OUT THE ONLINE HOME PAGE SURVEY TODAY!** Go to [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org) and click on the Home Page Survey button. It will take only a few minutes to fill out this survey. *CTC* and EPA SBO are conducting this online survey to find out how the Home Page is doing and how we can improve it and make it easier to use. The survey includes questions about why users visit the Home Page, how satisfied users are with the Home Page, any problems encountered, how we can improve it, and how users learned about it.
- Thanks to all programs that participated in the **Guidelines Survey** conducted from June - October of this year. This survey, developed by the Guidelines Subcommittee of the National Steering Committee and *CTC*, was conducted to develop a consensus regarding the usability of the Clean Air Act 507 Guidelines that were originally created by EPA. The results are now posted on line. Go to [http://www.smallbiz-enviroweb.org/guidelines/survey/results\\_intro.html](http://www.smallbiz-enviroweb.org/guidelines/survey/results_intro.html). Also, don't forget to check out the results from the SBAP/Multimedia and Financial Assistance Program Surveys in the Surveys area.
- A **NEW** web page devoted to **Environmental Control Technologies** for small business has been launched and can be found at <http://www.smallbiz-enviroweb.org/pollution/technologies.html>. The Technology Subcommittee of the National Steering Committee and *CTC* developed this web page. If you have any information/helpful links, please forward to Audrey Zelanko via email.
- Also, more of the **National Steering Committee subcommittee web pages** have been launched. Currently on line are Multimedia, Technical, and Awards subcommittee web pages. Technology, Promotions, and Guidelines Subcommittee web pages are coming soon. To access all subcommittee pages, go to [www.smallbiz-enviroweb.org/sba/steering\\_subcommittees.htm](http://www.smallbiz-enviroweb.org/sba/steering_subcommittees.htm).
- The **National Small Business Financial Assistance Work Group (NSBFAWG)** needs your help! Charlie Kennedy and Pat Hoermann are no longer leaders of this effort. Will someone step forward to take on this valuable effort to help fellow 507 programs develop strategies to help small businesses get the financial assistance they need? For more information about the Work Group, go to <http://www.smallbiz-enviroweb.org/NSBFAWG/NSBFAWG.html>.
- Don't forget to use the Home Page often for the **continually updated information** at your fingertips: news and events, contact information, funding links and information, environmental compliance tools and regulatory updates, pollution prevention and ISO 14000 information, industry sector resources, and small business assistance resources (e.g., small business initiatives and policies, agency links, National Steering Committee and CAP information, CAP/SBAP national logos, SBTCP Reports, conference presentations, small business web sites, publications, videos, performance measurement tools, Mid-Atlantic Region Small Business Assistance web page, Listserve).

Send information, questions, and comments to: **Audrey G. Zelanko** at [zelanko@smallbiz-enviroweb.org](mailto:zelanko@smallbiz-enviroweb.org), 412/992-5349



# Small Business Environmental Home Page

Supported by funding from the U.S. EPA Small Business Division/  
Small Business Ombudsman's Office

[www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)



Please send comments, suggestions, and information to Audrey Zelanko at: [zelanko@smallbiz-enviroweb.org](mailto:zelanko@smallbiz-enviroweb.org).

Updated December 2003

## Helping Small Businesses Access Environmental Compliance and Pollution Prevention Information

### Small Business Assistance

An overview of the state small business assistance programs (SBAPs), web site links, and a list of small business assistance providers are included. Also provided are information and links to small business initiatives/policies/laws, small business ombudsman (SBO)/SBAP National Steering Committee information, national and state compliance advisory panel (CAP) information, SBAP national logo, the State Small Business Stationary Source Technical and Environmental Assistance Program (SBTCP) Reports to Congress, ten state demonstration projects, SBO/SBAP conference presentations and photographs, online survey results, and other helpful small business web sites and documents.



### Contacts

Contact information is provided for EPA SBO, EPA regions and small business liaisons, EPA headquarters and regional SBAPs, EPA small business leads, OSHA regional and area offices, state SBAPs, SBAP/SBO national steering committee members, national and state CAP members, trade association representatives, and key members of the small business community.

### Environmental Compliance and Pollution Prevention

A *regulatory updates database* allows you to search by environmental law, month, year, keyword, or any combination for compliance issues focused on small business. Also included are: brief summaries of major federal environmental laws and applicable EPA links, calendar for reporting deadlines and summaries of environmental reporting requirements, checklist for reporting and recordkeeping requirements, links to state environmental agencies and SBAPs, expert systems for Class V motor vehicle wells and auto dismantlers/recyclers, and links to helpful regulatory search/compliance links and guidance documents. Also included are links to pollution prevention, ISO 14000, and recycling waste exchange web sites.



### Performance Measurement



A *performance measurement tools and success stories database* provides downloadable tools and case studies from states, EPA, and other sources. Also available is EPA's *Guide for Measuring Compliance Assistance Outcomes*.



### News and Events

An *upcoming events database* provides a calendar of major events. Also featured is a place to share news. Links to state newsletters, EPA SBO Update Newsletters, and Small Business Quarterly News Alerts are included.

### Survey Area on Home Page

- ◆ **New** survey for all Home Page users just launched...Please take a couple of minutes and fill this out on line today!
- ◆ Guidelines survey was completed this fall and overall results are now posted on line.
- ◆ SBAP/Multimedia online survey was conducted—results have been posted in a searchable database.
- ◆ Financial Assistance Program online survey also was conducted and results have been posted.

### Publications and Videos



A *publications database* provides brief summaries and direct access to online factsheets, guides, and other publications on a variety of environmental and small business assistance topics. Also provided are direct links to documents on the *EPA SBO list of publications and selected small business publications*.



**The Small Business Environmental Home Page provides access to environmental compliance and pollution prevention information for small businesses, state small business assistance programs, trade associations, and other technical assistance programs.**



We need your comments and suggestions to make the Small Business Environmental Home Page your premier internet location for small business environmental information. Please send your comments, suggestions, and updates to Audrey Zelanko to keep the Home Page up to date and in line with your internet resource needs.

### Databases

Databases on the Home Page include: upcoming events, publications, videos, regulatory updates, and performance measurement tools. Two additional databases share information from two surveys—one providing general information on the SBAP programs and multimedia issues, and the other focusing on financial assistance.



### Industry Sectors

Links by industry sector are provided. Also included in this section are links to Compliance Assistance Centers, trade associations, and other helpful sites.

### How Much is the Home Page Used? (3rd Quarter 2003)

- ◆ 208,646 successful hits
- ◆ 39,169 user sessions
- ◆ 20,403 unique users
- ◆ 2,267 average number of hits per day
- ◆ 425 average number of user sessions per day
- ◆ Top 5 most popular pages—State Financial Assistance Programs, Links to State Agencies, SBAP List of Contacts, Trade Associations, Small Business Assistance Home

*\*User statistics using "Web Trends" software*



### Funding Help

The Home Page links to a definition of 'small business,' state financial assistance programs, and federal and nonprofit financial assistance programs.

## Special Features of the Home Page

### National Small Business Financial Assistance Work Group (NSBFAWG) web site

This web site is home to the NSBFAWG, which was created to respond to small business needs for financial assistance from the government. A "cafeteria plan" of financial assistance is outlined on the site, as well as how to start a program, success stories, recent NSBFAWG activities, and contacts. An online survey of programs has been conducted and results have been posted.

### SBO-SBAP Listserve

The list provides a forum for the small business community to exchange ideas and share information on environmental compliance and pollution prevention issues. The list is open to SBOs, SBAPs, small businesses, trade associations, technical assistance programs, educators, researchers, and other interested individuals. Share information, ask questions, and post replies to the list. There are currently over 150 subscribers.

### Mid-Atlantic Region Small Business Assistance web site

Funded by EPA Region III, this site provides links to technical assistance, cost reduction and energy conservation, environmental technology development, and funding resources for small businesses and assistance providers in Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.



Audrey G. Zelanko, CTC, 425 6th Avenue—28th Floor, Pittsburgh, PA 15129 • Phone 412/992-5349 • Fax 412/992-5360  
Home Office Phone 724/452-3221 • Home Office Fax 724/452-5840 • zelanko@smallbiz-enviroweb.org

## The Sector Strategies Program – Working Together to Boost Performance



The Sector Strategies Program is a cooperative working relationship among government, national trade and service associations, state environmental agencies, and other stakeholders. The program identifies the optimal set of actions to effectively reduce pollution and ease regulatory burden in each sector.

EPA staff are sector points-of-contact – a resource for regulators, businesses, and the general public. As sector experts, analysts, and advisors, the points-of-contact facilitate government-industry communications and develop sector-specific strategies to:

- Overcome barriers to environmental improvement
- Promote the use of environmental management systems
- Measure performance

For more information on this program, visit the Sector Strategies web site at [www.epa.gov/sectors](http://www.epa.gov/sectors), or contact one of the associations or EPA sector liaisons listed below.

Sector	Partner Trade Association(s)	EPA Point-of-Contact
Agribusiness	<ul style="list-style-type: none"> <li>• National Food Processors Association</li> </ul>	Roger Holtorf, 202-566-2962
Cement Manufacturing	<ul style="list-style-type: none"> <li>• Portland Cement Association</li> </ul>	Carl Koch, 202-566-2972
Colleges & Universities	<ul style="list-style-type: none"> <li>• American Council on Education</li> <li>• Association of Higher Education Facilities Officers</li> <li>• Campus Consortium for Environmental Excellence</li> <li>• Campus Safety Health &amp; Environmental Mgmt Ass'n</li> <li>• Howard Hughes Medical Institute</li> <li>• Nat'l Ass'n of College &amp; University Business Officers</li> </ul>	Shai Morris, 202-566-2957
Construction	<ul style="list-style-type: none"> <li>• Associated General Contractors of America</li> </ul>	Peter Truitt, 202-566-2970
Forest Products	<ul style="list-style-type: none"> <li>• American Forest &amp; Paper Association</li> </ul>	Rhea Hale, 202-566-2965
Iron & Steel Manufacturing	<ul style="list-style-type: none"> <li>• American Iron &amp; Steel Institute</li> <li>• Steel Manufacturers Association</li> </ul>	Tom Tyler, 202-566-2969
Metal Casting	<ul style="list-style-type: none"> <li>• American Foundry Society</li> <li>• North American Die Casting Association</li> </ul>	Jerry Newsome, 202-566-2967
Metal Finishing	<ul style="list-style-type: none"> <li>• American Electroplaters &amp; Surface Finishers Society</li> <li>• Metal Finishing Suppliers Association</li> <li>• National Association of Metal Finishers</li> <li>• Surface Finishing Industry Council</li> </ul>	Mike Hessling, 202-566-2960
Paint & Coatings	<ul style="list-style-type: none"> <li>• National Paint &amp; Coatings Association</li> </ul>	Barry Elman, 202-566-2958
Ports	<ul style="list-style-type: none"> <li>• American Association of Port Authorities</li> </ul>	Kathleen Bailey, 202-566-2953
Shipbuilding & Ship Repair	<ul style="list-style-type: none"> <li>• American Shipbuilding Association</li> <li>• Shipbuilders Council of America</li> </ul>	Shana Harbour, 202-566-2959
Specialty-Batch Chemical	<ul style="list-style-type: none"> <li>• Synthetic Organic Chemical Manufacturers Association</li> </ul>	Janice Bryant, 202-566-2956



## **The Environmental Results Program Innovative Permitting Options/Self Certification**

Small businesses want to do the “right thing” environmentally. Environmental regulators want to improve the environmental performance of large numbers of small sources. How can environmental compliance be more closely linked with regulatory requirements and performance measurement? The Environmental Results Program (ERP) offers one approach toward addressing these seemingly incompatible environmental issues.

In 1997, the Massachusetts Department of Environmental Protection (MA DEP) established ERP with a basic premise — small business compliance will improve if facilities have a better knowledge and understanding of the state’s regulatory requirements and the flexibility to satisfy those requirements. MA DEP applied ERP to three small business sectors — printers, photo processors, and dry cleaners — nearly 2,300 facilities that today are achieving more than 95 percent environmental compliance. In 1996, before ERP started, less than 10 percent of the affected Massachusetts dry cleaners were even known to MA DEP. As a result of a MA DEP/EPA partnership formed in late 2000, ERP applications across state agencies has grown substantially. Today, nearly 10 States, plus the District of Columbia, have joined MA DEP in conducting or planning to conduct ERP projects across 8 business sectors. According to the National Academy of Public Administration, MA DEP achieved two remarkable breakthroughs with ERP:

“It expanded the universe of small businesses...on record with the state’s regulatory system and it created a powerful incentive for the small business owner/operators to take personal responsibility for complying with environmental regulations.”<sup>1</sup>

ERP employs three linked tools – plain language compliance assistance workbooks and workshops, periodic self-evaluation and certification of compliance status, and inspections and performance measurement. ERP is a “data rich” management information system. It provides regulators the information they need to most effectively focus limited compliance assistance, inspection and enforcement resources, as necessary, on those issues and facilities that are under-performing. For small business owner/operators, ERP can reduce annual compliance fees, provide “one-stop” (i.e., multi-media) shopping for environmental requirements, introduce pollution prevention and best management practices, and allow regulatory flexibility.

Several states are applying ERP to common business sectors. This allows states to share planning and implementation experience as well as reduce the cost of creating ERP materials. Some states also are conducting ERP projects in multiple sectors. Rhode Island, Maryland, Florida, Delaware, and the District of Columbia are applying ERP to the auto repair/auto body sector. Likewise, Tennessee, Rhode Island, New Jersey, and Georgia are conducting or planning to conduct ERP projects for underground storage tank owner/operators. Another business sector that has attracted multi-state interest is the auto recycling sector – Florida, Maine, New Hampshire, and Vermont are discussing ERP applications in this sector as well.

Various ERP communication materials are available on the EPA and several state websites — see the EPA site: [www.epa.gov/permits](http://www.epa.gov/permits) , the MA DEP site [www.state.ma.us/dep/erp](http://www.state.ma.us/dep/erp) , the Florida site [www.dep.state.fl.us/waste/categories/hazardous/pages/autocert/htm](http://www.dep.state.fl.us/waste/categories/hazardous/pages/autocert/htm) , and the Rhode Island site [www.state.ri.us/dem/programs](http://www.state.ri.us/dem/programs) . For further information contact **Greg Ondich** at: 202-566-2215

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<sup>1</sup> “Environment.gov: Transforming Environmental Protection for the 21<sup>st</sup> Century,” The National Academy of Public Administration, November 2000, Washington, DC. P. 34. See [www.napawash.org](http://www.napawash.org)

## **EPA's Draft Report on the Environment Review and Stakeholder Dialog Activities**

EPA released the draft Report on the Environment and accompanying Technical Document in June 2003. In November and December 2003, EPA held stakeholder dialog meetings in Chicago, Atlanta, San Francisco, Seattle, and Dallas. A Philadelphia meeting is planned for early February 2004. Stakeholder feedback in these sessions is proving very helpful in planning the future for reporting on the environment and using environmental indicators in planning and management.

In November 2003, EPA's National Advisory Council on Environmental Policy and Technology provided comments developed from its Fall 2003 review of the draft report. During spring 2004, EPA's Science Advisory Board will conduct a review focused on the science in the report.

EPA continues to encourage comments from all interested parties, and the public comment period has been extended through February 29, 2004. Copies of the draft report and technical document can be downloaded from EPA's Environmental Indicators Initiative web site at [www.epa.gov/indicators](http://www.epa.gov/indicators). Printed copies can also be ordered by visiting the "Contact Us" page of the indicators web site or by calling EPA's National Service Center for Environmental Publications at 1-800-490-9198. Anyone wishing to comment on the draft report should visit the indicators web site and link to the new E-DOCKET that has been created to receive and compile comments on the report. The E-DOCKET also enables users to review the comments that others are making.

### **2002 Toxics Release Inventory (TRI) Data Planned to be Made Publicly Available in February, 2004**

The Toxics Release Inventory (TRI) data submitted to the Environmental Protection Agency (EPA) for reporting year 2002 (RY2002) will be posted on the internet on or about February 19, 2004. This posting of the TRI data on the internet will be the first phase of a two-phased approach EPA will use for making RY2002 TRI data available to the public. EPA is calling this first phase the TRI "Electronic Facility Data Release" (e-FDR). The second phase will take place later in 2004, as part of the annual "Public Data Release" (PDR), and will include releasing TRI data through TRI Explorer, Envirofacts, and a modified PDR hard copy report.

TRI data made publicly available on the internet through the e-FDR will be accessible in limited format, through the EPA Envirofacts database. The internet site to view the data will be <http://www.epa.gov/enviro/html>. The public will be able to view information contained on a Form R or Form A Certification Statement submitted by a facility, or as modified to reflect any revisions particular facility for a particular chemical. Electronic copies of these publications are available via the Internet at <http://www.epa.gov/tri/tridata/tri01>.

**For Further information contact: Steve Divito at: 566-0755**

# An eRulemaking Initiative Update

The eRulemaking Initiative began as one of twenty-four Presidential Management Agenda (PMA) initiatives, which were announced by the White House in 2001. One of the principal goals of the PMA is to expand electronic government services to citizens and businesses by leveraging existing information technology systems to create new applications and more efficient operations. The Environmental Protection Agency (EPA) is the Managing Partner for the overall eRulemaking Initiative. Other partner agencies in this initiative are the Department of Agriculture (USDA), Department of Defense (DOD), Federal Communications Commission (FCC), General Services Administration (GSA), Government Printing Office (GPO), Department of Health and Human Services (HHS), Department of Housing and Urban Development (HUD), Department of Justice (DOJ), Department of Labor (DOL), the National Archives and Records Administration (NARA), and the Department of Transportation (DOT).

The goals of the initiative are to 1) provide an easy and consistent way for public to search, view, and comment on proposed federal rules (through the portal, [www.Regulations.gov](http://www.Regulations.gov)); 2) create a federal government docket system that will be a repository for rulemakings and related documents; and 3) enhance rulemaking practices within Federal agencies through the use of electronic tools and services in an integrated federal rulemaking system.

## Recent Initiative Activities

On October 3, the eRulemaking Program Management Office held a ribbon-cutting ceremony and open house at the new location on Vermont Avenue. This event commemorated the new eRulemaking office and celebrated the Initiative's accomplishments over the past year. Rick Otis, EPA's E-Gov Manager, recognized EPA's 10 federal partner agencies for their continuing commitment to the initiative and welcomed the Department of Defense as the newest eRulemaking Initiative partner agency.

The newly formed eRulemaking Initiative Executive Committee had its inaugural meeting in December. The eRulemaking Executive Committee is comprised of the Chief Information Officers (CIOs) and senior rulemaking managers from agencies participating in the eRulemaking Initiative. The EPA CIO and the Deputy Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget serve as the Co-Chairs of the Committee. The Executive Committee provides and oversees overall initiative strategy, resources, and timetables.

Inter-agency working groups have been established to address specific issues that arise. Currently, there are eight working groups that address issues regarding acquisition, budget, legal and policy, records management, [Regulations.gov](http://Regulations.gov) portal, federal docket management system, the integrated federal rulemaking system and XML (extensible markup language). These work groups meet on a monthly basis or more frequently, if necessary. These workgroups are chaired by different federal agencies and consist of representatives from 20 agencies across the federal government.

## Regulations.gov

[Regulations.gov](http://Regulations.gov), the federal-wide Web site for the public to access and comment on regulatory information, is continuing to enjoy a high level of public interest. In November 2003, the site crossed the two million successful hits mark (averaging 6,000 hits per day)! The Web site has received numerous awards, including 2003 Colborn Award Innovation in Rulemaking, the 2003 E-Gov Pioneer Award, the 2003 Citizen Service Secure EBiz Leadership Award, and the 2003 Grace Hopper Government Technology Leadership Award.

## Federal-wide Docket Management System

The eRulemaking Program Management Office welcomes Lockheed Martin as the third party integrator who will design and develop the federal-wide docket management system. Lockheed Martin was selected by a seven person interagency team and a three person cost evaluation team. Lockheed has teamed up with Bearing Point and several small businesses, including Apprimus, SOLUTRON, Vistrionix and Xaware to assist in the implementation of the project.

The eRulemaking team continues its outreach to federal agencies participating in the eRulemaking initiative. To meet the goals of the eRulemaking Initiative, the project will require migrating at least 30 existing federal agency electronic rulemaking systems into the federal-wide system, and incorporating more than 150 other federal rulemaking entities into the system.

For Further Information Contact: **Kimberlie R. Orr** at: (202) 566-1703.

# List of MACT Tools Available

EPA Air Toxics Implementation Assistance Tools

Tools include: Inspection checklists, Applicability Flowcharts, Brochures, MR&R Summaries, etc.

Sorted by Title

Updated January 2004

Date	Implementation Assistant Tool/Document Title	EPA #
12/98 (Revised)	Aerospace Manufacturing and Rework Facilities - Summary of Requirements for Implementing the NESHAP <a href="http://www.epa.gov/ttn/atw/aerosp/aeropg.html">http://www.epa.gov/ttn/atw/aerosp/aeropg.html</a>	EPA-456/R-97-006
9/2000	Air Pollution Control Technology Training Modules – Overview of Carbon Adsorption, Wet Scrubbers, ESP etc. (CD, VHS available)	
7/99	Architectural Coatings - Small Entity Compliance Guide <a href="http://www.epa.gov/ttn/atw/183e/aim/aimpg.html">http://www.epa.gov/ttn/atw/183e/aim/aimpg.html</a>	EPA-453/R-99-003
10/01	Boat Manufacturing: Brochure, map of sources, slides from presentation, sample initial notification letter, checklists etc.	
4/95	Chromium Electroplating and Anodizing NESHAP - A guidebook on how to comply	EPA-453/B-95-001
9/97	Ethylene Oxide Commercial Sterilization and Fumigation Operations NESHAP Implementation Document <a href="http://www.epa.gov/ttn/atw/eo/eopg.html">http://www.epa.gov/ttn/atw/eo/eopg.html</a>	EPA-456/R-97-004
8/03	Fabric, Printing, Coating & Dyeing, Overview Brochure and Timeline available	
12/98	Flexible Polyurethane Foam Production - Plain Language Guide <a href="http://www.epa.gov/ttn/atw/foam/foampg.html">http://www.epa.gov/ttn/atw/foam/foampg.html</a>	EPA-456/B-98-001
5/95	Guidance Document for Halogenated Solvent Cleaning NESHAP <a href="http://www.epa.gov/ttn/atw/degrea/halopg.html">http://www.epa.gov/ttn/atw/degrea/halopg.html</a>	EPA-456/R-94-081
9/02	<u>General Provisions</u> Various tools (e.g., example forms) available at: <a href="http://">http://</a>	
9/97	Halogenated Solvent Cleaning: Summary of Requirements for Implementing the NESHAP <a href="http://www.epa.gov/ttn/atw/degrea/halopg.html">http://www.epa.gov/ttn/atw/degrea/halopg.html</a>	EPA-456/R-96-005
11/97	Hospital/Medical/Infectious Waste Incinerator Emission Guidelines: Summary of Requirements for Section 111(d)/129 State Plans <a href="http://www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html">http://www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html</a>	EPA-456/R-97-007
12/03	Integrated Iron and Steel - Inspection checklists, applicability flowcharts, compliance timeline	
8/02	Large Appliances (Surface Coating) Overview Brochure and Timeline available at <a href="http://www.epa.gov/ttn/atw/lapp/lapplpg.html">http://www.epa.gov/ttn/atw/lapp/lapplpg.html</a>	
9/97	MACT Implementation Strategy <a href="http://www.epa.gov/ttn/atw/eparules.html">http://www.epa.gov/ttn/atw/eparules.html</a>	EPA-456/R-97-003
8/02	Metal Coil (Surface Coating) Overview Brochure and Timeline available located at <a href="http://www.epa.gov/ttn/atw/mcoil/mcoilpg.html">http://www.epa.gov/ttn/atw/mcoil/mcoilpg.html</a>	
8/03	Metal Can (Surface Coating) Overview Brochure and Timeline available	

<b>Date</b>	<b>Implementation Assistant Tool/Document Title</b>	<b>EPA #</b>
8/03	Metal Furniture (surface coating) Overview Brochure and Timeline available	
7/96	Municipal Waste Combustion: Summary of the Requirements for Section 111(d)/129 State Plans for Implementing the MWC Emission Guidelines <a href="http://www.epa.gov/ttn/atw/129/mwc/rinwc.html">http://www.epa.gov/ttn/atw/129/mwc/rinwc.html</a>	EPA-456/R-96-003
10/96	Municipal Solid Waste Landfills, Vol. 1: Summary of the Requirements for the NSPS and EG <a href="http://www.epa.gov/ttn/atw/landfill/landflpg.html">http://www.epa.gov/ttn/atw/landfill/landflpg.html</a>	EPA-453/96-004
11/98	Municipal Solid Waste Landfills, Vol. 2: Summary of Requirements for Section 111(d) State Plans for implementing the MSW Landfill EG <a href="http://www.epa.gov/ttn/atw/landfill/landflpg.html">http://www.epa.gov/ttn/atw/landfill/landflpg.html</a>	EPA-456/R-98-009
12/03	Municipal Solid Waste Landfill MACT - Guidance on SSM plan	EPA-456/R-03-006
12/03	Municipal Solid Waste Landfill MACT - Example Moisture Mass Balance Calculations for Bioreactor Landfills	EPA-456/R-03-007
9/98	Off-Site Waste and Recovery Operations - Source Identification: Lists of Sources Potentially Subject to the Rule <a href="http://www.epa.gov/ttn/atw/offwaste/oswropg.html">http://www.epa.gov/ttn/atw/offwaste/oswropg.html</a>	EPA-456/R-98-006
10/99	Off-Site Waste and Recovery Operations - The Plain Language Implementation Assistance Document for Part 63 Subpart DD <a href="http://www.epa.gov/ttn/atw/offwaste/oswropg.html">http://www.epa.gov/ttn/atw/offwaste/oswropg.html</a>	EPA-456/R-99-007
5/2000	Oil and Gas Applicability Flowcharts <a href="http://www.epa.gov/ttn/atw/oilgas/oilgaspg.html">http://www.epa.gov/ttn/atw/oilgas/oilgaspg.html</a>	
9/2000	Pesticide Active Ingredient - Implementation Document (NOTE: Draft document only, no final will be released) <a href="http://www.epa.gov/ttn/atw/pest/pestpg.html">http://www.epa.gov/ttn/atw/pest/pestpg.html</a>	EPA-456/D-00-001
11/2000 (Revised)	Petroleum Refinery MACT Standard Guidance, Q & A online, Summary of MRR, <a href="http://www.epa.gov/ttn/atw/petrefine/petrefpg.html">http://www.epa.gov/ttn/atw/petrefine/petrefpg.html</a>	EPA-456-B-00-001
2/03 (Revised)	Pharmaceutical MACT Rule (Expert system on applicability )	
9/01	Pharmaceutical MACT Inspection checklist	
9/2000	Polyether Polyols Production - Implementation Document <a href="http://www.epa.gov/ttn/atw/polyol/polyolpg.html">http://www.epa.gov/ttn/atw/polyol/polyolpg.html</a>	EPA-456/R-00-002
10/99	Portland Cement Q & A Web-based Tool <a href="http://www.epa.gov/ttn/atw/pcem/pcempg.html">http://www.epa.gov/ttn/atw/pcem/pcempg.html</a>	
10/99	Primary Aluminum Plain Language Guide to the NESHAP-40 CFR 63, Subpart LL: Summary of Requirements	EPA-453/R-99-011
10/98	PTE - A Guide for Small Businesses	
9/01	Pulp and Bleaching System NESHAP for Pulp and Paper Industry: Plain English Description <a href="http://www.epa.gov/ttn/atw/pulp/pulppg.html">http://www.epa.gov/ttn/atw/pulp/pulppg.html</a>	EPA-456/R-01-002
9/01	Pulp and Paper Combustion Sources NESHAP: A Plain English Description <a href="http://www.epa.gov/ttn/atw/pulp/pulppg.html">http://www.epa.gov/ttn/atw/pulp/pulppg.html</a>	EPA-456/R-01/003

Date	Implementation Assistant Tool/Document Title	EPA #
12/03	Pulp and Paper Combustion MACT II - Inspection checklists, applicability flowcharts, compliance timelines <a href="http://www.epa.gov/ttn/atw/pulp/pulppg.html">http://www.epa.gov/ttn/atw/pulp/pulppg.html</a>	
12/03	Refractory Products Manufacture - brochure, overview of testing requirements, example calculations, and overview of control options	
11/2000 9/03	Secondary Aluminum (Sweat Furnace Operations) Brochure (11/00) and Plain Language Workbook (9/03), source identification information <a href="http://www.epa.gov/ttn/atw/alum2nd/alum2pg.html">http://www.epa.gov/ttn/atw/alum2nd/alum2pg.html</a>	EPA-456/F-00-004
9/03	Secondary Aluminum example malfunction plan and notification forms, source list, applicability flowcharts, and summary of MRR <a href="http://www.epa.gov/ttn/atw/alum2nd/alum2pg.html">http://www.epa.gov/ttn/atw/alum2nd/alum2pg.html</a>	
12/03	Ship Building & Repair - Inspection checklists, applicability flowcharts, compliance timelines, CD	
9/2000	Taking Toxics Out of the Air Document – Summary of Toxics program,	EPA-452/K-00-002
12/03	Wool Fiberglass - Inspection checklists, applicability flowcharts	
9/97	Wood Furniture Manufacturing Operations NESHAP Implementation Doc. <a href="http://www.epa.gov/ttn/atw/wood/riwood.html">http://www.epa.gov/ttn/atw/wood/riwood.html</a>	EPA-456/R-97-005

## MACT Implementation Tools Projects Planned

Air Toxics Implementation Tool Project Title	EPA Contact*
Auto and Light Duty Truck	Gil Wood 919-541-5272
Ethylene Oxide Sterilizers – Revising existing tool	David Painter 919-541-5515
Industrial/Commercial/Institutional Boilers (MACT) (economically significant rule)	David Painter 919-541-5515
Metal Furniture. OAQPS Emission Standards Division planning additional tools	Mohamed Serageldin 919-541-2379
Miscellaneous Coatings Manufacturing – Surface coatings sources	Anna Duncan 202-564-1657
Miscellaneous Metal Parts.	Ingrid Ward 919-541-0300
Miscellaneous Organic NESHAP – 3 trainings planned in 2004	Marcia Mia 202-564-7042
Paper and Other Web Surface Coating – latest tool development efforts can be found on the Tool Development plan located at <a href="http://www.epa.gov/ttn/atw/powc/powcpg.html">http://www.epa.gov/ttn/atw/powc/powcpg.html</a>	Ingrid Ward 919-541-0300
Plastic Parts and Products	Ingrid Ward 919-541-0300
Plywood and Composite Board	Tom Link 919-541-5456
Portland Cement – Revise Q & A Web-based Tool	David Painter 919-541-5515
Reciprocating Internal Combustion Engines (RICE)	Gary Blais 919-541-3223
Reinforced Plastics. Final applicability flowchart and a final sample notification form for RPC facilities to use. Other tools pending.	Anna Duncan 202-564-1657
SOCMI Waste Water NSPS: Inspection checklist, applicability flow charts, compliance timeline, Q & As, Relationship to other rules table	Tom Link 919-541-5456
Wood Building Products	Gary Blais 919-541-3223

*\*To contact one of these persons you can e-mail them by typing: last name.first . For example, Ingrid Ward's email address is:  
For Further Information Contact: **Lalit Banker** at (919) 541-5420*

# What's New in Chemical Accident Prevention

## EPA's Office of Emergency Prevention, Preparedness, and Response (OEPPR)

### Regulatory Developments

#### **Proposed Amendment to the Risk Management Plan (RMP) Program**

In July, 2003, EPA proposed to amend the Risk Management Program to include several new data elements and to change several requirements regarding the filing of Risk Management Plans. The comment period for this proposal has closed, and EPA is working diligently to issue the final rule at the earliest possible date.

At the time of the final amendment's publication in the Federal Register, we will post information on our web site: [www.epa.gov/emergencies](http://www.epa.gov/emergencies). We will also notify our List Serve subscribers.

#### **Revised Version of RMP\*Submit (Version 3)**

As you know, RMP\*Submit is available free of charge by downloading it from our website. We are incorporating several improvements into a new version of *RMP\*Submit (Version 3)*. Improvements include larger screen size; larger fonts; indicators for critical and mandatory fields; improved data validation; a new NAICS selector to help you select your NAICS code; and an updated county name listing. *RMP\*Submit (Version 3)* will be able to import RMPs created using the earlier version of RMP\*Submit. *RMP\*Submit (Version 3)* will also reflect any new reporting requirements resulting from the final amendment of the Risk Management Program rule. The new version of RMP\*Submit will not be released until after the final rule is issued. As soon as *RMP\*Submit (Version 3)* is available, we will notify our List Serve subscribers.

#### **Most RMP's Must be Fully Updated and Re-submitted**

If you are the owner or operator of a covered facility, you must fully update and re-submit a revised RMP at least once within five years of the postmark date of your initial submission. The majority of facilities have not re-submitted an RMP since the June 21, 2001 reporting deadline. This means that most RMPs must be fully updated and re-submitted by June 21, 2004. Additional information about re-submitting your RMP can be found in the [RMP\\*Submit Users Manual](#) and on the [EPA website](#).  
(<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/RMPS.htm?OpenDocument>)

### Chemical Safety: Sharing lessons learned

#### **CCPS Publication on Reactive Chemical Hazards**

The Center for Chemical Process Safety (CCPS), in partnership with the Environmental Protection Agency, the Occupational Safety and Health Administration, the American Chemistry Council, and Synthetic Organic Chemical Manufacturers Association, has made available online, free of charge, the book *Essential Practices for Managing Chemical Reactivity Hazards* (2003). This book, intended for safety managers, chemists, and engineers alike, helps both small and large companies address safe handling, processing and storing of chemicals that might become involved in uncontrolled chemical reactions.

Persons wishing online access to this book will need to follow a onetime signup procedure through Knovel, CCPS's online book distributor, prior to gaining access to the document.

For free access to this book, register at the Knovel website: <http://info.knovel.com/ccps/>

#### **New Chemical Safety Alert/Health Information Bulletin on Process Used In Oil Refinery Operations**

In partnership with OSHA, we recently issued *Hazards of Delayed Coker Unit (DCU) Operations*. This document aims to prevent chemical accidents by raising awareness among facilities, workers, and emergency responders of the hazards associated with Delayed Coker Unit (DCU) operations.

DCU operations are among the most hazardous in the refinery. Unlike other types of petroleum refinery operations, the DCU involves both batch and continuous operations. The batch stage of the operation, which involves drum switching and coke cutting, presents unique hazards and is responsible for most of the serious accidents attributed to DCUs.

This alert can be viewed on the EPA website:

[http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/delayed\\_coker.pdf/\\$File/delayed\\_coker.pdf](http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/delayed_coker.pdf/$File/delayed_coker.pdf)



Additional Alerts are available on the EPA's Preventing Chemical Accidents page:  
<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/preventingaccident.htm?OpenDocument>

### **OECD Guiding Principles Document**

The Organization for Economic Cooperation and Development (OECD) has finalized several guidance documents related to chemical emergency prevention, preparedness, and response. The primary guidance document is the OECD's *Guiding Principles for Chemical Accident Prevention, Preparedness, and Response*. It is a comprehensive document to help governments, industry, and communities prevent and prepare for accidents involving hazardous substances resulting from technological and natural disasters, as well as sabotage. An interactive version of the Guiding Principles is available through the OECD webpage at the following address: <http://www1.oecd.org/scripts/ehs/guidingprinciples/index.asp>.

A companion document, *Guidance for Safety Performance Indicators*, serves as a guide for key Stakeholders to use in determining if their implementation of the Guiding Principles or similar chemical emergency prevention, preparedness, and response programs, has led to improvements in chemical safety. This guidance should be published in an interim version in the next month and will be available in hard copy, on the web, and as an interactive version. The OECD is requesting volunteers to pilot the guidance over the next two years, provide their results and lessons learned, and publish a final, revised version in 2005 based on the results of the pilot program. If you are interested in volunteering, please contact Kim Jennings on (202)564-7996 or by email: [jennings.kim@epa.gov](mailto:jennings.kim@epa.gov).

### **Upcoming HAZMAT Spills Prevention Conference 2004**

The International HAZMAT Spills Prevention Conference, organized by EPA, will be held in San Antonio, Texas on May 4 through 6, 2004. The host is the Bevar County Local Emergency Planning Committee (LEPC). The conference will feature workshops and lectures on chemical process safety, accident prevention, emergency management and planning, case studies, and regulatory requirements. Hands-on training on the CAMEO® program will also be available. Exhibit booths are also available. For more information, visit the conference website at: <http://www.hotzone.org/Spills/index.htm>

### **CEPPO Joins Oil and Emergency Response Programs**

Effective June 26, 2003, the Chemical Emergency Preparedness and Prevention Office (CEPPO) changed its name to the Office of Emergency Prevention, Preparedness and Response (OEPPR). This new office will consolidate OSWER's emergency prevention, preparedness, and response duties by joining together the Oil Program Center, Emergency Response & Removal Center and CEPPO.

### **To subscribe to CEPPO e-mail updates through our List Serve:**

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

**Visit the OEPPR Website:** [www.epa.gov/emergencies](http://www.epa.gov/emergencies)

**For regulatory questions, contact the RCRA, Superfund & EPCRA Call Center:**

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

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

Or, contact: **Breda Reilly** at (202) 564-7983 or [reilly.breda@epa.gov](mailto:reilly.breda@epa.gov)



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

The Environmental Protection Agency (EPA) is one of 10 federal agencies that participate in the SBIR Program established by the Small Business Innovation Development Act of 1982. The purpose of this Act was to strengthen the role of small businesses in federally funded R&D and help develop a stronger national base for technical innovation. **An SBIR 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, at least 51 percent owned by U.S. citizens or lawfully admitted resident aliens, not dominant in the field of operation in which it is proposing, and have its principal place of business 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 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.

Phase II contracts are limited to small businesses that have successfully completed their Phase I contracts. The objective of Phase II is to commercialize the Phase I technology. Competitive awards are based on the results of Phase I and the commercialization potential of the Phase II technology. In Phase II, EPA awards contracts of up to \$225,000 and the period of performance is typically 1 year. EPA also offers up to \$100,000 and 1 additional year as Phase II Options for firms with third party financing for accelerating commercialization and for technologies accepted into the EPA Environmental Technology Verification (ETV) Program.

**EPA's next Phase I Solicitation will open on March 25, 2004 and close on May 25, 2004.** The Phase I Solicitation will be posted on the National Center for Environmental Research WEBSITE at:

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

Please note that last year's Phase I solicitation is still posted on the EPA WEBSITE. The solicitation includes a description of the SBIR Program, application requirements and research topics. This solicitation is available by Fax. If you need a faxed copy or if you have any questions, please call the EPA HELPLINE at:

**1 (800) 490-9194**



# EPA SBIR PROGRAM

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## PHASE I SCHEDULE OF SOLICITATIONS

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EPA's SBIR program provides financial support to help small science and technology based firms develop new environmental technologies and ready them for commercialization. The program targets research to prevent pollution, reduce water and air pollution, manage solid and hazardous wastes, and improve environmental monitoring – in each case, addressing priorities that are based on the Agency's Strategic Plan. In 2004, EPA will issue four (4) Phase I Solicitations. There will be three special solicitations – Pacific Environmental Problems, Hazardous Waste Minimization and Pollution Prevention – and the regular SBIR Solicitation. The special solicitations are designed to meet the pressing needs of EPA including Office of Solid Waste (OSW), Office of Pollution Prevention and Toxics (OPPT) and EPA Region IX (San Francisco). The opening and closing dates are the same for all Phase I solicitations and Phase I contracts will be awarded for \$70,000 with the period of performance typically 6 months. The regular solicitation will cover all other EPA research topics and it will NOT include the OSW, OPPT or Region IX topics.

The 2004 Phase I Solicitation Schedule is as follows:

### **PACIFIC ENVIRONMENTAL PROBLEMS**

(Subtopics under Development. MAY include Agricultural Pollution Reduction, Estuarine and Brownfield Clean-up, Wetlands Restoration, Air and Water Treatment Technologies, etc.)

### **HAZARDOUS WASTE MINIMIZATION**

(Subtopics under Development. MAY include advanced manufacturing approaches that eliminate or reduce 30 priority chemicals, green product design, waste minimization technologies, etc.)

### **POLLUTION PREVENTION**

(Subtopics under Development. May include Environmentally Sound Chemical Substitutions, Greening the Automobile Supply Chain, Pollution Free Coating, Cleaner Production, etc.)

### **REGULAR PHASE I SOLICITATION** (Excludes Subtopics Described Above)

(Subtopics: Nanotechnology, Monitoring and Control of Air Pollution, Drinking Water and Municipal/Industrial Wastewater Treatment, Solid Waste Recycling and Superfund Site Remediation, Safe Buildings and Water Security and Monitoring/Measurement Technologies)

PHASE I OPENS: MARCH 25, 2004

CLOSING DATE: MAY 25, 2004

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

**US ENVIRONMENTAL PROTECTION AGENCY**  
**THE REGULATORY PLAN**  
**“STATEMENT OF PRIORITIES”**

On Monday, December 22, 2003, EPA published in the *Federal Register* its *Regulatory Plan*, including its “Statement of Priorities.” In the Overview, EPA states that its top regulatory priorities are supporting passage and implementation of the “Clear Skies Initiative” and completing rules that will reduce off-road diesel engine emissions and reduce the risks from microbial pathogens, with a strong commitment to sound science and economic analysis.

The Overview specifically states EPA’s intent to provide “Attention to Small Businesses.” The following text is copied verbatim from the Federal Register:

“Helping small businesses improve environmental performance is a top priority for EPA. EPA offers a variety of services for small businesses, including a toll-free hotline, a semiannual newsletter, online expert systems, and for some sectors, compliance assistance centers that focus on the unique environmental management issues facing specific industries. EPA also maintains a Small Business Ombudsman which provides a point of contact for small businesses and ensures compliance with the Small Business Paperwork Relief Act of 2002.

In FY 2003, EPA updated its *Small Business Strategy* to unify its many small business services and help small businesses fulfill their environmental responsibilities. The strategy focuses on improving EPA’s understanding of small business issues, and improving small businesses’ understanding of EPA. The strategy also aims to involve small businesses earlier in the regulatory development process and to develop alternative regulatory approaches – such as self-certification procedures – that work better for small businesses. Other objectives include developing compliance tools to make it easier for small businesses to comply as well as rewards that recognize small businesses for their environmental stewardship.

In FY 2004, EPA will focus on implementing the *Small Business Strategy*. By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burden to small businesses in its regulations and simplify small businesses’ participation in its voluntary programs.”

The Plan includes a number of rules that may be of particular interest to small businesses as follows:

**Rules intended to provide regulatory relief:**

- Office of Solid Waste Burden Reduction Project Final Rule
- Increase Metals Reclamation from F006 Waste Streams Proposed Rule
- Standardized Permit for RCRA Hazardous Waste Management Facilities Final rule
- Recycling of Cathode Ray Tubes and Mercury-Containing Equipment: Changes to Hazardous Waste Regulations Final Rule

**Rules which may have significant impacts on small businesses:**

- Standards and Practices for Conducting “All Appropriate Inquiry” Proposed Rule
- Groundwater Rule
- Lead-Based Paint Activities: Training and Certification for Renovation and Remodeling
- Effluent Guidelines and Standards for the Construction and Development Industry
- Long-Term 2 Enhanced Surface Water Treatment Rule
- Stage 2 Disinfection Byproducts Rule
- Control of Emissions of Air Pollution from Non-road Diesel Engines and Fuel

The complete *Regulatory Plan* and “Statement of Priorities” may be found in *Federal Register* Vol. 68, No. 245, Book 2 of 4 books, issued Monday, December 22, 2003, pages 72417-72586. The Regulatory Agenda is accessible at: <http://www.epa.gov/fedrgstr/EPA-GENERAL/2003/December/Day-22/g28903.pdf>

# 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 71. In addition, the Ombudsman's Office maintains an inventory of over 300 EPA and related publications containing useful environmental information for small business. A complete listing of these publications can be obtained by calling the Ombudsman's Office at **1-800-368-5888 or 202-566-2855**.

## CLEAN AIR ACT (CAA)

### EPA Researching Deferral of Area Sources from Title V Permitting in Anticipation of 2005 Deadline

The deferral from TV permitting for 6 area source MACTs ends Dec 05. EPA is looking into how the test under the ACT for exempting area sources from TV could work for these MACT categories. The test says that the Adm must show how it would be "impractical, infeasible or unnecessarily burdensome" on the sources to be permitted. EPA hopes to make a decision soon on whether these area sources will be required to get a TV permit or not. If they are exempted EPA must do a notice and comment rulemaking explaining how it applied the exemption test of the ACT for each MACT category. For further information contact Steve Hitte at: 919-541-0886

### Urban Air Toxics Strategy

This Strategy is an integrated framework for addressing air toxics in urban areas by looking at stationary, mobile, and indoor source emissions. Air toxics can pose special threats in urban areas because of the large number of people and the variety of sources of toxic air pollutants, such as vehicles, large factories, gasoline stations, and dry cleaners. Individually, some of these sources may not emit large amounts of toxic pollutants, however, collectively can produce potentially significant health effects. Although existing programs have already achieved substantial emission reductions, more needs to be done to reduce toxics air pollutants, particularly in the urban areas. The Strategy outlines actions to reduce emissions of air toxics and assessment activities to improve EPA's understanding of the health and environmental risks posed by air toxics in urban areas. The Strategy includes a list of 33 air toxics that pose the greatest potential health threat in urban areas, and also provides a list of area sources responsible for a substantial portion of the emissions of these air toxics. For more information about the Strategy, visit EPA's web site at [www.epa.gov/ttn/atw/urban/urbanpg.html](http://www.epa.gov/ttn/atw/urban/urbanpg.html).

**Contact: Barbara Driscoll at 919-541-1051.**

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

#### Area Source Program

The EPA has a requirement under the Clean Air Act to list area source categories to address 90 percent of the emissions of 30 listed urban Hazardous Air Pollutants (HAP). This effort is part of the Urban Air Toxics Strategy, and is of interest to small business because it has the potential to affect many small sources.

EPA published the final Federal Register notice for area sources on November 22, 2002. That notice added 23 new area source categories to those previously listed for a total of 70 area source categories. Of the 70 categories on the list, 15 have already been regulated. EPA is currently in negotiations with a litigant to develop schedules for the remaining

area source categories. We are also working on a strategy to prioritize the work to be done, as well as to implement regulations for the remaining area source categories. More information on area source standards is available at <http://www.epa.gov/ttn/atw/urban/arearules.html>  
**Contact: Lula Melton at 919-541-2910.**

### Residual Risk and MACT standard Review Program

Eight years (nine years for the 2-year MACT bin) after EPA publishes a final technology-based NESHAP for a source category, we are required to determine if the residual risk from air toxics emissions for that source category are protective of human health and the environment with an ample margin of safety. We are also required to review the technology-based standards every eight years after publication. Currently, there are around twenty residual risk and MACT review standards development programs under way. The first proposal is for coke ovens and should be out in the fall of 2003. For more information on the program, source categories, and project contacts, visit the web at <http://www.epa.gov/ttn/atw/risk/residriskpg.html>

**Contacts: Standards Development - Elaine Manning at 919 541-5499 and Risk Assessment - Roy Smith at 919 541-5362**

### Section 112(j) (Hammer Date) Status

All facilities that are major sources of HAP, and were listed in a source category on EPA's source category list for which we have not published a final NESHAP, were required to submit a Part 1 title V permit application to their permitting authority by May 15, 2002 to incorporate case-by-case maximum achievable control technology (MACT). Major sources are those that emit from the entire contiguous facility 10 tons or more of any single HAP or 25 tons or more of any combination of HAP.

The 112(j) permit application process consists of two parts. Part 1 (that was due May 15, 2002) is basically a simple informational notification that the source is subject to the section 112(j) rule and is in an affected source category. Part 2 of the application would contain the more detailed, comprehensive information necessary for the permitting authority to develop case-by-case MACT and issue a permit within 18 months after receiving a complete Part 2 application. The schedule for Part 2 depends on the specific source category. However, we anticipate that our current schedule for completing the remaining 6 NESHAP will result in final standards prior to any Part 2 applications being required. Once a final NESHAP has been signed by the Administrator, the Part 2 application is no longer necessary, and the 112(j) requirements are no longer applicable.

Business that believe they may be affected sources should review 40 CFR 63, subpart 63.50 through 63.56, the April 5, 2002, Federal Register, page 16582, and the May 30, Federal Register page 32586. Additional information is also on EPA's Air Toxics Website at <http://www.epa.gov/ttn/atw/112j/112jaypg.html>  
**Contact: Rick Colyer at 919-541-5262.**

## Hazardous Air Pollutant Standards for Several Categories of Industrial Combustion Sources

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

### Organic Liquids Distribution (Non-Gasoline)

On August 27, 2003 the Agency promulgated national emission standards for hazardous air pollutants that establish maximum achievable control technology (MACT) for facilities distributing organic liquids. This standard addresses activities associated with the storage and distribution of organic liquids other than gasoline at sites that produce or use organic liquids or serve as distribution points from which organic liquids may be obtained for further use and processing. See <http://www.epa.gov/ttn/atw/orgliq/orgliqpg.html> for a copy of the final rule. **Contact: Martha Smith at 919-541-2421**

### Perchloroethylene (PCE) Health Effect Assessment

EPA's National Center for Environmental Assessment in The Office of Research and Development (ORD) has started a health assessment to update the Agency's data base on possible health hazards associated with chronic exposure to perchloroethylene. The assessment will characterize hazard and dose-response for cancer and non-cancer toxicity. In addition to conclusions about cancer hazards, if any, a reference concentration (RfC) for inhalation exposure and a reference dose (RfD) for ingestion exposure will be recommended. The assessment began in the Spring of 1999, and completion is expected in calendar year 2004 or 2005. The exact date depends on what additional work might be necessary as a result of comments to be made in the review process. 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.

## CLEAN WATER ACT (CWA)

### Effluent Guidelines Program

Effluent guidelines are regulations for industrial discharges to surface waters and to publicly-owned treatment systems. Final action for effluent guidelines for the following three industries is scheduled for the first half of 2004: meat and poultry products, construction and development, and aquatic animal production (often called aquaculture). Final action on revisions to the Centralized Waste Treatment industry are noted in the Federal Register, dated 12/22/03. You can check for updates on all of the effluent guidelines on the Internet at <http://www.epa.gov/guide/>. Below, EPA reports on important progress.

In November 2002, EPA announced a draft Strategy that describes a process EPA may use to identify industries for which effluent guidelines need to be revised or developed, in compliance with Section 304(m) of the Clean Water Act. The draft Strategy, along with a Federal Register announcement and a Fact Sheet, are available on the Internet at <http://www.epa.gov/guide/strategy>. EPA invites review and comment on the preliminary Effluent Guidelines Program Plan for 2004/2005 that appeared in the Federal Register on December 31, 2003 (68FR75515).

## Meat and Poultry Products

EPA proposed effluent guidelines for Meat and Poultry Products in February 2002. The proposal discussed new or revised discharge standards for process water generated during meat and poultry slaughtering, further processing, and rendering activities. In general, the proposal focused on discharges from the larger facilities in the industry. EPA proposed to revise and/or establish new source standards, Best Practicable Technology (BPT) limits, and Best Available Technology (BAT) limits for the meat and rendering facilities that exceed specific production thresholds. EPA also proposed to establish new source standards and BPT, BAT, and Best Conventional Pollutant Control Technology (BCT) limits for poultry slaughtering and processing facilities based on specific production thresholds. EPA did not propose to establish pretreatment standards for any Meat and Poultry Products facilities, although the proposal solicited data and information on interferences in Publicly Owned Treatment Works (POTW) operations caused by Meat and Poultry Products discharges.

By proposing not to establish pretreatment standards, and to establish or revise requirements for direct discharging facilities according to their production level, the proposal was unlikely to affect many small businesses. In the preamble to the proposed rule, the Administrator certified that the proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, EPA did not convene a Small Business Advocacy Review Panel for the Meat and Poultry Products effluent guideline. EPA provided an analysis of small businesses that might be affected by the proposal and solicited comment on this analysis in the preamble to the proposed rule, which was published in the Federal Register on February 25, 2002. The comment period closed on June 25, 2002.

Based on comments on the proposal and discussions with stakeholders, EPA collected additional data and revised the methodologies for estimating compliance costs and pollutant reductions. EPA published a notice in the *Federal Register* in August 2003 to solicit comment on the new data and methodologies. The comment period closed on October 14, 2003. We are evaluating the comments and preparing to take final action for these effluent guidelines in February 2004.

### Construction and Development

The public notice for the proposed effluent guidelines for Construction and Development appeared in the Federal Register on June 24, 2002; the public comment period closed in December 2002. EPA proposed three options that relate to the discharge of pollutants from construction sites. The proposal, supporting documents, and related information are available on EPA's website at <http://www.epa.gov/waterscience/guide/construction>. The proposal included options that work in conjunction with existing National Pollutant Discharge Elimination System (NPDES) storm water regulations.

Prior to issuing the proposed rule, EPA convened a Small Business Advocacy Review Panel. The recommendations from the Panel played a significant role in many aspects of the proposed rule. The Panel recommended that EPA, during the development of the proposed effluent guidelines, evaluate the adequacy of the current NPDES storm water program. The Panel also recommended that EPA proceed with the development of proposed effluent guidelines, but that in doing so, keep open the option of ultimately declining to promulgate final guidelines until the effectiveness of the storm water permit regulations, without national effluent guidelines, can be more fully evaluated. The Panel recommended the inclusion in the proposal of regulatory language that would provide a mechanism by which construction sites could meet the effluent guidelines requirement by complying with existing State and/or local regulations that provide a comparable level of environmental protection. EPA considered the Panel's recommendations and generally included the recommendations or their equivalents in the proposal.

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

## Concentrated Aquatic Animal Production

The public notice for the proposed effluent guidelines for Concentrated Aquatic Animal Production appeared in the Federal Register on September 12, 2002; the public comment period closed on January 27, 2003. EPA received about 300 comments from federal, state, and local government agencies, industry associations, environmental organizations, and private citizens.

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

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

EPA published a Notice of Data Availability (NODA) in the Federal Register on 12/29/03 to request comment on new data received since the proposal. EPA will also discuss how this new data along with data submitted with comments may affect the final regulation. In the proposal, EPA indicated we would evaluate other production-based thresholds based on new information such as the detailed survey responses, which will also be discussed in the NODA. EPA encourages facilities that may be affected by this rule to review the NODA and provide comment. The rule is scheduled for final action in June 2004.

## Centralized Waste Treatment

EPA issued amendments to the effluent guidelines for the Centralized Waste Treatment (CWT) industry late in the Federal Register on December 22, 2003. The amendments delete limitations for five metal and two organic pollutants from certain sections of the regulation and also correct an error that had been published in the December 2000 rule. The reasons for the changes are described in the preamble to the final rule, which is available on EPA's website at <http://www.epa.gov/guide> (click "Centralized Waste Treatment").

These changes reduce the economic impacts of the regulation on CWT facilities, including small entities. The estimated reduction in the analytical laboratory costs of compliance is about \$500,000. In the preamble to the final rule, the Administrator certifies that the rule would not have a significant economic impact on a substantial number of small entities. Accordingly EPA did not convene a Small Business Advocacy Review Panel for the amendments to the Centralized Waste Treatment effluent guideline.

## Cooling Water Intake Structures

Section 316(b) of the Clean Water Act directs EPA to assure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. Cooling water intake structures are used across a range of industrial categories, including steam electric power generation, pulp and paper manufacturing, chemical manufacturing, petroleum refining, and metals manufacturing.

On December 18, 2001, EPA published final regulations for cooling water intake structures at new facilities. The Administrator certified that the rule would not have a significant economic impact on a substantial number of small entities. On April 9, 2002, EPA published proposed regulations for cooling water intake structures at existing electric power generating plants that use at least 50 million gallons of cooling water a day. EPA concluded that the proposed rule would not have a significant economic impact on a substantial number of small entities. EPA must take final action on the proposal by February 16, 2004.

By November 1, 2004, EPA must propose regulations for all existing manufacturing facilities and for existing electric power generating plants that use less than 50 million gallons of cooling water a day. EPA anticipates convening a Small Business Advocacy Review Panel in early 2004 for the November 2004 proposed rule. You can check for updates on the Cooling Water Intake regulations on the Internet at <http://www.epa.gov/waterscience/316b/>

## Catalog of Federal Funding for Watershed Protection

The U.S. Environmental Protection Agency (EPA) has recently updated the *Catalog of Federal Funding Sources for Watershed Protection* as a searchable Web site on Internet. The Web site provides information for small businesses and others on 84 Federal funding sources that may be available to help fund various watershed-related projects. This Web site may be viewed at: <http://www.epa.gov/watershedfunding..>

When you go on the web site, you'll see that you can quickly identify grant programs where businesses are eligible to apply. The funding web site provides a general overview of specific grant programs as well as basic contact information including web sites for more information. The web site will be updated soon to reflect FY 2004 funding levels.

We also have published a one-page flyer to publicize this new web site. This flyer is available from EPA's Office of Wetlands, Oceans and Watersheds clearinghouse, NSCEP, at no charge by calling 800-490-9198 (please ask for the flyer called "*Catalog of Federal Funding Sources for Watershed Protection*," EPA841-F-03-001). If you have any questions about this web site, please contact Anne Weinberg at [weinberg.anne@epa.gov](mailto:weinberg.anne@epa.gov) or 202-566-1217.

## EPA's Free Web-based Watershed Academy Training Program

As a small business person, you may be interested in learning what you and your business can do to protect your watershed. As has often been said, "we all live in a watershed, and we all need to do our part to protect it." If you need an introductory or refresher course on watershed protection and what you can do, you may want to visit EPA's Watershed Academy Web site at: <http://www.epa.gov/watertrain>.

EPA's Watershed Academy Web enables any personal computer with Internet access to become your watershed training classroom - when your schedule allows, and at no cost. Watershed Academy Web has a whole host of free training modules - about 45 separate modules on a wide range of topics. Topics include: principles of watershed

management, tools for watershed protection in developing areas, agricultural and forestry management practices, stream corridor restoration tools, an Introduction to the Clean Water Act, and many more. You can go through these self-paced modules, anywhere, anytime. All our peer-reviewed modules are interactive, rich in visuals, and written in a style to optimize understanding of technical materials by general audiences. No registration is required and again there is no cost - just go online and start learning!

## Watershed Management Training Certificate

If you enjoy the training modules, you may want to earn the Watershed Academy's Watershed Management Certificate. The certificate program recognizes web site visitors who complete 15 required modules and pass their self-tests with grades of 70% or higher.

People from all walks of life throughout the U.S. and many foreign countries have completed the certificate program. After completing the certificate requirements, provide your full name and mailing address to [wacademy@epa.gov](mailto:wacademy@epa.gov). We will mail you a signed certificate to add to your resume.

## Watershed Academy Web CD

EPA's Watershed Academy has recently produced a free CD version of its popular online watershed training program. We decided to reproduce our training materials on CD for many reasons. More and more personal computers can handle CDs. The CD option saves money for those with limited online access accounts, and is faster than slow Internet providers at peak usage times. Moreover, CDs are portable for laptop use, and trainers can now utilize the CD with a projector to go through modules with larger audiences. Users can still meet all of the Certificate Program requirements on the CD alone. The CD uses the Internet browser on each user's own computer, and looks and functions identically to the online version. To order a CD, please call NSCEP, our clearinghouse, at 1-800-490-9198 and request the *Watershed Academy Web on CD*, publication no. EPA841-C-03-001.

## Storm Water – Construction General Permit

On July 1, 2003, EPA, with the exception of Region 4, issued its NPDES general permit for storm water discharges from construction activities disturbing greater than one acre (aka, "the construction general permit" or "CGP"). EPA Region 4 proposed its general permit for construction activity on September 10, 2003 and expects to reissue that permit in early 2004. Together these permits provide a permitting option for all storm water discharges from construction activity located in areas where EPA is the NPDES permitting authority. [EPA has authorized 45 states and the Virgin Islands to administer their own NPDES programs, consistent with EPA's regulations. Those states are responsible for issuing and enforcing permits under state regulations. In general, however, those states have issued permits that contain similar requirements to those of EPA.]

The CGP requires construction operators to submit a Notice of Intent (NOI) to obtain permit coverage. NOIs require basic information about the operator and the project site. EPA recently announced availability of its online "eNOI" system for submitting NOIs electronically through the Internet at <http://cfpub.epa.gov/npdes/stormwater/enoi.cfm>. Prior to submittal of the NOI, operators must develop a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP includes a description of the Best Management Practices (BMPs) that will be used to reduce pollutants in the storm water discharges. EPA is currently developing a SWPPP guide for use by construction site operators to clarify permit requirements applicable to storm water control. That guidance is expected to be available in Spring 2004.

EPA's regulations also provide an opportunity for a waiver from the permit requirements for sites from one to five acres in size where

little or no rainfall is expected during the period of construction based on a low predicted rainfall erosivity. While this waiver is currently available, EPA is working on developing a form to simplify the application process. Look for that form in January 2004.

Information about EPA's storm water construction program is available at <http://www.epa.gov/npdes/stormwater/cgp>.

## Concentrated Animal Feeding Operations – Compliance Guide for CAFOs

On November 14, 2003, the Producers Compliance Guide for Concentrated Animal Feeding Operations was published on the EPA website ([www.epa.gov/npdes/afo](http://www.epa.gov/npdes/afo)). This document is the "plain English" guide to the final Concentrated Animal Feeding Operations (CAFO) rule. The audience for this guide are producers, technical providers, and anyone wanting to understand Federal requirements for CAFOs. Please note that this guide does not say exactly what each operator would need to do. Each operator must work with his permitting authority to understand the requirements of the permit that applies to their operation.

Printed copies will be available in December from the National Service Center for Environmental Publications (NSCEP) at 800-490-9198 (for multiple copies) or from the Water Resources Center at 202-566-1729 (for single copies). Interested parties can place advance orders at NSCEP. The document order number is 821-R-03-010.

## Concentrated Animal Feeding Operations – Permit Writers' Guidance Manual

EPA will be publishing a document entitled "*NPDES Permit Writers' Guidance Manual and Example Permit for Concentrated Animal Feeding Operations (CAFOs)*" in January 2004. This document is intended to be one of several tools to assist in the implementation of the recently revised NPDES regulations for CAFOs. This guidance provides information to NPDES permit writers on permitting requirements for CAFOs. It reflects the revisions to the NPDES and Effluent Limitation Guidelines and Standards (ELGs) for CAFOs (68 FR 7176; February 12, 2003) that became effective on April 14, 2003 and replaces previous guidance, including the 1995 *Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations*. For further information or to obtain a hard copy of this guidance call Gregory Beatty at 202-564-0724.

## SAFE DRINKING WATER ACT (SDWA)

### Safe Drinking Water Act (SDWA) Regulation Overview Workbook:

This workbook, entitled *Small Systems Guide to Safe Drinking Water Act Regulations—The First STEP to Providing Safe and Reliable Drinking Water—One of the Simple Tools for Effective Performance (STEP) Guide Series*, provides general information about the various Safe Drinking Water Act regulations, how the regulations relate to each other, and how drinking water regulations fit into the multi-barrier approach to microbial and chemical/radiological risks. Copies of this booklet can be obtained from the Office of Water Resources Center or by calling the Safe Drinking Water Hotline at 1-800-426-4791. Please reference Document Number EPA 816-R-03-017 when requesting copies. Copies of this document can also be accessed on the EPA website at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>.

### Asset Management Workbook

This booklet, entitled *Asset Management: A Handbook for Small Water Systems – One of the Simple Tools for Effective Performance (STEP) Guide Series*, will help guide small drinking water systems through the



process of developing an asset management plan. The booklet includes worksheets on completing a thorough asset inventory; prioritizing the rehabilitation and replacement of assets; developing a simple asset management plan; and carrying out the plan. The booklet also provides information about how asset management can help improve a small drinking water system's financial health and ability to provide safe drinking water. Copies of this booklet can be obtained from the Office of Water Resources Center or by calling the Safe Drinking Water Hotline at 1-800-426-4791. Please reference Document Number EPA 816-R-03-016 when requesting copies. Copies of this document can also be accessed on the EPA website at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>.

## **Sources of Financial and Technical Assistance for Small Systems**

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

## **Asset Inventory Workbook for Manufactured Home Communities and Homeowners Associations**

EPA is currently developing a workbook to assist mobile home communities and homeowners associations in conducting a simple inventory of infrastructure for capital planning purposes. This workbook will be essential in keeping these types of water systems running properly and making sure that the drinking water produced by these systems is reliable, safe and affordable. EPA is expecting to have this workbook completed by early spring 2004. When completed, copies of this document can be obtained from the Office of Water Resources Center or the EPA Safe Drinking Water Hotline at 800-426-4791 or at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>.

## **Strategic Planning Workbook**

The Strategic Planning Workbook is designed to help small drinking water systems understand the concept of strategic planning and how strategic planning can help them prepare their systems to meet public expectations and regulatory requirements while maintaining organizational and financial stability in the future. The booklet includes worksheets to assist systems in the strategic planning process. To access the booklet on-line, go to <http://www.epa.gov/safewater/smallsys/ssinfo.htm>. Copies can be obtained from the Office of Water Resources Center or by calling the Safe Drinking Water Hotline at 1-800-426-4791 (reference Document Number EPA 816-R-03-015).

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

EPA is currently developing a simple preventive maintenance tool for small ground water systems. The tool will consist of index cards that give preventive maintenance tasks to be accomplished on a daily, weekly, and monthly basis. The tool will also incorporate security-related tasks that could be accomplished in conjunction with the maintenance tasks. EPA is expecting to have this product completed by spring 2004. When completed, copies of this document can be obtained from the Office of Water Resources Center, by calling the Safe Drinking Water Hotline at 1-800-426-4791, or on-line at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>.

## **Small System Partnership Solutions**

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

## **Consumer Confidence Reports**

All community water systems are required to provide annual drinking water quality reports to their customers. Systems must deliver these reports to their customers by July 1 each year. These short reports provide consumers of public drinking water supplies with information on the source of their drinking water, levels of any contaminants found in the water, and potential health effects of any contaminants that exceed federal or state public health standards, as well as give them information on how to participate in drinking water protection. Systems began providing these reports to consumers in 1999; results for the first four years indicate that over 94% of systems required to prepare and distribute these reports did so by the required deadline. EPA is currently piloting a new, internet-based tool, CCRiWriter, to assist water systems with preparing their CCRs. This web version updates the earlier CD-based software and is intended to reduce the burden to drinking water systems by walking them through CCR requirements and regulations. Users answer a series of questions about regulated contaminants, source water, and other required topics. The website allows systems to enter data, edit information, save reports and store information on-line. Standard information, such as definitions and other required information, is already included to save time. The on-line software is available on the EPA website at <http://www.epa.gov/safewater/ccr/ccrwriter/html>.

## **Source Water Assessments**

States are making great progress in completing source water assessments for their public water systems, as required under the 1996 Amendments to the Safe Drinking Water Act. They have delineated source water areas, identified potential sources of contamination within those areas, evaluated the susceptibility of the drinking water supplies to contaminants that may be released from these contamination sources, and made the results of the assessments available to the public. Assessments have been completed for 32,000 community water systems, or 6 out of every 10 such systems, which provide the overwhelming majority of the nation's population with drinking water. EPA expects the balance of the assessments to be completed within the year. Timely completion of the assessments is critical so the information can be used to begin to move towards protection of drinking water supplies. Information on source water assessments and how they are available in any state can be found at individual state source water websites which are accessible through EPA's source water website at <http://www.epa.gov/safewater/protect/protect.html>.

## **Contaminant Candidate List - Publication of Notice of Preliminary Regulatory Determinations**

The Safe Drinking Water Act (SDWA), as amended in 1996, directs EPA to publish a list of contaminants (referred to as the CCL) to assist

in priority-setting efforts. SDWA also directs the Agency to periodically determine whether or not to regulate at least five contaminants from the current CCL with a national primary drinking water regulation (NPDWR). In a *Federal Register* notice, dated July 18, 2002 (68 FR 42897), EPA announced its final determinations for nine contaminants which had sufficient information to make a determination. The nine contaminants are as follows: aldrin, dieldrin, hexachlorobutadiene, manganese, metribuzin, naphthalene, sodium, sulfate, and Acanthamoeba. EPA's determination is that no regulatory action is appropriate or necessary for the nine contaminants, **because regulation of these contaminants would not present a meaningful opportunity for health risk reduction for persons served by public water systems.**

### **Contaminant Candidate List - Publication of Notice of Draft Report**

The Safe Drinking Water Act (SDWA), as amended in 1996, requires the Environmental Protection Agency (EPA) to publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulations (NPDWRs), that are known or anticipated to occur in public water systems, and which may require regulations under SDWA (section 1412(b)(1)). SDWA, as amended, specifies that EPA must publish the first list of drinking water contaminants no later than 18 months after the date of enactment, i.e., by February 1998 (henceforth referred to as the 1998 Contaminant Candidate List or the 1998 CCL), and every five years thereafter. EPA plans to publish a draft report to notify the public of its decision to carryover the 1998 CCL as the draft CCL2 early in 2004. The notice will also provide information on EPA's efforts to expand and strengthen the underlying CCL listing process to be used for future CCL listings, and will request public comment on CCL-related activities to improve the drinking water contaminant listing process.

### **Six-Year Review - Publication of Notice with Preliminary Decisions**

Section 1412(b)(9) of the Safe Drinking Water Act (SDWA), as amended in 1996, requires the Agency to periodically review existing national primary drinking water regulations (NPDWRs) and determine whether revisions are necessary. On July 18, 2003, the Agency announced in the *Federal Register* (68 FR 42907) its decisions for 68 chemical NPDWRs and the Total Coliform Rule (TCR). Based on its review, the Agency decided that the 68 chemical NPDWRs remain appropriate at this time and that one rule, the TCR, should be revised.

### **Long Term 1 Enhanced Surface Water Treatment Rule Update**

EPA finalized the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) on January 14, 2002 (*Federal Register*, vol. 67, no. 9, pages 1812-1844). The purpose of the LT1ESWTR is to improve control of microbial pathogens, specifically the protozoan *Cryptosporidium* in drinking water and address risk trade-offs with disinfection byproducts. Under the LT1ESWTR, finished water reservoirs must be covered if construction begins on or after March 15, 2002. The rule also ensures that microbial protection is not jeopardized if systems make changes to comply with the requirements of the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR). This

is accomplished by requiring systems to evaluate their disinfection practices through a process called disinfection profiling, beginning either July 1, 2003, or January 1, 2004 (based on system size). Finally, systems must meet strengthened filtration performance standards by January 2005. The LT1ESWTR applies to public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 persons. The full text of the LT1ESWTR as well as fact sheets and guidance materials may be found at [www.epa.gov/safewater/mbdp/lt1eswtr.html](http://www.epa.gov/safewater/mbdp/lt1eswtr.html).

### **Filter Backwash Recycling Rule Update**

EPA published the Filter Backwash Recycling Rule (FBRR) on June 8, 2001 (National Primary Drinking Water Regulations: Filter Backwash Recycling Rule - Final Rule) in the *Federal Register* (vol. 66, no. 111, pages 31085-31105). The purpose of the FBRR is to further protect public health by requiring public water systems (PWSs), where needed, to institute changes to the return of recycle flows to a plant's treatment process that may otherwise compromise microbial control. Systems are required to submit notification of their recycle practices to the State by December 8, 2003. In addition, systems must comply with an approved recycle return location as well as maintain additional recycle information on file for State review beginning June 8, 2004. The *Filter Backwash Recycling Rule (FBRR) Technical Guidance Manual* has been developed to provide operators with practical guidance and relevant information to assist them with the Filter Backwash Recycling Rule provisions. This guidance is available for download from EPA's website along full text of the FBRR, fact sheets and other guidance materials at [www.epa.gov/safewater/filterbackwash.html](http://www.epa.gov/safewater/filterbackwash.html).

### **Ground Water Rule Update**

On May 10, 2000, EPA proposed rules to protect consumers of public drinking water supplies, which draw water from wells, springs or other ground water sources, from microbial contaminants (*Federal Register*, vol.65, no.91, pages 30194-30274). The EPA is required under the Safe Drinking Water Act to promulgate the Ground Water Rule (GWR) to require disinfection, as necessary, for drinking water systems using ground water. Drinking water systems using surface water have been required to disinfect since 1989. The GWR establishes a multi-barrier strategy designed to identify high-risk water systems, and will require corrective action (which may include disinfection, elimination of contamination sources, correcting significant deficiencies, or obtaining a new source) only where contamination or significant deficiencies have been identified. The Ground Water Rule is expected to be promulgated in early 2004.

### **Stage 2 Disinfectants/Disinfection Byproducts Rule**

EPA proposed a Stage 2 Disinfectants/Disinfection Byproducts Rule (DBPR) on August 18, 2003 (68 FR 49547), and requested public comment up to November 18, 2003. In response to requests for extension of the public comment period, EPA issued a notice in the *Federal Register*, extending the comment period to January 16, 2004 (68 FR 58057). Most small systems that serve fewer than 500 people, and that are in compliance with the Stage 1 DBPR at the point of maximum residence time, most likely will not be impacted by the rule. Systems that serve between 500 and 10,000 people may have an additional monitoring point in addition to the Stage 1 requirements. If a small system is a "consecutive system" (a system that buys finished water

from another system), it must comply with the rule on the same schedule as the system with the earliest compliance date in the combined distribution system. The intent of the proposed rule is to reduce the variability of exposure to disinfection byproducts (DBPs) for people served by different points in the distribution systems of public water supplies. EPA believes that this decreased exposure will reduce risk from reproductive and developmental health effects and cancer. EPA is required under the Safe Drinking Water Act to promulgate the rule as the second part of a staged set of regulations addressing DBPs. Consistent with Safe Drinking Water Act requirements for risk balancing, EPA will finalize the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) at the same time as the Stage 2 DBPR, to ensure parallel protection from microbial and DBP risks.

### **Small Systems Guide to the Disinfection Byproducts Rule (One of the Simple Tools for Effective Performance (STEP) Guide Series)**

EPA is currently developing a simple workbook to guide small systems in achieving compliance with the Stage 1 Disinfectants and Disinfection By-Products rule. The workbook will include worksheets and other tabular and graphical tools to help systems organize their data and think through compliance options. EPA is expecting to have this workbook completed by Summer 2004.

### **Long Term 2 Enhanced Surface Water Treatment Rule**

EPA proposed the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) on August 11, 2003, and requested public comment up to November 10, 2003. In response to requests for extension of the public comment period, EPA issued a notice in the Federal Register, extending the comment period to January 9, 2004 (68 FR 58057). The purpose of the LT2ESWTR is to improve upon the microbial protections provided by the Interim Enhanced Surface Water Treatment Rule and Long Term 1 Enhanced Surface Water Treatment Rule, specifically for systems with elevated vulnerability to the pathogen *Cryptosporidium*. The LT2ESWTR incorporates system specific treatment requirements based on a "Microbial Framework" approach. Under LT2ESWTR, large systems will monitor for *Cryptosporidium* in their source water for two years. Systems whose source water has *Cryptosporidium* concentrations that exceed specified levels will be required to provide additional treatment for this pathogen. Systems will choose technologies to comply with additional treatment requirements from a "toolbox" of options. Small systems will have the same treatment requirements as large systems, but will have a reduced monitoring burden. Small systems will be allowed to monitor for an indicator organism, like *E.coli*, and only systems whose indicator concentrations exceed specified levels will be required to monitor for *Cryptosporidium*. The compliance schedule for small systems will be two years later than that for large systems in order to accommodate the indicator monitoring.

### **Arsenic**

The 1996 amendments to the Safe Drinking Water Act required EPA to revise the Arsenic drinking water standard. EPA published the revised standard on January 22, 2001 (66 FR 6975). The final rule lowers the Maximum Contaminant Level (MCL) from 50 ppb to 10 ppb and applies to all community water systems and non-transient non-community water systems. Systems must be in compliance with the new rule by January

23, 2006. EPA has published a final *Implementation Guidance for the Arsenic Rule* to aid states, tribes and EPA's regional staff with rule implementation. EPA has also completed a small community compliance guide called *Complying With the Revised Drinking Water Standard for Arsenic: Small Entity Compliance Guide (One of the Simple Tools for Effective Performance (STEP) Guide Series)* and a Centrally Managed Point of Use Compliance Strategy. EPA also finalized four *Case Studies in Arsenic Treatment Technologies*. In addition, EPA has developed an *Arsenic Treatment Technology Evaluation Handbook for Small Systems*. All of these documents, as well as other Arsenic related resources, are available on the EPA website at <http://www.epa.gov/safewater/ars/implement.html>. The Agency has held training sessions throughout the U.S. for state and Regional personnel, drinking water providers, technical assistance providers, and consultants. On January 29, 2003, the Agency hosted their first (ever) national satellite training on the arsenic rule, reaching approximately 1000 participants. On March 25, the Agency published a final rule to clarify any potential ambiguity about the unacceptability of rounding compliance monitoring results above 10 ppb down to 10 ppb.

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

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

### **Arsenic Treatment Technology Evaluation Handbook**

The **Arsenic Treatment Technology Evaluation Handbook** addresses state-of-the-art arsenic treatment for small systems and includes discussion of process theory, design parameters, cost estimation, compatibility with existing treatment processes, necessary pre- and post-treatment, residual disposal, and process operation and maintenance. Detailed example design calculations are provided. The handbook is intended for use by consulting engineers, state engineers, and technical assistance providers. Copies of this document can be obtained from the Office of Water Resources Center, or by calling the Safe Drinking Water Hotline at 1-800-426-4791. Please reference EPA Document Number EPA 816-R-03-014 for the handbook or at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>

### **A Small System Guide to the Total Coliform Rule: Monitoring Drinking Water Systems to Protect Public Health (One of the Simple Tools for Effective Performance (STEP) Guide Series)**

This product is a self-help workbook that describes the need for coliform monitoring and how the Total Coliform Rule (TCR) applies to small drinking water systems serving 3,300 people or less. Worksheets are provided along with step-by-step instructions on how to complete them and interpret the results of TCR monitoring. Additional blank monitoring worksheets can be requested separately. Copies of these products can be obtained from the Office of Water Resources Center or by calling the Safe Drinking Water Hotline at 1-800-426-4791. Please reference EPA Document Number EPA 816-R-01-017A for the workbook and EPA Document Number EPA 816-R-01-017B for additional blank monitoring worksheets. Copies of this document can also be obtained from the EPA website at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>.

### **Drinking Water System Security Workbook for Systems Serving Populations of 3,300 People or Fewer**

EPA is currently developing a simple workbook to assist small systems with drinking water system security. The workbook will emphasize the importance of security to small drinking water systems serving populations of 3,300 or fewer and how certain basic methods and measures can be used to raise system security. It will also provide guidance to these small drinking water systems on vulnerability assessments, emergency response plans, and threats from attacks or other intentional actions that would disrupt the supply of safe drinking water. EPA is expecting to have this manual completed by Summer 2004.

### **EPA Awards Water Security Training Grants**

As part of EPA's initiative to help small drinking water utilities assess their vulnerabilities to terrorism, EPA Assistant Administrator for Water, G. Tracy Mehan III, announced the award of \$1.5 million in Grants for Water Security Training and Assistance to five nonprofit training and technical assistance organizations. The grants are authorized under the *Public Health Security and Bioterrorism Preparedness and Response Act of 2002*. The following organizations received grants: the Maryland Center for Environmental Training at the College of Southern Maryland -- La Plata, Md.; the National Environmental Services Center at West Virginia University -- Morgantown, W. Va.; the National Rural Water Association -- Duncan, Okla.; the Rural Community Assistance Program -- Washington, D.C.; the Water Environment Federation -- Alexandria, Va. Grant funds, up to \$300,000 per organization, were used to support "Train-the-Trainer" efforts to build staff expertise in drinking water security and provide no-cost training to state, tribal, or local agencies that assist drinking water systems. The program's goal is to provide a pool professionals who can deliver training and technical assistance to drinking water systems serving populations of less than 50,000 people. For more information on EPA's water infrastructure security efforts visit <http://www.epa.gov/safewater/security/>.

### **National Rural Water Association (NRWA) Receives EPA Grant to Help Small Systems with Vulnerability Assessments**

Under an agreement with the Environmental Protection Agency, the National Rural Water Association is implementing a project to assist small community water systems serving populations between 3,300 and

10,000 people in conducting vulnerability assessments. These drinking water systems are required to submit vulnerability assessments to EPA under the *Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Act)*. Through a combination of training sessions, on-site technical assistance, and internet based tools, the National Rural Water Association is providing the necessary assistance that will educate system personnel about the Act and provide assistance in preparing vulnerability assessments and emergency response plans. There are approximately 4,400 community water systems serving between 3,300 and 10,000 people in the 48 contiguous states and the state of Alaska that must comply with the Act's requirements. For more information on EPA's water infrastructure security efforts visit <http://www.epa.gov/safewater/security/>.

### **EPA Funds Small Wastewater Security Guide**

*Protecting Your Community's Assets: A Guide for Small Wastewater Systems* was developed by the National Environmental Training Center for Small Communities with support from an EPA grant. This guide helps utility managers, operators, and local officials improve security and plan for emergency situations affecting wastewater treatment systems. The guide is designed for those who work with systems serving less than 10,000 people, although it may also be of use to those who work in larger systems, and is now available for download at [www.netc.wvu.edu](http://www.netc.wvu.edu).

### **Vulnerability Assessments for Small and Medium Water Utilities**

The American Water Works Association (AWWA) has announced its upcoming seminar, "Vulnerability Assessments for Small and Medium Water Utilities," offered at no-cost to employees of drinking water utilities serving less than 50,000 customers. Registration and information on the seminars can be found on-line at <http://www.awwa.org/education/seminars/>. This seminar is part of AWWA's security training program resulting from a 2003 Congressional appropriation and EPA is the responsible federal agency for project oversight. AWWA will be conducting four other no-cost training programs as a result of this Congressional appropriation. The programs include security hardware education, crisis communications preparation, an on-line emergency response planning course, and coordination planning among emergency response agencies.

### **Top Ten List for Small Ground Water Suppliers**

The Top Ten List for Small Ground Water Suppliers was developed to assist small public water suppliers with security and emergency planning. The list includes tips to help suppliers protect their facilities from tampering or contamination incidents, and to prepare for potential emergencies. For more information on EPA's water infrastructure security efforts, visit <http://www.epa.gov/safewater/security/>.

### **Response Protocol Toolbox: Planning for and Responding to Contamination Threats to Drinking Water Systems**

EPA is making available the interim final Response Protocol Toolbox: Planning for and Responding to Contamination Threats to Drinking Water Systems. The Toolbox is designed to help the water sector

effectively and appropriately respond to intentional contamination threats and incidents. It was produced by EPA, building on the experience and expertise of several drinking water utilities, in particular, the Metropolitan Water District of Southern California. Organized in modular format, the Toolbox will be of value to drinking water utilities, laboratories, emergency responders, state drinking water programs, technical assistance providers, public health and law enforcement officials. This interim final release includes Modules 1 through 4, as well as an overview. Users are encouraged to review the overview before using other Modules. Please note that the Toolbox contains guidance that may be adopted on a voluntary basis. For more information on-line, visit <http://www.epa.gov/safewater/security/>.

## **RESOURCE CONSERVATION & RECOVERY ACT (RCRA)**

### **Hazardous Waste Generator Program Evaluation**

The Environmental Protection Agency (EPA) is studying means for seeking information from its many stakeholders to evaluate the effectiveness of the Resource Conservation and Recovery Act's (RCRA) hazardous waste generator regulatory program, as well as to identify areas for improvement. With the information collected, the EPA, along with our State partners, would evaluate and determine whether changes to the hazardous waste generator would be appropriate, and if so, develop and implement a hazardous waste generator program strategy with the goals of fostering improved program effectiveness, fostering a pollution prevention stewardship philosophy, and reducing compliance cost, where practicable. All subsequent efforts would be predicated upon resource availability. As part of this effort, the Agency also will hold focus group meetings with key stakeholder groups to discuss this subject further, including the identification of priority concerns and potential solutions. Separate Federal Register notices, would be announce these meetings. An Advanced Notice of Proposed Rule making (ANPR) is anticipated by March 2004.

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

A date for a proposed rule is now anticipated early in calendar year 2004. We will address further action on this in future Updates. Additional information may now be found at the EPA Hazardous Waste Combustion Website, <http://www.epa.gov/hwcmact>.

### **RCRA Definition of Solid Waste Proposed Rule (Also Known as the ABR Proposed Rule)**

The draft Proposal is a continuation of more than 10 years of work on the Resource Conservation and Recovery Act (RCRA) definition of solid waste, and a response to the decision of the D.C. Circuit Court in Association of Battery Recyclers v. EPA (ABR decision), which addresses the scope of EPA's authority over recycling under its hazardous waste program. The proposal has two major components: a regulatory exclusion for materials that are recycled in a "continuous process within the generating industry" and codification of long-standing criteria used to determine whether recycling is "legitimate." The proposal, which was published in the Federal Register on October 28, 2003 (68 FR 61558), has a 90-day comment period ending on January 26, 2004

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

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

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

The proposals in the Rule are:

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

EPA has published a Federal Register notice with the comment period ending December 15, 2004.

### **Dyes and Pigments**

On November 10, 2003, the Administrator signed a proposal for a new hazardous waste listing for nonwastewaters from the production of certain organic dyes and pigments, and on 25 November 2003 the proposed rule was published in the Federal Register. This action addresses the potential human health and environmental risks posed by these wastes, and determines that wastes containing mass loadings of any eight constituents at or above the proposed levels of concern should be listed as hazardous wastes under RCRA to control any potentially unacceptable risks. These wastes also are proposed to be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. There are no small business impacts. EPA previously proposed listing decisions for the wastes of concern in 1994 Dyes and Pigments I (D&P I) and 1999 (D&P II). The 1994 and 1999 proposals had not been promulgated because they relied on redacted data claimed by industry to be confidential.

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

EPA's Office of Solid Waste (OSW) has published a proposed rule that, if made final, would change the regulations for 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 hazardous waste. Under most state programs, reusable towels are already conditionally excluded from regulation as hazardous waste.

OSW's proposed rule is meant to both clarify and streamline requirements for disposable and reusable solvent-contaminated shop wipes, such as record-keeping and reporting, manifesting, so long as generators meet specified conditions, such as accumulating wipes in covered containers, not transporting wipes with free liquids, and transporting containers off site in containers that don't leak are met.

The proposed rule was published on 20 November, 2003, and can be found in the Federal Register at 68 FR 65586.

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

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

A Notice of Proposed Rulemaking (NPRM) was published on October 12, 2001 in the *Federal Register* (66 FR 52191). The Agency expects to publish a final rulemaking in 2004.

## **Metal Finishers (F006) rulemaking**

Many metal finishers and other industrial sectors generate an electroplating sludge as part of their production process that is amenable to recycling, i.e., the sludge contains economically recoverable amounts of metals such as copper, nickel, zinc, etc.

Currently these sludges (F006) are listed hazardous wastes subject to RCRA regulations. Many generators continue to send these sludges for treatment and disposal when they could be recycled. Similarly, generators currently sending their sludges for recycling receive no economic benefit for this practice. Since the mid-1990's, EPA has been working with industry and the States to create incentives for safe recycling and has promulgated rules to foster their practice. However, EPA is interested in exploring whether further regulatory changes are warranted.

EPA is currently evaluating several options that would provide regulatory relief to generators and handlers relative to the current RCRA subtitle C regulatory program. A Notice of Proposed Rulemaking (NPRM) is anticipated in Fall 2004.

## **Hazardous Waste Recycling Regulations**

EPA has promulgated streamlined, hazardous waste management regulations governing the collection and transportation of certain wastes which are frequently recycled, such as batteries, recalled pesticides, and mercury thermostats, termed "Universal Wastes." These regulations are included in the Item C-51.

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

This final rule will revise the existing federal regulations to encourage reuse, recycling, and better management of cathode ray tubes (CRTs). A CRT is the main component of a television or computer monitor. A CRT is made largely of specialized glasses, many of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, many CRTs could be hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations when they are disposed of or recycled under certain circumstances. Recycling can include using used CRT glass to make new CRTs, reclamation at lead smelters, or other uses. The forthcoming rule will exclude CRTs from RCRA regulation if they are recycled under certain conditions.

This action is taken in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to The Environmental Protection Agency (EPA). The recommendation

urged minimizing RCRA requirements for CRT recycling while retaining appropriate controls to ensure protection of human health and the environment. The goal of the recommendation is to facilitate an increase in recycling, thereby minimizing disposal of lead, increasing resource recovery, and enhancing protection of human health and the environment.

A Notice of Proposed Rulemaking (NPRM) was published in June 2002. A final rule is expected to be published in 2004.

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

In May 1999, EPA published an Advance Notice of Proposed Rulemaking that described the issues the Agency has with the current Land Disposal Restrictions (LDR) treatment standards for mercury bearing hazardous wastes. The EPA in conjunction with the Department of Energy has conducted several treatability studies on elemental mercury and mercury-contaminated soils. Several of the vendors who expressed interest in processing the Department of Defense's mercury stockpile participated in this effort. These studies were peer-reviewed by three independent peer reviewers. EPA published a Notice of Data Availability on January 29, 2003 (68 FR 4481) which described the results of the treatability studies and the peer review and discussed alternatives to the current requirements, such as treatment variances.

## **Uniform Hazardous Waste Manifest Update**

Further Rulemaking actions under consideration which address management of hazardous wastes include a revision of the Uniform Hazardous Waste Manifest to reduce the paperwork burden associated with the manifest, consistent with the current Agency objectives for burden reduction. Currently, many states collect manifests, and they may require additional information to be supplied on the manifest in the optional blocks provided on the form. This can become burdensome when waste must be transported to several different states and each state has slightly different requirements or requires its own form. Also, some states require paying a fee to obtain their manifest. The Agency seeks to reduce the burden of the manifest by streamlining the form by prescribing one universal form, and, where feasible, by utilizing automated information technologies which facilitate the electronic completion, signing, transmission, and storage of manifest data.

A notice of proposed rulemaking was published on May 22, 2001. The comment period closed on October 4, 2001. EPA received about 60 sets of comments, and the agency is now reviewing and analyzing these comments. The work group resumed meetings in March 2002, and is deliberating now on issues and rule language for the final rule. The Agency will promulgate the final Forms Rule in the Spring of 2004. The Agency has been conducting additional analyses on several key issues related to the E-Manifest Rule, and expects that rule will extend at least another year beyond the schedule for completing the Form Revisions.

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

The EPA has promulgated the Oil Pollution Prevention rules under Title 40 CFR Part 112 included in Item C-77 requiring that facilities prevent oil spills and ensure preparedness in the event of spills. This rulemaking is commonly known as the Spill Prevention Control and Countermeasure (SPCC) regulation. The rulemaking deals with spill prevention. The SPCC program concerns regulation of non-transportation related facilities with above-ground storage capacity in excess of 1,320 gallons or completely buried tanks of greater than 42,000 gallons capacity. Proposed Rules were published (FR 10/22/91, pages 54611-41), and (FR 2/17/93, pages 8841-4 and pages 8846-8)

which are included in Item C-77. A Proposed rule was published (FR 12/2/97, pages 63812-20), which is included in Item C-77. A Final Rule was published, on July 17, 2002, which, among other provisions, amends some of the capacity requirements. However, following concerns expressed by several trade associations reflecting impacts foreseen by their facility members, EPA has published on April 17, 2003 a final rule extending the compliance dates in the SPCC rule by 18 months.

The rule, 40 CFR Part 112, also concerns facility preparedness and development of response plans under the Oil Pollution Act (the Act of 1990) which requires that EPA issue regulations to require "Facility Response Plans" (FRP) covering events which could cause substantial harm to the environment. Also, included in publication Item C-77 is the National Response Team's Integrated Contingency Plan Guidance, Notice 6/5/96 FR pp. 28641-64, with corrections, 6/19/96 FR pp. 31163-4, which provides additional guidance on emergency plan preparation. An amendment to the Facility Response Plan requirements has been published as a Final Rule (FR 6/30/00 pp. 40775-817) with corrections (FR 7/14/00 p. 43840, and FR 6/29/01 pp. 34559-61) all of which are included in Item C-77.

## **BROWNFIELDS SMALL BUSINESS LIABILITY RELIEF AND BROWNFIELDS REVITALIZATION (ACT)**

### **All Appropriate Inquiry Rules Being Developed**

EPA's Office of Brownfields Cleanup and Redevelopment, with the Administrator's approval, convened a Negotiated Rulemaking Committee to develop federal standards and practices for the conduct of "all appropriate inquiry." The Small Business Liability Relief and Brownfields Revitalization Act (the Brownfields Law) amends CERCLA liability provisions governing the innocent landowner defense and adds to CERCLA liability protections for bona fide prospective purchasers and contiguous property owners. The law, as a condition for obtaining liability protection, requires innocent landowners, bona fide prospective purchasers and contiguous property owners to conduct all appropriate inquiries to determine past ownership and uses of a property prior to the purchase date of the property. The Law directs EPA to develop federal standards and practices for "all appropriate inquiries."

The Negotiated Rulemaking Committee was chartered and convened under the provisions of the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA). The Agency conducted the negotiated rulemaking proceedings with particular attention to ensuring full and adequate representation of those interests that may be significantly affected by the regulations that will set standards for conducting all appropriate inquiries. Section 562 of the NRA defines the term "interest" as "with respect to an issue or matter multiple parties which have a similar point of view or which are likely to be affected in a similar manner." The Committee was composed of 25 members representing parties with an interest in the rulemaking. EPA monitored committee membership carefully throughout the process to ensure that there was a balanced representation from affected and interested stakeholder groups.

The Negotiated Rulemaking Committee held six multiple day meetings over the course of seven months, beginning in April 2003. The Committee arrived at a consensus document representing its recommendation for a proposed rule on November 14, 2003. All 25

members of the Committee participated in the development of the document and came to consensus without dissent. The Committee's consensus document is available on the EPA Website at: [www.epa.gov/brownfields/regneg.htm](http://www.epa.gov/brownfields/regneg.htm).

When a final rulemaking is promulgated it will replace the interim standard established by Congress in the Brownfields Law, which is the ASTM E1527 Phase I Environmental Site Assessment Standard.

The Office of Brownfields Cleanup and Redevelopment is chairing an EPA workgroup tasked with developing the proposed rulemaking package. The EPA workgroup will provide supporting analyses for the proposed rulemaking, in compliance with applicable Executive Orders and legislation. For additional information, contact Patricia Overmeyer at (202- 566-2774)

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

Major requirements of this 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.

### **Phosmet Proposed Rule**

- EPA is soliciting comment on a proposed rule which would delete phosmet from the list of EHS's under EPCRA. Phosmet is an organophosphate insecticide used on fruit, nut and certain field crops.
- The comment period for this proposed regulation will close on January 12, 2004. The proposed rule, support documents, and public comments can be viewed online at the EPA docket website
- [www.epa.gov/edocket](http://www.epa.gov/edocket) under Docket No. SFUND-2003-0007. The proposed rule can also be
- viewed in the November 12, 2003 Federal Register (68 FR 64041), or on the EPA website at:
- <http://www.epa.gov/fedrgstr/EPA-TRI/2003/November/Day-12/tri28308.htm>.

For additional information about the EPCRA List of Extremely Hazardous Substances, visit our Chemical Emergency Prevention and Preparedness website.

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/index.html>.

### **Isophorone Diisocyanate Final Rule**

- This final rule amends the list of EHS's issued under EPCRA by changing the threshold planning quantity for Isophorone Diisocyanate (IPDI) from 100 pounds to 500 pounds.
- This rule corrects the original threshold planning quantity for IPDI which was based on a mistaken assumption that IPDI is a reactive solid at standard temperature, when in fact it is a liquid and not

highly reactive. EPCRA required EPA to publish a list of EHS's and to establish threshold planning quantities (TPQs) for each EHS. Under EPCRA Section 302, a facility which has present an EHS in excess of its TPQ must notify the State Emergency Response Commission and Local Emergency Planning Committee, as well as participate in local emergency planning activities.

The final rule can be viewed in the September 8 Federal Register (68 FR 52978), or on the EPA website at: <http://www.epa.gov/fedrgstr/EPA-TRI/2003/September/Day-08/tri22770.htm>.

### **Direct Final Rule and Proposed Rule: Trade Secrecy Claims for Emergency Planning and Community Right-to-Know Information; and Trade Secret Disclosures to Health Professionals; Amendment**

- On November 14, 2003, the trade secret regulations under the Emergency Planning and Community Right-to-Know Act (EPCRA) were amended to remove an incorrect mailing address and an outdated substantiation form for trade secrecy claims.
- This amendment is effective on January 13, 2004, unless EPA receives adverse comments by December 15, 2003. The direct final amendment can be viewed in the November 14, 2003 Federal Register (68 FR 64719), or at the EPA website at: <http://www.epa.gov/fedrgstr/EPA-TRI/2003/November/Day-14/tri28419.htm>.

### **Tier2 Submit 2003 Software Available**

- The Office of Emergency Prevention Preparedness and Response (OEPPR) is pleased to announce the release of Tier2 Submit 2003 software, now available for download from the OEPPR web site. Tier2 Submit 2003 has new features, meets participating State's Tier II requirements and will be fully compatible with the new release of CAMEOfm (February 2004). The new software, in its third year, is now available at <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/tier2.htm>.
- At our site, you will also find background information on EPCRA Tier II requirements, links to State Tier II information and frequently asked questions about Tier2 Submit. One issue that needs your attention is Tier2 Submit's compatibility with CAMEOfm. CAMEOfm is currently being revised to accommodate specific state changes and will be ready for download sometime in February. Please check the CAMEO website frequently for the latest updates - <http://www.epa.gov/ceppo/cameo/>.
- If you have any technical issues with Tier2 Submit or CAMEOfm please don't hesitate to contact the RMP Reporting Center at: (301) 429-5018 (8am-4:30pm M-F) or via e-mail at: [userrmp.usersupport@csc.com](mailto:userrmp.usersupport@csc.com)

### **Chemical Emergency Preparedness and Prevention Office (CEPPO) Joins Oil and Emergency Response Programs**

Effective June 26, 2003, the Chemical Emergency Preparedness and Prevention Office (CEPPO) changed its name to the Office of Emergency Prevention, Preparedness and Response (OEPPR). This new office will consolidate EPA's emergency prevention, preparedness, and response duties by joining together the Oil Program Center, Emergency Response & Removal Center and CEPPO.

### **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 and chemical categories. Facilities that meet all three of the following criteria are subject to EPCRA Section 313 release and other waste management reporting: (1) have 10 or more full-time employees or the equivalent (20,000 hours); (2) are in a covered SIC Code (including SIC codes 10 (except 1011, 1081, and 1094), 12(except 1241), 20-39, 4911, 4931, 4939 (4911, 4931, 4939 limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4953 (limited to facilities regulated under RCRA Subtitle C, 42 U.S.C. section 6921 et seq.), 5169, 5171, and 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis)), or the facility is a federal facility; and (3) exceed any one activity threshold such as 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 Item 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 Certification Statement instead of the Form R. However, if the facility exceeds either the 500 or one million pound limits, it must report on the Form R.

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

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



## Toxics Release Inventory (TRI) Public Data Release

EPA released the 2001 TRI data on June 30, 2003. TRI summary information and data access is available via the web at <http://www.epa.gov/tri/tridata/tri01>. The 2001 TRI Data Release Web site provides fast and easy access to the data overview and relevant TRI information (including tables, charts, maps, and press materials). The TRI data can be accessed using the TRI Explorer (<http://www.epa.gov/triexplorer>) as well as several other public access tools available on the TRI website. EPA also released two electronic publications summarizing the 2001 data: the 2001 TRI Public Data Release (PDR) Report and the 2001 State Fact Sheets. The 2001 TRI PDR Report (EPA 260-R-03-001) provides an overview of the 2001 TRI reporting year data including detailed analyses and supporting tables for TRI releases and other waste management activities; an overview of the persistent bioaccumulative toxic (PBT) chemicals reported to TRI for the second time in the 2001 reporting year; an analyses of the geographic distribution of TRI releases and other waste management activities; and other information relating to TRI data. The PDR report serves as a companion volume to EPA's 2001 TRI State Fact Sheets (EPA 260-F-03-002). The State Fact Sheets provide: a general overview of TRI and the 2001 TRI data by state; a description of the information included in the state fact sheet; and data summary tables. EPA provides this type of analysis as a snapshot of each state's releases and other waste management activities. Electronic copies of these publications are available via the Internet at <http://www.epa.gov/tri/tridata/tri01>.

EPA released the 2000 TRI data on May 23, 2002. TRI summary information and data access is available via the web at <http://www.epa.gov/tri/tridata/tri00/index.htm>. The 2000 TRI Data Release website provides fast and easy access to the data overview and relevant TRI information (including tables, charts, maps, and press materials). The TRI data can be accessed using the TRI Explorer (<http://www.epa.gov/triexplorer/>) as well as several other tools available on the TRI website. EPA also released two electronic publications summarizing the 2000 data: the 2000 TRI Public Data Release (PDR) Report; and the 2000 State Fact Sheets. The 2000 TRI PDR Report (EPA 260-R-02-003) provides an overview of the 2000 TRI reporting year data. This report provides: a detailed analyses and supporting tables for TRI releases and other waste management activities; an overview of the persistent bioaccumulative toxic (PBT) chemicals reported to TRI for the first time in the 2000 reporting year; an analysis of the geographic distribution of TRI releases and other waste management activities; and other information relating to TRI data. The PDR report serves as a companion volume to EPA's 2000 TRI State Fact Sheets (EPA 260-F-02-004). The State Fact Sheets provide: a general overview of TRI and the 2000 TRI data by state; a description of the information included in the state fact sheet; and data summary tables. EPA provides this type of analysis as a snapshot of each state's releases and other waste management activities. Electronic copies of these publications are available via the Internet at <http://www.epa.gov/tri/tridata/tri00/index.htm>.

EPA released the 1999 TRI Data on April 11, 2001. TRI summary information and data access is available via the web at <http://www.epa.gov/tri/tridata/tri99/index.htm>. The TRI 1999 Data Release (TRI99) website provides fast and easy access to the data overview and relevant TRI information (including tables, charts, maps, and press materials). EPA also released two publications summarizing the 1999 data: the 1999 TRI Public Data Release Report; and the 1999 State Fact Sheets. These documents are available on the TRI99 website noted above or by calling (202) 564-9554 or by emailing [TRIDOCES@epa.gov](mailto:TRIDOCES@epa.gov) (reference EPA 260-R-01-001 for the Public Data Release Report; and EPA 260-F-01-001 for the State Fact Sheets). The Toxic Release Inventory 1999 Executive Summary (11 pp.) is available as Item K-66. The 1998 TRI Public Data Release report was released in May 2000. Similar to the 1999 data access page, the 1998 Data Release (TRI98) website provides fast and easy access to the data overview and relevant TRI information (available at

<http://www.epa.gov/tri/tridata/tri98/index.htm>). Both the 1998 TRI Public Data Release Report and the 1998 Public Data Release State Fact Sheets are available on the TRI98 website noted above or by calling (202) 564-9554 or by emailing [TRIDOCES@epa.gov](mailto:TRIDOCES@epa.gov) (reference EPA 745-R-00-007 for the Public Data Release report; and EPA 745-F00-003 for the State Fact Sheets). The 1998 Toxic Release Inventory (TRI) Data Summary, EPA 745-R-00-002, May 2000 (48 pp.) is available as Item K-64.

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

## TOXIC SUBSTANCE CONTROL ACT (TSCA)

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

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

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

EPA is proposing a rule under TSCA to provide new standards for the management and disposal of LBP debris generated by contractors. EPA also is separately proposing temporary suspension of the regulations under Subtitle C of the Resource Conservation and Recovery ACT (RCRA), which currently apply to LBP debris. The new TSCA standards do not address LBP debris generated by homeowners in their own homes. The notice of the proposed rules was published in the FR 12/18/98, pp 70190 and 70233.40 CFR, Part 745, Subpart P Item E-47.

### Lead: Requirements for Lead-Based Paint activities in Target Housing and Child Occupied Facilities—Section 610 Review. 40 CFR 745.

In August, 1996, the Environmental Protection Agency promulgated regulation to ensure that individuals conducting lead-based paint activities in target housing and child-occupied facilities are properly trained and certified, that training programs providing instruction in such activities are accredited and that these activities are conducted according to reliable, effective and safe work practice standards. EPA will review this regulation pursuant to section 610 of the Regulatory Flexibility Act. EPA solicited comments on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State or local government rules; and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated. Completion of the review of the comments and report its outcome is expected in 2004. See EPA Docket ID No. OPPT-2003-0015 at [www.epa.gov/edocket](http://www.epa.gov/edocket).

## GENERAL

### Environmental Technology Verification Program

The Environmental Technology Verification Program (ETV) was started by the U.S. Environmental Protection Agency (EPA) in October 1995 to address the need for credible environmental technology performance data to help businesses and communities better utilize the available environmental technology choices. ETV operates through public/private testing partnerships to verify the performance of commercial-ready private sector environmental technologies in all media, air, water, soil, eco-systems, waste, pollution prevention, and monitoring. By December, 2003, 241 private sector environmental technologies had been verified, with over 100 in the testing process. In 2003, ETV also began verifying homeland security technologies for monitoring and treating chemical and biological agents. Information on the ETV program may be accessed at the ETV web site at [www.epa.gov/etv](http://www.epa.gov/etv). The ETV program also has a listserv, ETVoice, which sends a brief monthly message highlighting new and updated information on the web site to anyone interested in the ETV program. You may subscribe to ETVoice through the web site. The ETV Program Director is **Teresa Harten** who may be reached at [harten.teresa@epa.gov](mailto:harten.teresa@epa.gov), or at 513-569-7565.

# Frequently Requested Publications

## **Opening Doors for America's Small Business, A New Guide to Help Small Businesses Navigate EPA \***

EPA's newest publication, *Opening Doors for America's Small Businesses*, is a great introduction to the key EPA services that are available to help America's small businesses. The publication addresses five critical areas for small businesses including utilizing "one-stop" assistance, improving regulations, managing environmental compliance, encouraging environmental leadership, and preparing for the future. [EPA Document 233-F-02-001] See SBO Item B-18.

## **Environmental Assistance Services For Small Business, A Resource Guide \***

This resource guide has been structured to assist small businesses, state programs, and small business assistance program providers information on the many services available including EPA hotlines, clearinghouses, web sites, virtual assistance centers, training, television broadcast programs, publications, guidance documents, brochures, fact sheets, news letters, and other information sources. [EPA Document 233-B-02-001] See SBO Item B-20

## **Practical Guide to Environmental Management for Small Businesses**

The *Practical Guide to Environmental Management for Small Businesses (Guide)*, produced by US EPA's Small Business Division, is now available! This new publication, based on Environmental Management System (EMS) concepts, is designed to help small businesses organize their environmental management responsibilities in a productive and cost-effective way. The final version of the Guide has been strengthened by the suggestions of SBO/SBAP staff, small business owners, trade and industry organizations, and EMS experts within State environmental agencies and EPA. The guide has been dubbed "the on-ramp to EMS for small businesses," and lauded for its pragmatic, step-by-step approach. [EPA Document 233-K-02-001] See SBO Item B-25.

## **Documenting Your Environmental Management Plan**

*The Booklet Documenting Your Environmental Management Plan*. July 2003, 79 pp. "A Workbook for Small Businesses". The Workbook allows the small business owner to get environmental management issues organized one step at a time. Each section includes an explanation of what needs to be done, worksheets to help the business owner complete the tasks, and examples of completed documentation from two hypothetical small business. The Workbook works as a support document to the, *Practical Guide to Environmental Management for Small Business*. [EPA 233-K-03-001]. See SBO Item B-26

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

See the special announcement on the Guide's availability in this Newsletter. The Guide can also be found and downloaded from the EPA Small Business Ombudsman's Home Page [www.epa.gov/sbo](http://www.epa.gov/sbo) and the State Small Business Home Page [www.small.biz.enviroweb.org](http://www.small.biz.enviroweb.org). We have completed a project to update and expand the Guide. There is more comprehensive coverage of environmental management issues affecting small labs. New areas of coverage include radioactive materials and biologically active substances. A summary of hazardous waste management techniques allowing on-site treatment is included, as well as, expanded pollution prevention opportunities, and opportunities for cost efficiencies. [EPA Document 233-B-00-001] See SBO Item B-16.

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

The EPA has identified a number of allowable ways that small businesses can minimize their hazardous waste on site. This document provides information on five of these methods: 1) Domestic Sewage Exclusion; 2) Elementary Neutralization; 3) Recycling; 4) Treatment in Accumulation Containers; and 5) Burning in Small Boilers and Industrial Furnaces. This Guide provides information and answers the question of whether any of these methods might work for you [EPA 233-B-00-002]. See SBO Item C-2.

## **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 See SBO Item C-10. (Available only on Internet is an update, December 2001, but a copy is included in See SBO Item C-10.) Also, included with the handbook in See SBO 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. [EPA Document 530-K-01-005] See SBO Item C-10.

**\*Large quantities are available for your conferences, mailings, and meetings. Please call the Small Business Ombudsman Hotline at 800-368-5888 to order.**

# Small Business by the Numbers

## Answers to Frequently Asked Questions

### What is a small business?

The Office of Advocacy defines a small business for research purposes as an independent business having fewer than 500 employees. Firms wishing to be designated small businesses for government programs such as contracting must meet size standards specified by the Small Business Administration (SBA) Office of Size Standards. These standards vary by industry; see [www.sba.gov/size](http://www.sba.gov/size).

### How important are small businesses to the U.S. economy?

#### Small firms

- Represent more than 99.7 percent of all employers.
- Employ more than half of all private sector employees
- Pay 44.5 percent of total U.S. private payroll.
- Generate 60 to 80 percent of net new jobs annually.
- Create more than 50 percent of nonfarm private gross domestic product (GDP).
- Supplied 22.8 percent of the total value of federal prime contracts (about \$50 billion) in FY 2001.
- Produce 13 to 14 times more patents per employee than large patenting firms. These patents are twice as likely as large firm patents to be among the one percent most cited.
- Are employers of 39 percent of high tech workers (such as scientists, engineers, and computer workers) .
- Are 53 percent home-based and 3 percent franchises.
- Made up 97 percent of all identified exporters and produced 29 percent of the known export value in FY 2001.

Sources: U.S. Bureau of the Census; Advocacy-funded research by Joel Popkin and Company (Research Summary #211); Federal Procurement Data System; Advocacy-funded research by CHI Research, Inc. (Research Summary #225); Bureau of Labor Statistics, Current Population Survey; U.S. Department of Commerce, International Trade Administration.

### How many small businesses are there?

In 2002, there were approximately 22.9 million businesses in the United States, according to Office of Advocacy estimates. The Internal Revenue Service (IRS) estimates there were 26.4 million business tax returns in 2002; however, this number may overestimate the number of firms, as one business can operate more than one taxable entity.

IRS estimates the number of sole proprietorships (roughly equivalent to nonemployers) increased by 1.9 percent in 2001 and by 2.7 percent in 2002. Census data show there were 5.7 million firms with employees and 16.5 million without employees in 2000. Applying the sole proprietorship growth rates to the nonemployer figures and similar Department of Labor growth rates to the employer figures produces the 22.9 million figure.

### How many businesses open and close each year?

Estimates for businesses with employees indicate there were 550,100 new firms and 584,500 closures (both about 10 percent of the total) in 2002.

#### Starts and Closures of Employer Firms, 1990-2002

Category	1990	1995	2000	2001	2002
New Firms	584,892	594,369	574,300	545,400e	550,100e
Firm Closures	531,892	497,246	542,831	568,300e	584,500e
Bankruptcies	63,912	50,516	35,472	39,719	38,155

e = Estimate using percentage changes in similar data provided by the U.S. Department of Labor, Employment and Training Administration

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

### How many new jobs do small firms create?

In 1999-2000 (according to the most recent data), small businesses created three-quarters of U.S. net new jobs (2.5 million of the 3.4 million total). The small business share varies from year to year and reflects economic trends. Over the decade of the 1990s, small business net job creation fluctuated between 60 and 80 percent.

Moreover, according to a new Bureau of the Census working paper, start-ups in the first two years of operation accounted for virtually all of the net new jobs in the economy.

Sources: U.S. Bureau of the Census; Administrative Office of the U.S. Courts; *Endogenous Growth and Entrepreneurial Activity in Cities* by Zoltan J. Acs and Catherine Armstrong, Center for Economic Studies, U.S. Bureau of the Census, Working Paper #CES-WP-03-2, January 2003.

## What is small firms' share of employment?

**The small business share of employment has remained steady at 50 percent.** Although small firms create more than half of net new jobs, some small firms will become large firms as new jobs are created. Of 114.1 million nonfarm private sector workers in 2000, small firms with fewer than 500 workers employed 57.1 million, large firms, 56.9 million. Smaller firms with fewer than 100 employees employed 40.9 million.

## What is the survival rate for new firms?

**Two-thirds of new employer firms survive at least two years, and about half survive at least four years.** Owners of about one-third of the firms that closed said their firm was successful at closure. Major factors in a firm's remaining open include an ample supply of capital, the fact that a firm is large enough to have employees, the owner's education level, and the owner's reason for starting the firm in the first place, such as freedom for family life or wanting to be one's own boss.

Business survival also varies by industry and demographics. The industry with the highest 1992–1996 survival rate for firms owned by white non-Hispanics was oil and gas extraction (82 percent survival rate over the four-year period). African Americans were most successful in legal services (79 percent), and Hispanic and Asian Americans in health services (66 percent and 76 percent, respectively).

Sources: *Business Success: Factors Leading to Surviving and Closing Successfully* by Brian Headd, Center for Economic Studies, U.S. Bureau of the Census, Working Paper #CES-WP-01-01, January 2001; Advocacy-funded research by Richard J. Boden (Research Summary #204).

## How are small businesses financed?

**About 82.5 percent of small firms used some form of credit in 1998. Small firms use many different sources of capital, including their own savings, loans from family and friends, and business loans from financial institutions.** Credit cards, credit lines, and vehicle loans are the most often used types of credit. Commercial banks are the leading suppliers of credit, followed by owners and finance companies.

**Small Firms using Financial Services, 1998**  
(Percent reporting use of various types of credit)

Credit Type	Total Small Business	Women-Owned	Minority- and Hispanic-Owned
Any Credit	82.5%	78.2%	76.9%
Traditional Credit Types	55.0	46.1	49.0
Business Credit Cards	34.1	28.8	28.6
Personal Credit Cards	46.0	47.5	45.5

Source: Tabulation from Survey of Small Business Finances, 1998, from the Federal Reserve Board.

## What role do women, minority, and veteran entrepreneurs play in the economy?

- Women owned 5.4 million businesses that generated \$819 billion in revenues, employed more than 7 million workers,

and had nearly \$150 billion in payroll in 1997. About three-quarters were sole proprietorships with receipts under \$50,000.

- Of U.S. firms in 1997, 5.8 percent were owned by Hispanic Americans, 4.4 percent by Asian Americans, 4.0 percent by African Americans, and 0.9 percent by American Indians. Of total minority-owned business receipts, Asian American-owned businesses earned more than 51 percent; Hispanic Americans, 31 percent; African Americans, 12 percent; and American Indians, 6 percent.
- Veteran self-employed people numbered about 1.6 million or 14 percent of all U.S. self-employed in 2001.

Sources: Advocacy publications – *Women in Business, 2001*; *Dynamics of Women-Operated Sole Proprietorships, 1990-1998*; *Minorities in Business, 2001*; veteran self-employment data from a special tabulation of the Current Population Survey.

## How do regulations affect small firms?

**Very small firms with fewer than 20 employees spend 60 percent more per employee than larger firms to comply with federal regulations. Small firms spend twice as much on tax compliance as their larger counterparts.**

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

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

Source: *The Impact of Regulatory Costs on Small Firms*, an Advocacy-funded study by W. Mark Crain and Thomas D. Hopkins, August 2001 (Research Summary #207).

## Whom do I contact about regulations?

**To submit comments on proposed regulations, send email to [advocacy@sba.gov](mailto:advocacy@sba.gov).** To follow up on regulatory enforcement issues, email [regfair@sba.gov](mailto:regfair@sba.gov).

## How can I get more information?

**For more detailed information from the Office of Advocacy, visit [www.sba.gov/advo/](http://www.sba.gov/advo/).** Sign up at <http://web.sba.gov/list> for email delivery of news releases, *The Small Business Advocate* newsletter, small business research findings and statistics, and regulatory communications.

Office of Advocacy economic research can be found at [www.sba.gov/stats](http://www.sba.gov/stats). Specific points of interest include:

- Firm size data (static/dynamic for the U.S., states and metropolitan statistical areas): [www.sba.gov/advo/stats/data.html](http://www.sba.gov/advo/stats/data.html)
- Small firm lending studies (1994-present): [www.sba.gov/advo/stats/lending](http://www.sba.gov/advo/stats/lending)
- State economic profiles (1998-present): [www.sba.gov/advo/stats/profiles](http://www.sba.gov/advo/stats/profiles)
- *The Small Business Advocate* monthly newsletter (1996-present): [www.sba.gov/advo/news/](http://www.sba.gov/advo/news/)

Direct other questions to (202) 205-6533 or via e-mail to [advocacy@sba.gov](mailto:advocacy@sba.gov).

# Key Aspects of the SBREFA Legislation

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

- **Regulatory Compliance Simplification:** Federal regulatory agencies must develop compliance guides, written in plain English, to help small businesses understand how to comply with regulations that may have a significant effect on them. Agencies must also develop a program for providing small entities with informed guidance on complying with applicable laws and regulations.
- **Equal Access To Justice Act Amendments:** Under certain circumstances, small businesses can recover attorney's fees and court costs in a court or administrative hearing, even when they lose.
- **Congressional Review:** Congress has provided itself with a process by which it can review and, if necessary, disapprove regulations with which it takes issue.
- **Regulatory Enforcement Reform of Penalties:** Each regulatory agency must establish a policy to reduce and, where appropriate, waive civil penalties for minor violations under certain circumstances.
- **Small Business Advocacy Review Panels:** For proposed rules subject to the Regulatory Flexibility Act, EPA must solicit input from the small businesses that will be subject to the rules and make these findings public. SBA's Office of Advocacy and the Office of Management and Budget aid this process.
- **Regulatory Enforcement Reforms:** The Act created the Small Business and Agriculture Regulatory Enforcement Fairness Ombudsman. In August, 2001, President Bush appointed Michael L. Barrera as National Ombudsman. The Act also created the Regional Regulatory Fairness Boards, the members of which assist the National Ombudsman in receiving small businesses' comments about enforcement activities of federal regulatory agencies. The appointed Fairness Board members are small business owners and operators.

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

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

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

### Regulatory Enforcement Ombudsman

- Receives comments from small businesses on federal agencies' compliance and enforcement actions
- Reviews small businesses' comments
- Rates federal agencies on their responsiveness to small businesses' comments
- Reports annually to Congress

### 10 Regional Fairness Boards

- Members are small business owners/operators
- Report to the National Ombudsman about comments and issues specific to their regions
- Provide input regarding federal agency compliance activities affecting small entities in their region
- Contribute to the annual report to Congress

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

## SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS

### Regions/Members July, 2003

<p><b>Region 1</b> Larry S. Schneider Coldwell Banker 324 Mills Road Newcastle, ME 04553 (207) 563-1146</p>	<p>Leo R. Blais Pawtuxet Valley Prescription Ctr. 85 Sandy Bottom Road Coventry, RI 02816</p>	<p>James M. Knott, Sr. Riverdale Mills Corporation 456 Hill Street Whitinsville, MA 01588</p>	<p>David A. Tibbetts Smith, Segel, &amp; Sowalsky 50 Congress Street Suite 300 Boston, MA 02109 (508) 234-7804</p>	<p>Laura L. Monica High Point Communications Group 553 Route 3A Bldg 3 Bow, OH 03304-3242</p>
<p><b>Region 2.</b> W. Timothy Howes Howes &amp; Howes 26 Anderson Street Raritan, NJ 08869</p>	<p>Eric Jenkusky Spark Management Resources 112 Central Avenue Oneonta, NY 13820</p>			
<p><b>Region 3.</b> Frank A. Ursomarso, Sr. Union Park Automotive Group, Inc. P. O. Box 2508 Wilmington, Delaware 19805 (302) 573 5202</p>	<p>Felix J. Jackson DataProbe Technical Service 9722 Groff's Mill Dr., Suite 110 Owings Mills, MD 21117 (443)-831-3047</p>		<p>Martin L. Shaffer American Vending 8 Army Road Clarksburg, WV 26301 23219 (304) 623-5791</p>	<p>Pamela Mazza Piliero, Mazza &amp; Pargament 888 17th St. NW, Suite 1100 Washington, DC 20006</p>
<p><b>Region 4</b> George Dobbins, Jr. Southern Communications Systems Five North Third Street Memphis, TN 38103 (901) 523-7236</p>	<p>Douglas McFarland Radio Station 98.9 - Charleston 926 Trowman Lane Mt. Pleasant, SC 29464 (843) 767-8100</p>		<p>R. Bruce McCrory Kiker Corporation 3150 Lees Lane Mobile, AL 36693-5227 (251) 661-1971</p>	<p>Paul Hsu, Ph.D. Manufacturing Technology, Inc. 70 Ready Avenue, N.W. Fort Walton Beach, FL 32548 (850) 664-6007</p>
<p><b>Region 5.</b> Lloyd E. Falconer Seward Screw Products, Inc. 16377 Third Street Seward, IL 61077 P: 815-247-8411</p>	<p>Lyle J. Clemenson Clemenson Enterprises, Inc PO Box 406 Brookly Park, MN 55445 (763) 425-1167</p>	<p>Doug Hilbert Professional Technical Development 3001 Coolidge Rd, Ste 403 East Lansing, MI 48823 (517) 333-9363, Ext. 12</p>		
<p><b>Region 6.</b> Harold McAlpine Christmas Tree Farm 197 christmas Tree Land Bismark, AR 71929 (501) 865-3731</p>	<p>Mary Ann Weems Weems Galleries and Framing 2509 Don Juan Loop, N.E. Albuquerque, NM 87112</p>	<p>A. Joseph Shepard Regent Capital Partners, Inc. 6611 Hillcrest Avenue, #501 Dallas, TX 75205-1301</p>	<p>Jose Cuevas, Jr. JumBurrito 1701 N. Big Spring Street Midland, TX 79701 (915) 520-3529</p>	
<p><b>Region 7.</b> Clark D. Stewart Butler National Corp 19920 W 161<sup>st</sup> Street Olathe, KS 66062 (913) 780-9595</p>	<p>Paul Kinyon Realty Advisors LLC 4800 N. River Blvd. NE, Ste 200 Cedar Rapids, IA 52411</p>	<p>Jeanette Prenger ECCO Select 3101 Broadway, Suite 460 Kansas City, MO 64111</p>	<p>James J. Ziebarth RR 1, Box 14A Wilcox, NE 68982</p>	<p>Nikki Sells Express Personnel Services 2045 S. Waverly Springfield, MO 65804 (417) 887-8393</p>
<p><b>Region 8.</b> Salvador Gomez, Jr. Source One Management ,Inc 1225 17<sup>th</sup> St Suite 1500 Denver, CO 80202 (303) 832-8600</p>	<p>James J. Larsen Sioux Steam Cleaner Corp One Sioux Plaza Beresford, SD 57004</p>	<p>Michael Stransky, FAIA 375 West 200 South, Ste 100 Salt Lake City, UT 84101</p>		
<p><b>Region 9.</b> Robert L. Gore Becker Realty Corporation 50 S. Jones Blvd Las Vegas, NV 89107 (949) 260-8070</p>	<p>Frank T. Ballesteros PPEP Microbusiness &amp; Housing 1100 E. Ajo Way, #209 Tucson, AZ 85713 (520) 806-8513</p>	<p>Patricia A. Chevalier Blue Hawaiian Helicopters 105 Kahului Heliport Kahului, HI 96732 (808) 871-8844</p>	<p>Barry M. Gold Barry M. Gold &amp; Co. 2402 Michelson, Ste 225 Irvine, CA 92612-1323</p>	
<p><b>Region 10.</b> Carl Grossman Public Private Partnerships, Inc. 4800 SW Macadam Avenue, Suite 309 Portland, OR 97239 (503) 219-9500</p>	<p>Milford E. Terrell DeBest Plumbing &amp; Mechanical, Inc 11477 W. President Dr. Boise, ID 83713 (208) 322-4844</p>	<p>Shiao-Yen Wu 9500 Roosevelt Way NE No. 100 Seattle, WA 98115</p>	<p>Michael Dahmer Systems Associates, Inc. 573 Glacier Drive (PO Box F) Jerome, ID 83338</p>	

\*=Chair

\*\*=Vice Chair

## EPA's SMALL BUSINESS COMPLIANCE and ENFORCEMENT POLICIES

EPA's Office Of Enforcement and Compliance Assurance uses several policies to respond to the environmental compliance needs of small business.

### ► SMALL BUSINESS COMPLIANCE POLICY

EPA's *Small Businesses Compliance Policy* (SBO Items # I-13 and B-22) provides small businesses with incentives to participate in compliance assistance activities and programs, or conduct environmental audits. Under this policy, EPA will eliminate or reduce civil penalties provided the small business satisfies all of the following four criteria:

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

Contact: **Jonathan Binder** at (202) 564-2516. Policy is available by calling (800) 368-5888 or online at <http://www.epa.gov/compliance/incentives/smallbusiness/index.html>.

### ► POLICY ON INCENTIVES FOR SELF-POLICING

EPA's Policy on *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations* (commonly known as the EPA Audit Policy) (SBO Item # I-13) 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.

Contact: **Jon Silberman** at (202) 564-2429. Policy is available by calling (800) 368-5888 or online at <http://www.epa.gov/compliance/incentives/smallbusiness/index.html>.

### ► ENFORCEMENT RESPONSE POLICY

EPA's *Enforcement Response Policy* (SBO Item # I-13) provides 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 *Enforcement Response Policy*, two options are provided:

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

Contact: **Jonathan Binder** at (202) 564-2516. Policy is available by calling (800) 368-5888 or online at <http://www.epa.gov/compliance/incentives/smallbusiness/index.html>.



# EPA's Small Business Compliance Policy

## Purpose of the Policy

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

## Who Qualifies to Use the Policy

- The Policy defines a small business as a person, corporation, partnership, or other entity that employs 100 or fewer individuals across all facilities and operations owned by the entity. Entities can also include small governments and small organizations.

## How to Qualify for Penalty Elimination or Reduction

- EPA will eliminate the entire civil penalty\* if a small business satisfies all four of the criteria below:
  - ① The small business voluntarily discovers a violation. Violations could be discovered after attending training classes or seminars, receiving on-site compliance assistance, participating in mentoring programs, or using compliance guides or checklists downloaded from the Internet.
  - ② The small business voluntarily discloses the violation within 21 days. This disclosure must be sent in writing to the regulatory agency.
  - ③ Corrections Period - the business corrects the violation and remedies any damage associated with the violation within 180 days of its discovery. However, if the correction will take longer than 90 days, a written schedule will be necessary. For small businesses that are correcting the violation by using pollution prevention technologies, they may have an additional period of 180 days, i.e., up to a period of 360 days.
  - ④ The Policy applies if the:
    - a. violation has not caused actual serious harm to public health, safety, or the environment;
    - b. violation is not one that may present an imminent and substantial endangerment to public health or the environment;
    - c. violation does not involve criminal conduct;
    - d. facility has an appropriate compliance record. The small business has not used the Policy for a violation of the same or similar requirement within the past 3 years and has not been subject to two or more enforcement actions for any environmental violations in 5 years; and
    - e. violation has not already been discovered by the Agency through inspections or citations, or other methods. A legally required monitoring procedure was not violated.

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

\*In the rare instance where the small business has obtained a significant economic benefit from the violation(s) (i.e., economic advantage over its competitors), EPA will waive 100% of the gravity component of the civil penalty, but may seek the full amount of any economic benefit associated with the violations. As of June 2003, EPA has never sought to collect economic benefit since the Policy was originally issued in 1996.

## Applicability to States and Tribes

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

## Information and Location of the Policy

- For questions about the Policy contact Jonathan Binder at (202) 564-2516. The policy is available by calling (800) 368-5888 or on-line at <http://www.epa.gov/compliance/incentives/smallbusiness>. Information about using the Policy and the types of violations that have been disclosed and any disclosures that have prompted EPA to collect economic benefit are posted on the website.

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

### EPA Regional Contacts

	<u>Policy Contacts</u>		<u>Small Business Liaison</u>	
Region 1:	Joel Blumstein	617-918-1771	Dwight Peavey	617-918-1829
Region 2:	Ronald Lockwood	212-637-3413	Ronald Lockwood	212-637-3413
Region 3:	Frank Fritz	215-814-2664	David Byro	215-814-5563
Region 4:	Angela Blackwell Carol Baschon	404-562-9527 404-562-9528	Annette Hill	404-562-8287
Region 5:	Bertram Frey Tinka Hyde Jodi Swanson-Wilson	312-886-1308 312-886-9296 312-886-0879	Glynis Zywicki	312-886-4571
Region 6:	Marcia Moncrieffe Efren Ordonez Charles Sheehan	214-665-7343 214-665-2181 214-665-2175	David Gray	214-665-2200
Region 7:	Becky Dolph	913-551-7281	Jan Lambert	913-551-7768
Region 8:	David Rochlin	303-312-6892	Maureen Kiely	303-312-6262
Region 9:	Leslie Guinan George Hays Brian Riedel	415-744-1339 415-744-1399 415-744-1380	Angela Baranco-Mason	415-744-2331
Region 10:	Meg Silver	206-553-1076	Robyn Meeker	206-553-7154

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

## General Information

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

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

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

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

## Incentives Available Under the Audit Policy

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

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

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

## To Make a Disclosure Under the Audit Policy

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

**Disclosures of criminal violations** should be made to the appropriate EPA criminal investigation division, to EPA Headquarters, or to the U.S. Department of Justice. For more information, contact Michael Penders at 202-564-2526. **Conditions of the Audit Policy** – Entities that satisfy the following conditions are eligible for Audit Policy benefits. (Note: entities that fail to meet the first condition – systematic discovery – are eligible for 75% penalty mitigation and for no recommendation for criminal recommendation).

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

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

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

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

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

**Prevent recurrence** of the violation.

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

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

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

For more information on this policy, contact **Jon Silberman** at (202) 564-2429.



The U.S. Environmental Protection Agency has sponsored partnerships with industry, academic institutions, environmental groups, and other agencies to establish Compliance Assistance Centers for 13 industry & government sectors. **These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply.**

Visit all Centers at [www.assistancecenters.net](http://www.assistancecenters.net)

**Border Center:** A web site for businesses importing hazardous waste across the U.S.- Mexico Border, with information to help them understand & comply.

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



**Construction Industry Compliance Assistance Center:** An environmental compliance assistance web site for contractors and builders/developers.

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



**CCAR-GreenLink:** Helps the auto service and repair community identify common sense ways to comply with environmental regulations.

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



**ChemAlliance:** Provides innovative web site features to direct chemical manufacturers to compliance assistance information and resources.

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



**Environmental Compliance for Automotive Recyclers:** Provides plain language explanation of environmental regulations affecting automotive recyclers.

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



**Local Government Environmental Assistance Network:** Serves as the "first-stop-shop" by providing EMS, planning and regulatory information for local government officials.

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



**National Agriculture Compliance Assistance Center (Ag Center):** Serves as the "first stop" for environmental compliance information for the agriculture community

[www.epa.gov/agriculture](http://www.epa.gov/agriculture)



**National Metal Finishing Resource Center:** Provides comprehensive environmental compliance and technical assistance to the metal finishing industry.

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



**Paints & Coatings Resource Center:** Provides regulatory compliance and P2 information to organic coating facilities.

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



**Printed Wiring Board Resource Center:** Provides regulatory compliance and P2 information to printed wiring board manufacturers.

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



**Printers National Environmental Assistance Center (PNEAC):** Provides compliance and P2 information, as well as two e-mail discussion groups.

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



**Transportation Environmental Resource Center (TERC):** Provides compliance information for air, shipping, barging, rail, and trucking

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



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

[www.epa.gov/fedsite](http://www.epa.gov/fedsite)



# Compliance Assistance Centers

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

# WHERE TO CALL FOR MORE INFORMATION AND HELP

## EPA SMALL BUSINESS OMBUDSMAN

Toll Free  
(800) 368-5888

Local and DC Area  
(202) 566-2855

Fax  
(202) 566-2848

[smallbiz.ombudsman@epa.gov](mailto:smallbiz.ombudsman@epa.gov)

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

[asbestos.ombudsman@epa.gov](mailto:asbestos.ombudsman@epa.gov)

### EPA Web Pages and Hotlines

### Phone Number

- National Service Center for Environmental Publications ..... 800-490-9198  
([www.epa.gov/ncepihom/](http://www.epa.gov/ncepihom/)) ..... 513-489-8190
- Indoor Air Quality Information Clearinghouse ..... 800-438-4318  
([www.epa.gov/iaq](http://www.epa.gov/iaq))
- Radon ..... 800-767-7236  
([www.epa.gov/iaq/radon](http://www.epa.gov/iaq/radon))
- EPA Energy Star ..... 888-782-7937  
([www.energystar.gov](http://www.energystar.gov))
- Clean Air Technology Center ..... 919-541-0800 (English)  
([www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc)) ..... 919-541-1800 (Spanish)
- Office of Transportation and Air Quality ..... 734-214-4333  
([www.epa.gov/omswww](http://www.epa.gov/omswww))
- Emission Measurement Center ..... 919-541-0200  
([www.epa.gov/ttn/emc](http://www.epa.gov/ttn/emc))
- Stratospheric Ozone Information ..... 800-296-1996  
([www.epa.gov/ozone](http://www.epa.gov/ozone))
- Acid Rain (emission trading, auctions, Information) ..... 202-564-9620  
([www.epa.gov/airmarkets](http://www.epa.gov/airmarkets))
- Safe Drinking Water Hotline ..... 800-426-4791  
([www.epa.gov/safewater](http://www.epa.gov/safewater))
- National Small Flows Clearinghouse (WV Univ) ..... 800-624-8301  
([www.nsfv.wvu.edu](http://www.nsfv.wvu.edu))
- Storm Water Phase II Information ..... 866-352-7755
- Water Resource Center ..... 202-566-1729
- National Solid & Hazardous Waste Ombudsman ..... 800-262-7937  
Washington Metro Area ..... 202-566-2920
- Wetlands Information ..... 800-832-7828  
([www.epa.gov/owow/wetlands](http://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/](http://www.epa.gov/epaoswer/hotline/))
- Emergency Planning & Community Right to Know Title III (EPCRA) ..... 800-424-9346
- Toxic Substance Control Act (TSCA) Information Service ..... 202-554-1404
- Office of Pesticide Program Registration Division (Ombudsman) ..... 703-305-5446  
([www.epa.gov/pesticides](http://www.epa.gov/pesticides))
- Bio-Pesticide Contact ..... 703-305-7973  
([www.epa.gov/pesticides/biopesticides](http://www.epa.gov/pesticides/biopesticides))
- National Pesticide Information Center ..... 800-858-7378  
([Http://npic.orst.edu/index/html](http://npic.orst.edu/index/html))
- EPA Waste Wise/Waste Reduction ..... 800-372-9473  
([www.epa.gov/wastewise](http://www.epa.gov/wastewise))
- Office of Environmental Justice Information Line ..... 800-962-6215
- Chemical Emergency Preparedness, Prevention & Response Office ..... 202-564-8600  
(CEPPO) Small Business Liaison  
([www.epa.gov/ceppo](http://www.epa.gov/ceppo))
- Small Business Innovation Research (SBIR) ..... 800-490-9194  
(<http://es.epa.gov/ncerqa/sbir>)
- EPA Inspector General (IG) ..... 888-546-8740  
([www.epa.gov/oigearth](http://www.epa.gov/oigearth))
- Compliance Assistance Centers ..... 202-564-7076  
<http://www.assistancecenters.net>
- Small and Disadvantaged Business Utilization ..... 202-564-4100  
([www.epa.gov/osdbu](http://www.epa.gov/osdbu))

## OTHER WEBSITES & HOTLINES

## Phone Number

- Small Business Environmental Home Page ..... (412) 992-5349  
([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org))
- Recycling Hotline ..... (800) 253-2687  
([www.recycle.net/recycle](http://www.recycle.net/recycle))
- National Technical Information Service (NTIS) ..... (800) 553-6847  
([www.ntis.gov](http://www.ntis.gov)) ..... (703) 605-6000
- National Response Center for reporting oil spills and hazardous  
substance releases ..... (800) 424-8802  
Washington Metro Area ..... (202) 267-2675  
([www.nrc.uscg.mil](http://www.nrc.uscg.mil))
- Department of Energy (DOE)--National Alternative Fuels Hotline ..... (800) 423-1363  
([www.afdc.nrel.gov/hotline.html](http://www.afdc.nrel.gov/hotline.html))
- Energy-efficiency & Renewable Energy Clearinghouse ..... (800) 363-3732  
(Operated by the DOE)  
([www.eren.doe.gov](http://www.eren.doe.gov))
- DOT--Hazardous Materials. .... (800) 467-4922  
(<http://hazmat.dot.gov>)
- CHEMTREC Chemical Transportation Emergency Line, operated by ..... (800) 262-8200  
Chemical Manufacturers Association  
([Http://chemtrec.org](http://chemtrec.org))
- Center for Management Courses on ISO 9000/14000 ..... (800) 745-5565  
[www.ceem.com](http://www.ceem.com)
- National Lead Technical Information Center ..... (800) 424-5323  
([www.epa.gov/lead/nlic.htm](http://www.epa.gov/lead/nlic.htm))
- Small Business Administration ..... (800) 827-5722  
([www.sba.gov](http://www.sba.gov))
- Regulatory Fairness Boards (SBA) ..... (888) 734-3247  
([www.sba.gov/ombudsman](http://www.sba.gov/ombudsman))
- Occupational Safety & Health Administration (OSHA) ..... (800) 321-6742  
(Worker Safety Referral Services)  
([www.osha.gov](http://www.osha.gov))
- American Lung Association ..... (800) 577-LUNG  
([www.lungusa.org](http://www.lungusa.org))
- Consumer Product Safety Commission ..... (800) 638-2772  
([www.cpsc.gov](http://www.cpsc.gov))
- Radon Auto Emission & Sun Safety(National Safety Council) ..... (800) 557-2366  
([www.nsc.org/ehc/radon.htm](http://www.nsc.org/ehc/radon.htm))
- INFOTERRA/USA ..... (202) 566-0544  
([www.epa.gov/INFOTERRA](http://www.epa.gov/INFOTERRA))
- Government Printing Office ..... (202) 512-1800  
([www.gpo.gov/#info](http://www.gpo.gov/#info))
- National Institute of Occupational Safety and Health ..... (800) 356-4674  
([www.cdc.gov/niosh/homepage.html](http://www.cdc.gov/niosh/homepage.html))
- National Environmental Service Center (Water) ..... (800) 624-8301  
([www.estd.wvu.edu/netc/netcsc\\_homepage.html](http://www.estd.wvu.edu/netc/netcsc_homepage.html))
- American Association of Poison Control Centers ..... (800) 222-1222  
([www.aapcc.org/](http://www.aapcc.org/))

## EPA REGIONAL SMALL BUSINESS PROGRAM COORDINATORS

REGION 1	CT, ME, MA, NH, RI, VT	Dwight Peavey	(617) 918-1829
2	NJ, NY, PR, VI	Ronald Lockwood	(212) 637-3413
3	DE, DC, MD, PA, VA, WV	David Byro	(215) 814-5563
4	AL, FL, GA, KY, MS, NC, SC, TN	Annette N. Hill	(404) 562-8287
5	IL, IN, MI, MN, OH, WI	Glynis Zywicki	(312) 886-4571
6	AR, LA, NM, OK, TX	David Gray	(214) 665-2200
7	IA, KS, MO, NE	Janette Lambert	(913) 551-7768
8	CO, MT, ND, SD, UT, WY	Maureen Kiely	(303) 312-6262
9	AZ, CA, HI, NV, GU	Angela Baranco-Mason	(415) 947-4262
10	AK, ID, OR, WA	Robyn Meeker	(206) 553-7154

January 2004

## EPA SMALL BUSINESS CONTACTS AND PROJECTS

### **Office of Air and Radiation**

Air Control Technology Assistance Center	919-541-0800
Dennis Doll (Satellite Broadcasts/Training)	919-541-5693
Jerry Lawson (Energy Star - Small Business)	202-564-9314
Karen Blanchard (Program Review)	919-541-5503
Kim Teal (Coatings Rules)	919-541-5580
Lalit Banker (Federal Small Business Assistance)	919-541-5420
Racqueline Shelton (New Source Review Program)	919-541-7858
State SBO/SBAP CAAA Section 507 Contacts	Separate listing
Steven Hitte (Title V Deferrals)	919-541-0886
Tom Eagles (Regulatory Steering Committee)	202-564-1952

### **Office of Water**

Carey Johnston, Lead (Metal Products and Machinery Rule)	202-566-1014
Deborah McCray (Small Systems & Tech. Assist Ctrs-(TACs)	202-564-3843
Jan Pickrel (Pretreatment Streamlining Rule)	202-564-7904
Jim Horne (Environmental Management Systems)	202-564-0571
John Flowers (Water Alliance for Voluntary Efficiency)	202-564-0624
Kitty Miller (Regulatory Steering Committee)	202-564-0474
Marta Jordan (Concentrated Aquatic Animal Production)	202-566-1049
Michael Osinki (Point of Contact for Small Systems)	202-564-3792
Paul Shriner (Concentrated Animal Feeding Operations,CAFO)	202-566-1076
Shari Barash, Alternate (Metal Products and Machinery Rule)	202-566-0996
Tom Grubbs (Stage 1 DBPR Small Systems Compliance Guide)	202-564-5262
Wendy Bell (Stormwater Permits/Phase II)	202-564-0746

### **Office of Prevention, Pesticides & Toxic Substances**

Angela Hofmann (Regulatory Steering Committee)	202-564-0258
Beth Anderson (Pollution Prevention Resource Exchange)	202-564-8833
Bob Torla (Biopesticides Ombudsman)	703-308-8098
Chris Kent (Pollution Prevention/P2 State Coordinator)	202-564-8842
David Giamporcaro (OPPT Industry/Small Business Liaison)	202-564-8107
Deborah Savage (Tellus Institute/Environmental Accounting)	617-266-5400
John Myers (Reg-in-a-Box)	202-564-8624
Karen Chu (Design for the Environment)	202-564-8773
Lena Ferris (Pollution Prevention)	202-564-8831
Linda Arrington (Pesticides Ombudsman)	703-305-5446
Michael Hardy (Antimicrobial Ombudsman)	703-308-6432
Priscilla Flattery (General)	202-564-2718
Sandy Evalenko (SBREFA Panels)	202-564-0264
State P2 Technical Assistance Programs	Separate listing

**Office of Solid Waste and Emergency Response**

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

**Office of Enforcement and Compliance Assurance**

Jonathan Binder (Small Business Policy)	202-564-2516
Melissa Marshall (SBREFA 222 RegFair program)	202-564-7971
Barry Hill (Environmental Justice)	202-564-2515
Beth Cavalier (Supplemental Environmental Compliance)	202-564-3271
Brian Moss (Homeland Security)	202-564-6019
David Nielsen (UST Enforcement)	202-564-4022
Gerard C. Kraus (Regulatory Steering Committee)	202-564-6047
James Edward (Compliance Assistance General)	202-564-2462
Joanne Berman (Compliance Assistance Plan)	202-564-7064
Jon Silberman (Audit Policy)	202-564-2429
Karin Leff (Compliance Assistance-Cross Cutting Issues)	202-564-7068
Rochele Kadish (Compliance Assistance Measurement)	202-564-3106
Lynn Vendinello (Performance Measurement)	202-565-7066
Nicholas Targ (Environmental Justice)	202-564-2406
Richard Satterfield (Audit Protocols)	202-564-2456
Robert Knox (Environmental Justice)	202-564-2515
Tracy Back (Compliance Assistance Centers)	202-564-7076

**Office of Research and Development**

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

**Office of Congressional and Intergovernmental Relation**

Reynold Meni (Small Business Issues)	202-564-3669
Mark Stevens (Legislative Counsel)	202-564-3707
Paul Guthrie (Regulatory Steering Committee)	202-564-3649



**Office of General Counsel**

Debbie Dalton (Dispute Resolution/Reg-Neg)	202-564-2913
Hale Hawbecker (Small Business)	202-564-5546
James Nelson (General)	202-564-5532
Mark Kataoka (Regulatory Steering Committee)	202-564-5584

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

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

**Office of Small and Disadvantaged Business Utilization**

Jeanette Brown (Procurement Opportunities)	202-564-4100
Patricia Durrant (National Training Officer)	202-564-4444

**Office of Environmental Information**

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

**Office of State/Local Relations**

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

**Office of Policy, Economics and Innovation**

Al McGartland (Nat'l Center for Environmental Economics)	202-566-2244
Alexander Cristofaro (Regulatory & Policy Review)	202-564-7253
Angela Suber (Outreach and Assistance Coordinator)	202-566-2827
Brett Snyder (Small Business Economics)	202-566-2261
Catherine Tunis (Voluntary Programs/Measurement/Recognition)	202-566-2830
Cheryl Hawkins (Voluntary Programs)	202-566-2803
Chris Knopes (Project XL)	202-566-2165
Dan Fiorino (Performance Incentives)	202-566-2869

Daniel Eddinger (Innovative Approaches)	202-566-2820
Elsa Bishop (Marketing Communities & Training)	202-566-2824
Geoff Anderson (Smart Growth)	202-566-2832
George Wyeth (Environmental Management Systems)	202-566-2203
Gerald Filbin (Community-based Environmental Protection)	202-566-2182
Greg Ondich (Environmental Results Program)	202-566-2215
Jay Benforado (Environmental Innovations)	202-566-2800
James Malcolm (Hazardous Waste/Pesticides--TRI-EPCRA)	202-566-2821
Joan Crawford (SBREFA Issues)	202-564-6568
Julie Spyres (Performance Track)	202-566-2885
Karen Brown (Small Business Ombudsman, Small Business Point of Contact & CAA 507 Programs)	202-566-2816
Ken Munis (Regulatory Steering Committee)	202-564-6581
Lanelle Wiggins (Economist--Natl. Ctr for Env. Economics)	202-566-2372
Larry Tessier (Asbestos/Lead/Radon/Indoor Air/Mold)	202-566-2829
Pat Bonner (Public Involvement Policy)	202-566-2204
Paul Lapsley (Regulatory Management Issues)	202-564-5480
Phil Schwartz (Regulatory Agenda & Plan)	202-564-6564
Robert Benson (Industry Sector Based Partnership Programs)	202-566-2954
Sandy Germann (Speech Writer/Innovations)	919-541-3061
Stuart Miles-McLean (Regulatory & Policy Review)	202-564-6581
Tom Nakley (Water/Agriculture)	202-566-2826

### **Regional Small Business Program Coordinators**

Dwight Peavey	(Region 1)	617-918-1829
Ronald Lockwood	(Region 2)	212-637-3413
David Byro	(Region 3)	800-228-8711/(215) 814-5563
Annette Hill	(Region 4)	404-562-8287
Glynis Zywicki	(Region 5)	312-886-4571
David Gray	(Region 6)	800-887-6063 (214) 665-2200
Jan Lambert	(Region 7)	913-551-7768
Maureen Kiely	(Region 8)	303-312-6262
Angela Baranco-Mason	(Region 9)	415-947-4262
Robyn Meeker	(Region 10)	206-553-7154

### **Regional Regulatory Contacts**

Robyn McCarville	(Region 1)	617-918-1182
Olga Maisonet	(Region 2)	212-637-3572
Marilyn Fisher	(Region 3)	215-814-5263
Annette Hill	(Region 4)	404-562-8287
Terry Stanuch	(Region 5)	312-886-8044
Leticia Lane	(Region 6)	214-665-7202
Alice Todd	(Region 7)	913-551-7304
Sonya Moore	(Region 8)	303-312-6825
Elizabeth Armour	(Region 9)	415-947-4264
Robyn Meeker	(Region 10)	206-553-7154

### **Compliance Assistance Coordinators**

Mary Dever	(Region 1)	617-918-1717
Deborah Meyer	(Region 2)	212-637-3521
Betty Barnes	(Region 3)	215-814-3447
Delane Anderson	(Region 4)	404-562-9681
Linda Mangrum	(Region 5)	312-353-2071
Bonnie Romo	(Region 6)	214-665-8323
Carol Levalley	(Region 7)	913-551-7610
Liz Rogers	(Region 8)	303-312-6974
Angela Baranco	(Region 9)	415-947-4262
Robyn Meeker	(Region 10)	206-553-7154



### **Energy Star for Small Businesses Can Help You Save Energy and Money**

Energy Star has free information on its web site geared especially for small businesses (<http://www.energystar.gov/smallbiz/>) that helps owners and operators cut utility bills by improving energy efficiency. The Energy Star label allows businesses to easily choose equipment that will use less energy, and if a small business joins as an voluntary Energy Star partner, they can download or have mailed a free 100-page guide, "Putting Energy into Profits." Partnership is free, requires no reporting, no required efficiency upgrade, and your individual use of the web site is not tracked. (Energy Star does not use cookies on its site.) The business is under no obligation, will not be contacted unless they ask, and their information will not be supplied to anyone. Sign-up entitles businesses to call engineers toll-free at 1-888 STAR YES, and/or to send questions by email for free tech support, calculations, money-saving strategies and information. Small business owners who have used the web site and free help line have cut utility bills by up to 30%. Energy Star Partners may submit a "success story" for public recognition and consideration for annual awards. Nearly 9,000 small businesses and congregations have already signed up as Partners as of December, 2003. Saving energy helps the environment and saves money, too. Call or log on today!



# Small Business Assistance Programs

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

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

## Small Business Assistance Program SBAP

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

## Compliance Advisory Panel CAP

Advisory panel made up of small business owners and representatives appointed by state Governors and Legislatures to consult and advise on SBAP program content.

## Small Business Ombudsman SBO

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

### How Small Is a Small Business?



- 100 or fewer individuals - Clean Air Act definition; Other acts include other definitions
- Not considered a major stationary source;
- Does not emit 50 tons or more per year of any regulated pollutant or 75 tons per year of all regulated pollutants;
- Typical customers of the program usually employ less than 25 individuals.

### Location of the Programs



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

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

### Size of the Programs

The number of individuals in the SBAP/SBO programs varies from 0-40 depending on the particular state. The average SBAP operates with a staff of two.



### Program Budgets

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



## Steering the Future of the SBAPs

In 1995, the SBAPs formed a Steering committee to help encourage better communication around the country between the state programs and EPA.



One representative and an alternate from each EPA region serves on the Steering Committee. Committee representatives participate in monthly conference calls, serve as conduits for information to other assistance providers in the region, and act as focal points of contact to disseminate information to and from the SBAP service providers. The Steering Committee provides a vehicle for identifying and resolving problems faced by the SBAPs.



### EPA Small Business Division Office of Policy, Economics & Innovation

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

**Karen V. Brown**

**1-800-368-5888**

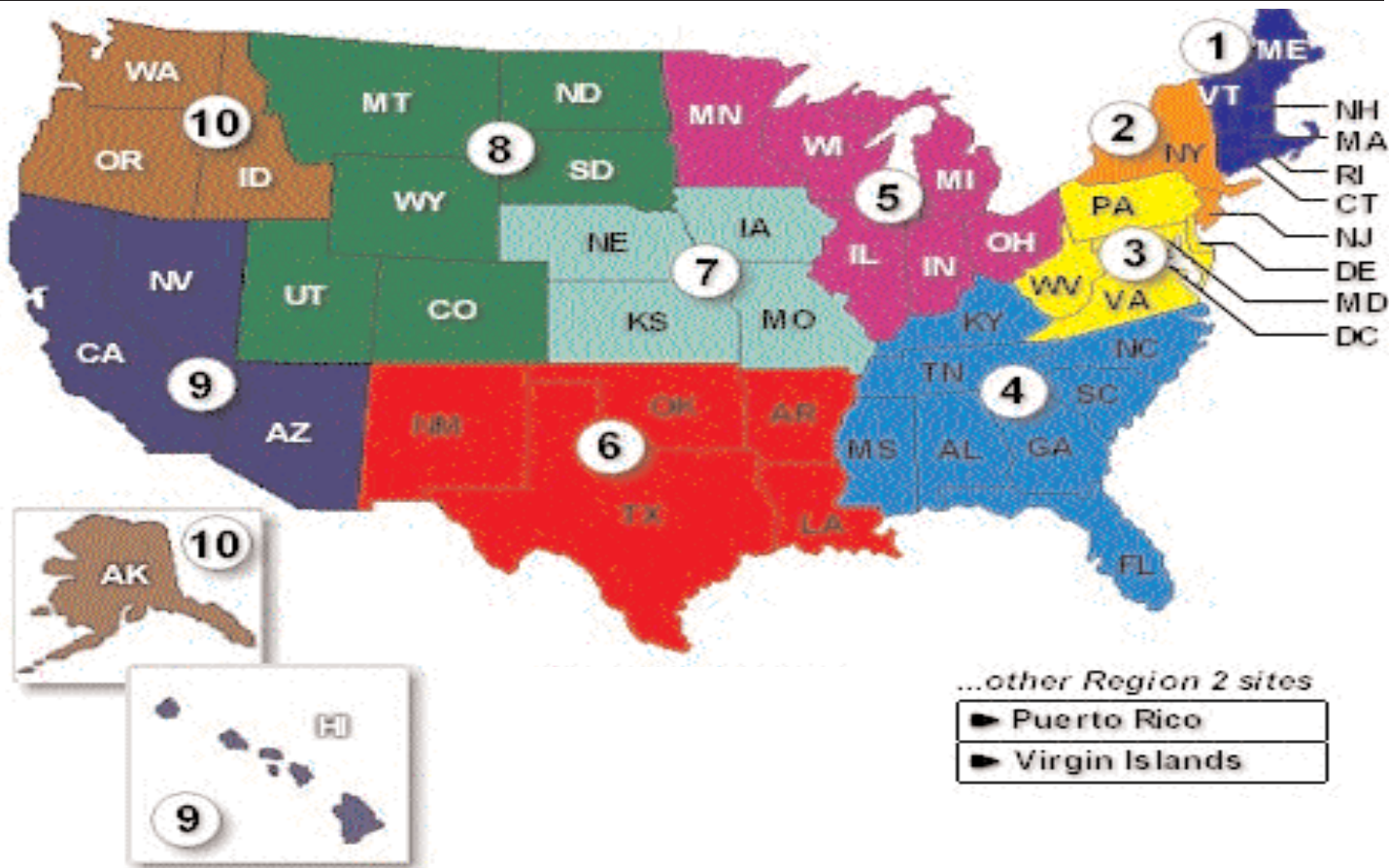
**[brown.karen@epa.gov](mailto:brown.karen@epa.gov)**

## 2004 Steering Committee Representatives and Alternates

- Region 1: Ron Dyer (ME)  
Judy Mirro (VT)
- Region 2: Jasmine Blyden (VI)
- Region 3: Richard Rasmussen (VA)  
Terry Polen (WV)
- Region 4: Tony Pendola (NC)  
Willie Morgan (SC)
- Region 5: Phyllis Strong (MN)  
Renee Lesjak Bashel (WI)
- Region 6: Darren Morrissey (AR)  
Larry Lashley (LA)
- Region 7: Dan Nickey (IA)  
Tom Franklin (NE)
- Region 8: Nick Melliadis (CO)  
Dan Clark (WY)
- Region 9: Robert White (CA)  
Terrell Ferreira (CA)
- Region 10: Sally Tarowsky (ID)  
Linda Hayes-Gorman (OR)

**Chairman: Mark Shanahan (OH)**  
**[mark.shanahan@aqda.state.oh.us](mailto:mark.shanahan@aqda.state.oh.us)**

**Vice Chairman: Ron Dyer (ME)**  
**[ron.e.dyer@state.me.us](mailto:ron.e.dyer@state.me.us)**



## State Small Business Ombudsman/Small Business Assistance Programs

### ALABAMA

Gary Ellis, (SBO)  
Office of Education and Outreach  
AL Department of Environmental  
Management  
P.O. Box 301463  
Montgomery, AL 36130-1463  
334-394-4352  
334-394-4383 (F)  
800-533-2336 (N)  
[gle@adem.state.al.us](mailto:gle@adem.state.al.us)

Mike Sherman (SBAP)  
Air Division  
AL Department of Environmental  
Management  
P.O. Box 301463  
Montgomery, AL 36130-1463  
334-271-7873  
334-279-3044 (F)  
800-533-2336 (N)  
[mhs@adem.state.al.us](mailto:mhs@adem.state.al.us)

### ALASKA

Bill Smyth (SBO)  
AK DEC  
610 University Avenue  
Fairbanks, AK 99709  
907-451-2177  
907-451-2188 (F)  
800-520-2332 (S)  
[Bill\\_smyth@dec.state.ak.us](mailto:Bill_smyth@dec.state.ak.us)

### ARIZONA

Brian Davidson (SBO)  
Deputy Director, Air Quality  
Division  
1110 West Washington Street  
Phoenix, AZ 85007  
602-771-2365  
800-234-5677 (S)  
[domsky.ira@ev.state.az.us](mailto:domsky.ira@ev.state.az.us)

Emily Bonanni (SBAP)  
Compliance Section, Air Quality  
Division  
1110 West Washington Street  
Phoenix, AZ 85007  
602-771-2324  
800-234-5677 (S)  
[Eb1@state.az.us](mailto:Eb1@state.az.us)

### MARICOPA COUNTY

Richard Polito (SBAP)  
Maricopa County SBEAP  
1001 N. Central, Suite 500  
Phoenix, AZ 85004  
602-506-5102  
602-506-7303 (F)  
[rpolito@mail.maricopa.gov](mailto:rpolito@mail.maricopa.gov)

### ARKANSAS

Ron Alexander (SBO/SBAP)  
Department of Environmental  
Quality  
P.O. Box 8913  
8001 National Drive  
Little Rock, AR 72219-8913  
501-682-0866  
501-682-0880 (F)  
888-233-0326 (N)  
[alexander@adeq.state.ar.us](mailto:alexander@adeq.state.ar.us)

### CALIFORNIA

Kathleen Tschogl (SBO)  
Ombudsman  
Air Resources Board  
1001 I St  
P.O. Box 2815  
Sacramento, CA 95814  
916-323-6791  
916-322-4737 (F)  
800-272-4572 (S)  
[ktschogl@arb.ca.gov](mailto:ktschogl@arb.ca.gov)

Terrell D. Feirra (SBAP)  
Air Resources Board  
1001 I St  
P.O. Box 2815  
Sacramento, CA 95814  
916-322-2467  
916-322-4737 (F)  
[tferreir@arb.ca.gov](mailto:tferreir@arb.ca.gov)

### SOUTH COAST

Anupom Ganguli (SBO)  
Public Advisor  
South Coast Management District  
Small Business Ombudsman  
Offic21865 E. Copley Drive  
Diamond Bar, CA 91765  
909-396-3185  
909-396-3335 (F)  
800-388-2121 (S)

### COLORADO

Nick Melliadis (SBO)  
CDPHE  
OCS-INF-A1  
4300 Cherry Creek Drive, South  
Denver, CO 80246-1530  
303-692-2135  
303-691-1979 (F)  
800-886-7689 (S)  
[nick.melliadis@state.co.us](mailto:nick.melliadis@state.co.us)

### Joni Canterbury (SBAP)

CDPHE  
APCD/55/B-1  
4300 Cherry Creek Drive, South  
Denver, CO 80246-1530  
303-692-3175  
303-782-0278 (F)  
[joni.canterbury@state.co.us](mailto:joni.canterbury@state.co.us)

### CONNECTICUT

Robert Kaliszewski (SBO)  
Small Business Ombudsman  
Department of Environmental  
Protection  
79 Elm Street  
Hartford, CT 06106-5127  
860-424-3003  
860-424-4153 (F)  
[robert.kaliszewski@po.state.ct.us](mailto:robert.kaliszewski@po.state.ct.us)

Jo-Ann Smith (SBAP)  
Permit Assistance Office  
CT Department of Environmental  
Protection  
79 Elm Street  
Hartford, CT 06106-5127  
860 424-3003  
860 424-4153  
[joann.smith@po.state.ct.us](mailto:joann.smith@po.state.ct.us)

### DELAWARE

Kim Finch (SBO/SBAP)  
DE DNRC  
89 Kings Highway  
Dover, DE 19901  
302-739-6400  
302-739-6242 (F)  
[kimberly.finch@state.de.us](mailto:kimberly.finch@state.de.us)

### DISTRICT OF COLUMBIA

Sandra Handon. (SBO)  
DC Dept of Health/EHA  
Air Quality Division  
51 N Street, N.E., 5<sup>th</sup> Floor  
Washington, DC 20002  
202 535-1722  
202 535-1371(F)  
[sandra.handon@dc.gov](mailto:sandra.handon@dc.gov)

Olivia Achuko (SBAP)  
Air Quality Division  
EHA/Department of Health  
51 N Street, NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
202 535-2997  
202 535-1371(F)  
[olivia.achuko@dc.gov](mailto:olivia.achuko@dc.gov)

### FLORIDA

William Davis (SBO)  
Small Business Ombudsman  
Bureau of Air Monitoring and  
Mobile Sources  
Division of Air Resources  
Management  
2600 Blair Stone Road, MS-5510  
Tallahassee, FL 32399-2400  
850-921-9580  
850-922-6979 (F)  
800-722-7457 (S)  
[william.davis@dep.state.fl.us](mailto:william.davis@dep.state.fl.us)

Stephen McKeough (SBAP)  
FL SBAP Technical Advisor  
Division of Air Resources  
Management  
2600 Blair Stone Road, MS-5510  
Tallahassee, FL 32399-2400  
850-921-9539  
850-922-6979 (F)  
800-722-7457 (S)  
[stephen.mckeough@dep.state.fl.us](mailto:stephen.mckeough@dep.state.fl.us)

### GEORGIA

Anita Dorsey-Word (SBO)  
GA SBAP  
DNR/EPD  
4244 International Parkway, Suite  
120  
Atlanta, GA 30354  
404-362-4842  
1-877-427-6255 (Toll Free)  
404-363-7100 (F)  
[adword@mail.dnr.state.ga.us](mailto:adword@mail.dnr.state.ga.us)

Lee Tate (SBAP)  
GA SBAP  
DNR/EPD  
4244 International Parkway, Ste  
120  
404-362-4854  
404-463-7100 (F)  
[lee\\_tate@mail.dnr.ga.us](mailto:lee_tate@mail.dnr.ga.us)

### HAWAII

Patrick Felling (SBO)  
Environmental Ombudsman  
Compliance Assistance Office  
Hawaii Department of Health  
PO Box 3378  
Honolulu, HI 96801  
808-586-4528  
808-586-7236 (F)  
[cao@eha.health.state.hi.us](mailto:cao@eha.health.state.hi.us)

Robert Tam (SBAP)  
HI Department of Health  
Clean Air Branch  
PO Box 3378  
Honolulu, HI 96801  
808-586-4200  
808-586-4359 (F)  
[rtam@emd.health.state.hi.us](mailto:rtam@emd.health.state.hi.us)

### IDAHO

Sally Tarowsky (SBO/SBAP)  
Environmental Assistance  
Coordinator  
Idaho Small Business  
Development Center  
Boise State University  
1910 University Drive  
Boise, Idaho 83725-1655  
Phone: (208) 426-1839  
Fax: (208) 426-3877  
[starowsk@boisestate.edu](mailto:starowsk@boisestate.edu)

### ILLINOIS

Donald Squires (SBO)  
Illinois EPA/DAPC  
Small Business Ombudsman  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-785-1625  
217-785-8346 (F)  
888-372-1996 (S)  
[don.squires@epa.gov](mailto:don.squires@epa.gov)

Roslyn Jackson (SBAP)  
Small Business Env Assistance Program  
Dept of Commerce & Economic  
Opportunity  
620 East Adams, 4th Floor  
Springfield, IL 62701  
217-524-0169  
217-557-2853(F)  
800-252-3998 (S)  
[roslyn\\_jackson@illinoisbiz.biz](mailto:roslyn_jackson@illinoisbiz.biz)

### INDIANA

Tonya Galbraith (SBO)  
Director  
Business & Legislative Relations  
IDEM  
100 N. Senate  
PO Box 6105  
Indianapolis, IN 46206-6015  
317-232-5898  
317-233-6647 (F)  
800-988-7901 (S)  
[tgabrai@dem.state.in.us](mailto:tgabrai@dem.state.in.us)

Marc Hancock (SBAP)  
IDEM - CTAP  
ISTA Building  
150 W. Market Street  
Suite 703  
Indianapolis, IN 46204-2811  
317-233-6663  
317-233-5627 (F)  
800-988-7901 (S)  
[mhancock@dem.state.in.us](mailto:mhancock@dem.state.in.us)

### IOWA

Wendy Walker (SBO)  
Small Business Air Quality Liaison  
Iowa Department of Economic  
Development  
200 E. Grand Avenue  
Des Moines, IA 50309  
515-242-4761 or 800-351-4668 (N)  
515-242-4795 (F)  
[wendy.walker@ided.state.ia.us](mailto:wendy.walker@ided.state.ia.us)

John Konefes (SBAP)  
IA Waste Reduction Center  
University of Northern Iowa  
1005 Technology Parkway  
Cedar Falls, IA 50613-0185  
319-273-8905  
319-268-3733 (F)  
800-422-3109 (S)  
[konefes@uni.edu](mailto:konefes@uni.edu)

### KANSAS

Cathy Colglazier (SBO)  
Environmental Ombudsman  
Kansas Dept of Health and Environment  
1000 SW Jackson Street, Suite 430  
Topeka, KS 66612  
785-296-0669  
785-291-3266 (F)  
800-357-6087 (N)  
[ccolglaz@kdhe.state.ks.us](mailto:ccolglaz@kdhe.state.ks.us)

Nancy Larson (SBAP)  
P2 Specialist  
K-State Pollution Prevention Institute  
7001 W. 21<sup>st</sup> St. North  
Wichita, KS 67205  
316-722-7721  
316-722-7727 (F)  
800-578-8898 (N)  
[nlarson@ksu.edu](mailto:nlarson@ksu.edu)

# State Small Business Ombudsman/Small Business Assistance Programs

## KENTUCKY

Rose Marie Wilmoth (SBO)  
Air Quality Representative for  
Small Business  
Office of Commissioner  
Department for Environmental  
Protection  
14 Reilly Road  
Frankfort, KY 40601  
502-564-2150, x128  
502-564-4245 (F)  
800-926-8111 (N)  
[RoseMarie.Wilmoth@mail.state.ky.us](mailto:RoseMarie.Wilmoth@mail.state.ky.us)

Gregory C. Copley (SBAP)  
Director  
Kentucky Business Environmental  
Assistance Program  
Gatton College of Business and  
Economics  
University of Kentucky  
Lexington, KY 40506-0034  
859-257-1131  
859-323-1907 (F)  
800-562-2327 (N)  
[gccopl1@uky.edu](mailto:gccopl1@uky.edu)

## LOUISIANA

Roger Ward (SBO)  
LA DEQ  
P.O. Box 4301  
Baton Rouge, LA 70821  
225-219-3956  
225-219-3971 (F)  
800-259-2890 (S)  
[roger.ward@LA.Gov](mailto:roger.ward@LA.Gov)

Dick Lehr (SBAP)  
Environmental Assistance Division  
Small Business Assistance Program  
Baton Rouge, LA 70821-4313  
225-219-3258  
225-219-3309 (F)  
800-259-2890 (S)  
[dick.lehr@LA.Gov](mailto:dick.lehr@LA.Gov)

## MAINE

Ron Dyer (SBO)  
Department of Environmental  
Protection  
Office of Innovation and  
Assistance  
State House Station 17  
Augusta, ME 04333  
207-287-4152  
207-287-2814 (F)  
800-789-9802 (S)  
[ron.e.dyer@maine.gov](mailto:ron.e.dyer@maine.gov)

Julie M. Churchill (SBAP)  
Small Business Assistance Program  
State House Station 17  
Augusta, ME 04333  
207-287-7881  
207-287-2814 (F)  
800-789-9802 (S)  
[julie.m.churchill@maine.gov](mailto:julie.m.churchill@maine.gov)

## MARYLAND

Andrew Gosden (SBO/SBAP)  
MD Department of the  
Environment  
1800 Washington Boulevard  
Suite 735  
Baltimore, MD 21230-1720  
410-537-4158  
410-537-4477 (F)  
800-633-6101 (S)  
[agosden@mde.state.md.us](mailto:agosden@mde.state.md.us)

## MASSACHUSETTS

Robert Donaldson (SBO)  
MA Department of Environmental  
Protection  
1 Winter Street 8th Floor  
Boston, MA 02108  
617 292-5619  
[robert.donaldson@state.ma.us](mailto:robert.donaldson@state.ma.us)

William McGowan (SBAP)  
EOEA/ Office of  
Technical Assistance  
251 Causeway Street Suite 900, 8th  
Floor  
Boston, MA 02114  
617 626-1078  
617 626-1095 (F)  
[william.mcgowan@state.ma.us](mailto:william.mcgowan@state.ma.us)

## MICHIGAN

Susan Holben (SBO)  
Business Services  
Michigan Economic Development  
Corporation  
300 North Washington Square  
Lansing, Michigan 48913  
517-335-2168  
[holbens@michigan.org](mailto:holbens@michigan.org)

Dave Fiedler (SBAP)  
MDEQ Env Science and Services  
Division  
P.O. Box 30457  
Lansing, MI 48909  
517-373-0607  
517-335-4729 (F)  
800-662-9278 (N)  
[fiedler@michigan.gov](mailto:fiedler@michigan.gov)

## MINNESOTA

Troy Johnson (SBAP)  
MPCA/MAR/SBAP  
520 Lafayette Road  
St. Paul, MN 55155  
651-296-7767  
651-297-8701 (F)  
800-657-3938 (S)  
[troy.johnson@pca.state.mn.us](mailto:troy.johnson@pca.state.mn.us)

## MISSISSIPPI

Jesse Thompson (SBO)  
Small Business Ombudsman  
MS DEQ  
2380 Hwy. 80 West  
P.O. Box 20305  
Jackson, MS 39289-1305  
601-961-5167  
601-961-5541 (F)  
800-725-6112 (N)  
[jesse\\_thompson@deq.state.ms.us](mailto:jesse_thompson@deq.state.ms.us)

Randy Wolfe (SBAP)  
Small Business Technical  
Assistance Dir.  
MS DEQ  
2380 Hwy. 80 West  
P.O. Box 20305  
Jackson, MS 39289-1305  
601-961-5166  
601-961-5541 (F)  
800-725-6112 (N)  
[randy\\_wolfe@deq.state.ms.us](mailto:randy_wolfe@deq.state.ms.us)

## MISSOURI

Byron Shaw (SBAP)  
Missouri DNR  
1659 E. Elm Street  
P.O. Box 176  
Jefferson City, MO 65102  
573-526-6627  
573-526-5808 (F)  
800-361-4827 (N)  
[nrshawb@mail.dnr.state.mo.us](mailto:nrshawb@mail.dnr.state.mo.us)

## MONTANA

Bonnie Rouse (SBO)/(SBAP)  
MT DEQ  
P.O. Box 200901  
1520 E. 6th Avenue  
Helena, MT 59620-0901  
406-444-3641  
406-444-6836 (F)  
800-433-8773 (N)  
[brouse@state.mt.us](mailto:brouse@state.mt.us)

Brian Spangler (SBAP)  
Mgr Bus and & Asst Prog  
Pollution  
Prevention Bureau  
Montana Dept if Environ Qlty  
1520 E. 6th Ave  
PO Box 200901  
Helena, MT 59620-0901  
406-444-5307  
406-444-6836 (F)  
800-433-8773  
[bspangler@state.mt.us](mailto:bspangler@state.mt.us)

## NEBRASKA

Tom Franklin (SBO)/(SBAP)  
Small Business & Public  
Assistance  
NE DEQ  
PO Box 98922  
Lincoln, NE 68509-8922  
402-471-8697  
402-471-2909 (F)  
877-253-2603 (N)  
[tom.franklin@ndeq.state.ne.us](mailto:tom.franklin@ndeq.state.ne.us)

## NEVADA

Marcia Manley (SBO/SBAP)  
NV Division of Environmental  
Protection  
333 West Nye Lane  
Carson City, NV 89706-0851  
775-687-9309  
775-687-5856 (F)  
800-992-0900, x4670 (S)  
[mmanley@ndep.nv.gov](mailto:mmanley@ndep.nv.gov)

## NEW HAMPSHIRE

Rudolph Cartier (SBO/SBAP)  
Air Resources Division  
Department of Environmental  
Services  
6 Hazen Drive  
Concord, NH 03301-2033  
603-271-1379  
603-271-1381 (F)  
800-837-0656 (S)  
[rcartier@des.state.nh.us](mailto:rcartier@des.state.nh.us)

## NEW JERSEY

Joe Constance (SBO)  
Small Business Ombudsman  
20 West State Street  
P. O. Box 820  
Trenton, NJ 08625-0820  
609-984-6922  
609-777-4097 (F)  
800-643-6090 (N)  
[ceacons@commerce.state.nj.us](mailto:ceacons@commerce.state.nj.us)

Ky Asral (SBAP)  
Small Business Assistance Program  
Manager  
NJDEP/SBAP  
P.O. Box 423  
Trenton, NJ 08625-0423  
609-292-3600  
609-777-1330 (F)  
877-753-1151 (S)  
[kasral@dep.state.nj.us](mailto:kasral@dep.state.nj.us)

## NEW MEXICO

Rita Trujillo (SBO)  
NMED AQB  
2048 Galisteo Street  
P.O. Box 26110  
Santa Fe, NM 87505  
505-955-8091  
505-827-1523 (F)  
800-224-7009 (N)  
[rita\\_trujillo@nmenv.state.nm.us](mailto:rita_trujillo@nmenv.state.nm.us)

Steve Dubyk (SBAP)  
NMEDAQB  
2044 Galisteo  
Santa Fe, NM 87505  
505-955-8025  
505-827-1543 (F)  
1-800-224-7009 (N)  
[steve\\_dubyk@nmenv.state.nm.us](mailto:steve_dubyk@nmenv.state.nm.us)

## NEW YORK

Keith Lashway (SBO)  
Environmental Service Unit  
SBEO Director  
Environmental Ombudsman Unit  
30 S Pearl Street  
Albany, NY 12245  
518 292-5340  
518-292-5886 (F)  
800-782-8369 (N)  
[klashway@empire.state.ny.us](mailto:klashway@empire.state.ny.us)

Jim Coyle (SBAP)  
Environmental Program Manager  
Business Assistance Unit  
NYS Environmental Facilities  
Corporation  
625 Broadway  
Albany, NY 12207-2997  
518-402-7461  
518-486-9248 (F)  
800-780-7227 (S)  
[jicoyle@nysefc.org](mailto:jicoyle@nysefc.org)

## NORTH CAROLINA

Edythe McKinney (SBO)  
NC DENR Customer Service Center  
Small Business Assistance Program  
1640 Mail Service Center  
Raleigh, NC 27699-1640  
919-733-0823  
919-715-7468 (F)  
877-623-6748 (N)  
[edythe.mckinney@ncmail.net](mailto:edythe.mckinney@ncmail.net)

Tony Pendola (SBAP)  
NC DENR Customer Service Center  
Small Business Assistance Program  
1640 Mail Service Center  
Raleigh, NC 27699-1640  
919-733-0824  
919-715-7468 (F)  
877-623-6748 (N)  
[tony.pendola@ncmail.net](mailto:tony.pendola@ncmail.net)

## NORTH DAKOTA

Dana Mount (SBO)  
ND Dept of Health  
1200 Missouri Avenue  
P.O. Box 5520  
Bismarck, ND 58506  
701-328-5150  
701-328-5200 (F)  
800-755-1625 (S)  
[dmount@state.nd.us](mailto:dmount@state.nd.us)

Tom Bachman (SBAP)  
ND Dept. of Health  
1200 Missouri Avenue  
Division of Air Quality  
P.O. Box 5520  
Bismarck, ND 58506  
701-328-5188  
701-328-5200 (F)  
800-755-1625 (S)  
[tbachman@state.nd.us](mailto:tbachman@state.nd.us)

## OHIO

Mark Shanahan (SBO)  
Clean Air Resource Center  
50 West Broad Street, Room 1901  
Columbus, OH 43215-5985  
614-728-3540  
614-752-9188 (F)  
800-225-5051 (S)  
[mark.shanahan@aqda.state.oh.us](mailto:mark.shanahan@aqda.state.oh.us)

Rick Carleski (SBAP)  
Ohio EPA/DAPC  
Lazarus Government Center  
P.O. Box 1049  
Columbus, OH 43216  
614-728-1742  
614-644-3681 (F)  
[rick.carleski@epa.state.oh.us](mailto:rick.carleski@epa.state.oh.us)

# State Small Business Ombudsman/Small Business Assistance Programs

## OKLAHOMA

Judy Duncan (SBO)  
Director Customer Service  
P.O. Box 1677  
Oklahoma City, OK 73101-1677  
405-702-1000  
405-702-1001 (F)  
800-869-1400 (N)  
[judy.duncan@deq.state.ok.us](mailto:judy.duncan@deq.state.ok.us)

Kyle Arthur (SBAP)  
Department of Environmental  
Quality  
P.O. 1677  
Oklahoma City, OK 73101-1677  
405-702-9132  
405-702-1000 (F)  
800-869-1400 (N)  
[kyle.arthur@deq.state.ok.us](mailto:kyle.arthur@deq.state.ok.us)

## OREGON

Rich Grant (SBO)  
Small Business Ombudsman  
Office of Compliance and  
Enforcement  
OR Dept. of Environmental Quality  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
503-229-6839  
800-452-4011 (S)  
[grant.richard@deq.state.or.us](mailto:grant.richard@deq.state.or.us)

Linda Hayes-Gorman (SBAP)  
Air Quality Business Assistance  
Program  
Oregon Department of  
Environmental Quality  
2146 NE 4<sup>th</sup> Street  
Bend, OR 97701  
541-388-6146 x274  
541-388-8283 (F)  
800-452-4011 (S)  
[hayes-gorman.linda@deq.state.or.us](mailto:hayes-gorman.linda@deq.state.or.us)

## PENNSYLVANIA

Jeanne Dworetzky (SBO)  
Small Business Ombudsman  
PA Department of Environmental  
Protection  
Office of Pollution Prevention and  
Compliance Assistance  
RCSOB, 15th Floor  
P.O. Box 8772  
Harrisburg, PA 17105-8772  
717-772-5942  
717-783-2703 (F)  
[Jdworetzky@state.pa.us](mailto:Jdworetzky@state.pa.us)

Jon Miller (SBAP)  
PA Dep Bureau of Air Quality  
400 Market Street  
Harrisburg, PA 17105-8468  
717-787-7019  
717-772-2302 (F)  
800-722-4743 (N)  
[Jonmiller@state.pa.us](mailto:Jonmiller@state.pa.us)

## PUERTO RICO

Evelyn Rodriguez (SBAP)  
Environmental Quality Board  
Air Quality Program Director  
PO Box 11488  
Santurce, PR 00919  
787-767-8025  
787-756-5906

## RHODE ISLAND NO SBO/SBAP

## SOUTH CAROLINA

Phyllis T. Copeland, (SBO)  
Small Business Ombudsman  
SCDHEC -- EQC Administration  
2600 Bull Street  
Columbia, SC 29201-1708  
803-896-8982  
803-896-8999 (F)  
800-819-9001 (N)  
[copelapt@dhec.sc.gov](mailto:copelapt@dhec.sc.gov)

James Robinson (SBAP)  
Technical Assistance Engineer  
SCDHEC – EQC Administration  
2600 Bull St  
Columbia, SC 29201-1708  
803-896-8984  
800-819-9001 (N)  
803-896-8999 (F)  
[robinsjc@dhec.sc.gov](mailto:robinsjc@dhec.sc.gov)

## SOUTH DAKOTA

Joe D. Nadenicek (SBO)  
Small Business Ombudsman  
Department of Environment &  
Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501  
605-773-3836  
605-773-6035 (F)  
800-438-3367 (S)  
[joe.nadenicek@state.sd.us](mailto:joe.nadenicek@state.sd.us)

Rick Boddicker (SBAP)  
SBAP  
Department of Environment &  
Natural  
Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501  
605-773-6706  
605-773-5286 (F)  
800-438-3367 (S)  
[rick.boddicker@state.sd.us](mailto:rick.boddicker@state.sd.us)

## TENNESSEE

Linda Sadler (SBO/SBAP)  
Small Business Environmental  
Assistance Prog.  
L&C Annex, 8th Floor  
401 Church Street  
Nashville, TN 37243-1551  
615-532-0779  
615-532-8007 (F)  
800-734-3619 (N)  
[linda.sadler@state.tn.us](mailto:linda.sadler@state.tn.us)

## TEXAS

Israel Anderson (SBO)  
Small Business Advocate  
TCEQ (Mail Code 112)  
P.O. Box 13087  
Austin, TX 78711-3087  
512-239-5319  
512-239-3165 (F)  
800-447-2827 (N)  
[ianderso@tceq.state.tx.us](mailto:ianderso@tceq.state.tx.us)

Tamra Shae-Oatman (SBAP)  
Small Business & Local Govt Asst  
Section Mgr  
TCEQ (Mail Code 106)  
P.O. Box 13087  
Austin, TX 78711-3087  
512-239-1066  
512-239-1065 (F)  
800-447-2827 (N)  
[toatman@tceq.state.tx.us](mailto:toatman@tceq.state.tx.us)

## UTAH

Renette Anderson (SBO)  
UT Department of Environmental  
Quality  
Office of the Small Business  
Ombudsman  
168 North 1950 West  
Salt Lake City, UT 84114-4810  
801-536-4478  
801-536-4457 (F)  
800-458-0145 (N)  
[renetteanderson@utah.gov](mailto:renetteanderson@utah.gov)

Ron Reece (SBAP) Environmental  
Engineer  
UT Department of Environmental  
Quality  
Division of Air Quality  
150 North 1950 West  
P.O. Box 144820  
Salt Lake City, UT 84114-4820  
801-536-4091  
801-536-4099 (F)  
(800) 270-4440 (N)  
[rreece@utah.gov](mailto:rreece@utah.gov)

## VERMONT

Judy Mirro (SBAP)  
SB Compliance Assistance  
Program  
VT DEC Environmental Assistance  
Division  
Laundry Building  
103 South Main Street  
Waterbury, VT 05671  
802-241-3745  
802-241-3273 (F)  
800-974-9559 (S)  
[judy@dec.anr.state.vt.us](mailto:judy@dec.anr.state.vt.us)

## VIRGINIA

John Daniel (SBO)  
Programs Coordinator  
VA Department of Environmental  
Quality  
629 E. Main Street  
P.O. Box 10009  
Richmond, VA 23240  
804-698-4311  
804-698-4510 (F)  
800-592-5482 (S)  
[jmdaniel@deq.state.va.us](mailto:jmdaniel@deq.state.va.us)

Richard Rasmussen (SBAP)  
Director  
Small Business Assistance Program  
Air Division  
VA Department of Environmental  
Quality  
629 E. Main street  
P.O. Box 10009  
Richmond, VA 23240  
804-698-4394  
804-698-4510 (F)  
800-592-5482 Ext 4394 (S)  
[rgrassmussen@deq.state.va.us](mailto:rgrassmussen@deq.state.va.us)

## VIRGIN ISLANDS

Marylyn A. Stapleton (SBO/SBAP)  
SBTAP Program Adm.  
V.I. Department of Planning &  
Natural Resources  
Environmental Protection  
Division, SBAP  
Terminal Bldg, 2<sup>nd</sup> Fl  
Cyril E. King Airport  
St. Thomas, VI 00802  
(340) 774-3320, X5167  
(340) 714-9528-9549 (F)  
340-714-9529 (S)  
[envprotj@viaccess.net](mailto:envprotj@viaccess.net)

## WASHINGTON

Bernard Brady (SBO/SBAP)  
WA Department of Ecology  
Air Quality Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
360-407-6803  
360-407-7534 (F)  
[bbra461@ecy.wa.gov](mailto:bbra461@ecy.wa.gov)

## WEST VIRGINIA

Terry L. Polen PE, QEP (SBO)  
WV Department of Environmental  
Protection  
10 McJunkin Road  
Nitro, WV 25143  
304-759-0510 ext 341  
[tpolen@dep.state.wv.us](mailto:tpolen@dep.state.wv.us)

Gene M. Coccari (SBAP)  
Technical Specialist  
Small Business Assistance Program  
WV DEP, Division of Air Quality  
7012 MacCorkle Avenue, SW  
Charleston, WV 25304  
304-926-3731  
304-926-3637 (F)  
800-982-2474 (S)  
[gcoccari@mail.dep.state.wv.us](mailto:gcoccari@mail.dep.state.wv.us)

## WISCONSIN

Pam Christenson (SBO)  
WI Small Business  
Clean Air  
Assistance Program  
P.O. Box 7970 - 6<sup>TH</sup> FLOOR  
201 West Washington Avenue  
Madison, WI 53707-7970  
608-267-9384  
608-267-0436 (F)  
800-435-7287 (N)  
[pchristenson@commerce.state.wi.us](mailto:pchristenson@commerce.state.wi.us)

Renee Lesjak Bashel (SBAP)  
WI Department of Commerce  
PO Box 7970 6<sup>th</sup> FL  
201 West Washington Avenue  
Madison, WI 53707-7970  
608-264-6153  
608-267-0436 (F)  
800-435-7287 (N)  
[rlesjakbashel@commerce.state.wi.us](mailto:rlesjakbashel@commerce.state.wi.us)

## WYOMING

Dan Clark (SBO/SBAP)  
Department of Environmental Quality  
Small Business Ombudsman  
Herschler Bldg. 4-W  
122 W. 25th Street  
Cheyenne, WY 82002  
307-777-7388  
307-777-3610 (F)  
[dclark@state.wy.us](mailto:dclark@state.wy.us)

Brian Lovett (SBAP)  
Department of Environmental Quality  
Technical Assistance Program  
Coordinator  
Herschler Bldg. 4-W  
122 W. 25<sup>th</sup> Street  
Cheyenne, WY 82002  
307-777-7347  
307-777-3610 (F)  
[blovet@state.wy.us](mailto:blovet@state.wy.us)



# State Pollution Prevention Technical Assistance Programs

## Region 1

### US EPA Region 1

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

### NEWMOA - P2Rx Center

Terri Goldberg  
129 Portland St, Suite 602  
Boston, MA 02114  
Ph: 617/367-8558  
Fx: 617-367-0449  
tgoldberg@newmoa.org

### Connecticut DEP

Robert Kaliszewski  
79 Elm St  
Hartford, CT 06106  
Ph: 860/424-3003  
Fx: 860/424-4153  
robert.kaliszewski@po.state.ct.us

### Maine DEP

Peter Cooke  
State House Station 17  
Augusta, ME 04333  
Ph: 207/287-7100  
Fx: 207/287-2814  
peter.cooke@state.me.us

### Massachusetts OTA

Paul Richard  
251 Causeway St  
Boston, MA 02114  
Ph: 617/626-1042  
Fx: 617/6261095  
paul.richard@state.ma.us

### Toxics Use Reduction Institute

Janet Clark  
One University Avenue  
Lowell, MA 01854  
Ph: 978/934-3346  
Fx: 978/934-3050  
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.  
Room 250  
Providence, RI 02908  
Ph: 401/222-6822 x4411  
Fx: 401/227-3810  
renander@dem.state.ri.us

### Narragansett Bay Commission

James McCaughey  
One Service Road  
Providence, RI 02905  
Ph: 401/461-8848 x352  
Fx: 401/461-6540  
ppr@narrabay.com

### Vermont ANR

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

## Region 2

### US EPA Region 2

Tristan Gillespie  
290 Broadway (SPMMB)  
New York, NY 10007  
Ph: 212/ 637-3753  
Fx: 212/637-3771  
gillespie.tristan@epa.gov

### New Jersey DEP

Jeanne Mroczko

401 E State St, PO Box 423  
Trenton, NJ 08625  
Ph: 609/777-0518  
jmroczko@dep.state.nj.us

### NJ TAP

Laura Battista  
138 Warren St  
Newark, NJ 07102  
Ph: 973/642-7539  
battista@megahertz.njit.edu

### New York DEC-P2 Unit

Mary Werner  
625 Broadway  
Albany, NY 12233  
Ph: 518/402-9469  
Fx: 518/402-9470  
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 (3E100)  
Philadelphia PA 19103  
Ph: 215/814-2761  
Fx: 215/814-2782  
burke.jeff@epa.gov

### Delaware DNR

Robert Palmer  
89 Kings Highway  
Dover, DE 19901  
Ph: 302/739-6400  
Fx: 302/739-6242  
robert.palmer@state.de.us

### MD Dept of Environment

Laura Armstrong  
1800 Washington Blvd  
Baltimore, MD 21230  
Ph: 410/537-4158  
Fx: 410/537-4477  
larmstrong@mde.state.md.us

### PA Dept of Environment

Eric Thumma  
PO Box 8772  
Harrisburg, PA 17105-8772  
Ph: 717/783-0542  
Fx: 717/783-2703  
ethumma@state.pa.us

### PA Env Assistance

Warren Weaver  
110 Barbara Bldg II  
University Park, PA 16802  
Ph: 717/948-6520  
Fx: 717/948-6721  
wjw5@psu.edu

### Virginia DEQ

Sharon K. Baxter  
PO Box 10009  
Richmond, VA 23240  
Ph: 804/698-4344  
Fx: 804/698-4264  
skbaxter@deq.state.va.us

### West Virginia DEP

Dave Bassage  
7012 MacCorkle Ave SE  
Charleston, WV 25304  
Ph: 304/926-3647  
Fx: 304/926-3637  
dbassage@dep.state.wv.us

## Region 4

### US EPA Region 4

George Walker  
61 Forsyth St SW  
Atlanta, GA 30303  
Ph: 410-305-2738  
Fx: 410-814-2783  
walker.george@epa.gov

### Waste Reduction Resource Center -

P2Rx Center  
1639 Mail Service Center  
Raleigh, NC 27699

Ph: 919-715-6534  
Fx: 919-715-1612  
http://wrrc.p2pays.org

### Alabama DEM - P2 Unit

Gary Ellis  
PO Box 301463  
Montgomery, AL 36130  
Ph: 334/394-4352

### 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  
info@p2ad.org

### Kentucky DEP

Matt Hackathorn  
14 Reilly Road  
Frankfort, KY 40601  
Ph: 502/564-6716  
matthew.hackathorn@mail.state.ky.us

### Kentucky P2 Center

Cam Metcalf  
420 Lutz Hall  
Louisville, KY 40292  
Ph: 502/852-0965  
Fx: 502/852-0964  
info@kppc.org

### Mississippi DEQ

Thomas Whitten  
PO Box 10385  
Jackson, MS 39289  
Ph: 601/961-5241  
Fx: 601/961-5703  
tom-whitten@deq.state.ms.us

### North Carolina DEHNR

Gary Hunt  
PO Box 29569  
Raleigh, NC 27626  
Ph: 919/715-6500  
Fx: 919/715-6794  
nowaste@p2pays.org

### South Carolina DHEC

Robert Burgess  
2600 Bull St  
Columbia, SC 29201  
Ph: 803/896-8986  
burgessre@columb30.dhec.state.sc.us

### Tennessee DEC

Karen Grubbs  
401 Church St  
Nashville, TN 37243  
Ph: 615/532-0463  
pollution.prevention@state.tn.us

## Region 5

### US EPA Region 5

Phil Kaplan  
77 W. Jackson Blvd (DW-8J)  
Chicago, IL 60604  
Ph: 312/353-4669  
Fx: 312/353-4788  
kaplan.phil@epa.gov

**Great Lakes Regional P2 Roundtable - P2Rx Center**  
One East Hazelwood Drive  
Champaign, IL 61820  
Ph: 800/ 407-0261 glrppr@wmrc.uiuc.edu

### Illinois EPA

Becky Lockart  
1021 N Grand Ave. East  
Springfield, IL 62794-9276  
Ph: 217/524-9642  
Fx: 217/557-2125

epa8611@epa.state.il.us

### Waste Management Research Center

George VanderVelde  
One East Hazelwood Dr.  
Champaign, IL 61820  
Ph: 217/333-8569  
Fx: 217/333-8944  
gwelde@wmrc.uiuc.edu

### Indiana DEM

Marc Hancock  
150 W. Market St., Suite 703  
Indianapolis, IN 46204-2811  
Ph: 800/988-7901  
Fx: 317/233-5627  
mhancock@dem.state.in.us

### Clean Manufacturing Tech & Safe

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

### Michigan DEQ

Marcia Horan  
PO Box 30473  
Lansing, MI 48909  
Ph: 517/373-9122  
Fx: 517/373-3675  
horanm@state.mi.us

### Minnesota (MN TAP)

Cindy McComas  
200 Oak St, SE, Suite 350  
Minneapolis, MN 55455-2008  
Ph: 612/624-1330  
Fx: 612/624-3370  
mccom003@tc.umn.edu

### MN Pollution Control

Agency  
Cindy Hilmoie  
520 Lafayette Road North  
St. Paul, MN 55155  
Ph: 651/296-7783  
Fx: 651/297-8676  
cynthia.hilmoie@pca.state.mn.us

### MN Office of Environmental Assistance

David Cera  
520 Lafayette Road North  
St. Paul, MN 55155-4100  
Ph: 651/215-0240  
Fx: 651/297-8709  
david.cera@moea.state.mn.us

### Ohio EPA

Michael Kelley  
P.O. Box 1049  
Columbus, OH 43216-1049  
Ph: 614/644-3469  
Fx: 614/728-2807  
p2mail@epa.state.oh.us

### Center for Environment & Energy - CEE

Steve Brachman  
161 W. Wisc., Suite 6000 Milwaukee, WI 53203  
Ph: 414/227-3160  
Fx: 414/227-3165  
brachman@uwm.edu

### Wisconsin DNR

Lynn Persson  
PO Box 7921  
Madison, WI 53707  
Ph: 608/267-3763  
Fx: 608/267-0496  
perssi@dnr.state.wi.us

## Region 6

### US EPA Region 6

Joy Campbell (6ENXP)  
1455 Ross Ave Suite 1200  
Dallas, TX 75202  
Ph: 214/665-8036  
Fx: 214/665-7446  
campbell.joy@epa.gov

### Southwest P2 Information Center - P2Rx

Center  
Ed Gonzalez  
Univ of Texas - El Paso  
500 W. University  
El Paso, TX 79968

# State Pollution Prevention Technical Assistance Programs

Ph: 915/ 747-6273  
[raulg@utep.edu](mailto:raulg@utep.edu)  
**Arkansas IDC**  
James Gilson  
PO Box 8913  
Little Rock, AR 72219-0744  
Ph: 501/682-0923  
Fx: 501/682-0880  
[gilson@adeq.state.ar.us](mailto:gilson@adeq.state.ar.us)

**Louisiana DEQ**  
Gary Johnson  
PO Box 82263  
Baton Rouge, LA 70884  
Ph: 504/765-0229  
[gary\\_j@deq.state.la.us](mailto:gary_j@deq.state.la.us)

**New Mexico Environment Department**  
PO Box 26110  
St Francis Dr.  
Santa Fe, NM 87502  
Ph: 800/219-6157  
[green\\_zia@nmenv.state.nm.us](mailto:green_zia@nmenv.state.nm.us)

**Oklahoma DEQ**  
Dianne Wilkins  
707 N Robinson  
Oklahoma City, OK 73102  
Ph: 405/702-9128  
Fx: 405/702-9101  
[dianne.wilkins@deq.state.ok.us](mailto:dianne.wilkins@deq.state.ok.us)

**Texas NRCC**  
Ken Zarker  
PO Box 13087 - MC112  
Austin, TX 78711  
Ph: 512/239-3144  
Fx: 512/239-3165  
[kzarker@nrcc.state.tx.us](mailto:kzarker@nrcc.state.tx.us)

**Gulf Coast Hazardous Substance Research**  
Jack Hopper  
PO Box 10613  
Beaumont, TX 77710  
Ph: 409/880-8785  
Fx: 409/880-2397  
[hopperjr@hal.lamar.edu](mailto:hopperjr@hal.lamar.edu)

**Lower Colorado River Authority**  
Mark Johnson  
PO Box 220  
Austin, TX 78767-0220  
Ph: 512/473-3200  
Fx: 512/473-3579  
[mark.johnson@lcra.org](mailto:mark.johnson@lcra.org)

**Clean Texas**  
Rob Borowski  
PO Box 13087  
Austin, TX 78711  
Ph: 512/239-3187  
Fx: 512/239-3165  
[rob@cleantexas.org](mailto:rob@cleantexas.org)

**Region 7  
US EPA Region 7**  
Chet McLaughlin  
901 N. 5<sup>th</sup> St. (ARTD/TSPP)  
Kansas City, KS 66101  
Ph: 913/551-7666  
Fx: 913/551-7065  
[mclaughlin.chilton@epa.gov](mailto:mclaughlin.chilton@epa.gov)

**P2 Regional Information Center - P2Rx Center**  
Rick Yoder  
1133 Farnam St. Suite 230  
Omaha, NE 68508  
Ph: 402/595-2381  
Fx: 402/595-2385  
[contact@p2ric.org](mailto:contact@p2ric.org)

**Iowa DNR**  
Scott van der Hart  
502 E. 9th St  
Des Moines, IA 50319  
Ph: 515/281-4367  
Fx: 515/281-8895  
[scott.vanderhart@dnr.state.ia.us](mailto:scott.vanderhart@dnr.state.ia.us)

**A Waste Reduction Center**

John Konefas  
1005 Technology Parkway  
Cedar Fall, IA 50613  
Ph: 319/273-8905  
Fx: 319/268-3733  
[john.konefas@uni.edu](mailto:john.konefas@uni.edu)

**Iowa DED**  
Wendy Walker  
Ombudsman  
Ph: 515/242-4761  
Fx: 515-242-4776  
[wendy.walker@ided.state.ia.us](mailto:wendy.walker@ided.state.ia.us)

**Kansas DHE**  
Janet Neff  
Bldg. 283 , Forbes Field  
Topeka, KS 66620  
Ph: 785/296-0669  
Fx: 785/291-3266  
[jneff@kdhe.state.ks.us](mailto:jneff@kdhe.state.ks.us)

**KSU - P2 Institute**  
Ryan Green  
133 Ward Hall  
Manhattan, KS 66506  
Ph: 800/578-8898  
Fx: 785/532-6952  
[ppi@ksu.edu](mailto:ppi@ksu.edu)

**Missouri DEQ - TAP**  
David Goggins  
PO Box 176  
Jefferson City, MO 65102  
Ph: 573/526-6627  
Fx: 573/526-5808  
[nrgoggd@mail.state.mo.us](mailto:nrgoggd@mail.state.mo.us)

**Nebraska DEQ, P2 Office**  
Stephanie Vap-Morrow  
1200 N St. Suite 400  
Lincoln, NE 68509  
Ph: 402/471-7784  
Fx: 402/471-2909  
[stephanie.vap-morrow@ndeq.state.ne.us](mailto:stephanie.vap-morrow@ndeq.state.ne.us)

**Mid-America Manufacturing Technology Center (MEP)**  
Anne Brown  
801 Campus Dr  
Garden City, KS 67846  
Ph: 316/276-9505  
Fx: 316/276-9523  
[abrown@midusa.net](mailto:abrown@midusa.net)

**Region 8  
US EPA Region 8**  
Linda Walters  
999 18th St. Suite 300  
Denver, CO 80202  
Ph: 303/312-6385  
Fx: 303/312-6741  
[walters.linda@epa.gov](mailto:walters.linda@epa.gov)

**Peaks to Prairies P2 Info Center - P2Rx Center**  
Montana State University Extension Service  
PO Box 173580  
Bozeman, MT 59717-3580  
Ph: 406/994-3451  
Fx: 406/994-5417  
[information@peakstoprairies.org](mailto:information@peakstoprairies.org)

**Colorado DHE**  
Margo Griffin (OE-B2-PPU)  
4300 Cherry Creek Dr  
Denver, CO 80222  
Ph: 303/692-2979  
Fx: 303/782-4969  
[margo.griffin@state.co.us](mailto:margo.griffin@state.co.us)

**Montana P2 Program**  
Michael P. Vogel

109 Taylor Hall  
PO Box 173580  
Bozeman, MT 59717  
Ph: 406/994-3451  
Fx: 406/994-5417  
[mvogel@montana.edu](mailto:mvogel@montana.edu)

**North Dakota Dept of Health**  
Kent Bellard  
PO Box 5520  
Bismarck, ND 58506-5520  
Ph: 701/328-5166  
Fx: 701/328-5200  
[kbellard@state.nd.us](mailto:kbellard@state.nd.us)

**South Dakota DENR**  
Dennis Clarke  
523 E Capitol  
Pierre, SD 57501-3181  
Ph: 605/773-4254  
Fx: 605/773-4068  
[dennis.clarke@state.sd.us](mailto:dennis.clarke@state.sd.us)

**Utah DEQ**  
Sonja Wallace  
168 N 1950 West  
Salt Lake City, UT 84116  
Ph: 801/536-4477  
Fx: 801/536-0061  
[swallace@deq.state.ut.us](mailto:swallace@deq.state.ut.us)

**Wyoming DEQ**  
Stephen Roseberry  
122 West 25th  
Cheyenne, WY 82002  
Ph: 307/777-6105  
Fx: 307/777-3610  
[sroseb@state.wy.us](mailto:sroseb@state.wy.us)

**Region 9  
US EPA Region 9**  
Eileen Sheehan  
75 Hawthorn St (WST-1-1)  
San Francisco, CA 94105  
Ph: 415/972-3287  
Fx: 415/947-3530  
[sheehan.eileen@epa.gov](mailto:sheehan.eileen@epa.gov)

**Western Regional P2 Network - P2Rx Center**  
Ed Gonzalez  
6100 Neil Rd, Suite 400  
Reno, NV 89511  
Ph: 775/689-6675  
Fx: 775-689-6689  
[wrppn@wrppn.org](mailto:wrppn@wrppn.org)

**Arizona DEQ**  
Joseph Soesilo  
1110 N Washington St  
Phoenix, AZ 85007  
Ph: 602/771-4205  
Fx: 602/771-4138  
[js3@ev.state.az.us](mailto:js3@ev.state.az.us)

**CA Integrated Waste Management Board**  
8800 Cal Center Dr  
Sacramento, CA 95826  
Ph: 916/341-6620  
[bzassist@ciwmb.ca.gov](mailto:bzassist@ciwmb.ca.gov)

**CA Dept. of Toxic Substance Control**  
Kathy Barwick  
PO Box 806  
Sacramento, CA 95812  
Ph: 916/323-9560  
Fx: 916/327-4494  
[kbarwick@dtsc.ca.gov](mailto:kbarwick@dtsc.ca.gov)

**Hawaii Dept of Health**  
Marlyn Aguilar  
919 Ala Moana Blvd, Rm 212  
Honolulu, HI 96814  
Ph: 808/586-4226  
[maguilar@eha.health.state.hi.us](mailto:maguilar@eha.health.state.hi.us)

**Nevada Small Business Development**

**Center**  
Kevin Dick  
UNV, Reno  
Business Bldg, Rm 411  
Reno, NV 89557-0100  
Ph: 775/689-6677  
Fx: 775/689-6689  
[dick@unr.edu](mailto: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](mailto:gangmark.carolyn@epa.gov)

**Pacific NW P2 Resource Center - P2Rx Center**  
Crispin Stutzman  
513 1st Ave. W  
Seattle, WA 98119  
Ph: 206-352-2050  
Fx: 206-352-2049  
[cstutzman@pprc.org](mailto:cstutzman@pprc.org)

**Alaska DEC**  
Tom Turner  
555 Cordova St  
Anchorage, AK 99501  
Ph: 907/269-7586  
Fx: 907/269-7600  
[CompAsst@dec.state.ak.us](mailto:CompAsst@dec.state.ak.us)

**Idaho DEQ**  
Patti Best  
1410 N Hilton  
Boise, ID 83706  
Ph: 208/373-0502  
Fx: 208/373-0342  
[pbest@deq.state.id.us](mailto:pbest@deq.state.id.us)

**Oregon DEQ**  
811 SW Sixth St  
Portland, OR 97204  
Ph: 503/229-5696  
Fx: 503/229-5850

**Washington DEC**  
Lynn Helbrecht  
PO Box 47600  
Olympia, WA 98504-7600  
Ph: 360/407-6760  
Fx: 360/407-6715  
[lhel461@ecy.wa.gov](mailto:lhel461@ecy.wa.gov)

# EPA Regional Public Liaison for Superfund, RCRA, OSWER Issues

(formerly "Superfund Ombudsmen")

## HEADQUARTERS:

VICTORIA VAN RODEN (OECA)  
[vanroden.victoria@epa.gov](mailto:vanroden.victoria@epa.gov)  
1200 Pennsylvania Avenue, NW (2272A)  
Washington, DC 20460  
(202) 564-4268  
FAX (202) 501-0269

BRUCE ENGELBERT (OSWER)  
[Engelbert.bruce@epa.gov](mailto:Engelbert.bruce@epa.gov)  
1200 Pennsylvania Avenue, NW (5204 G)  
Washington, DC 20460  
(703) 603-8711  
FAX (703) 603-9102

## REGION I

JOHN SMALDONE  
[Smaldone.John@epa.gov](mailto:Smaldone.John@epa.gov)  
EPA Region I  
1 Congress Street  
Boston, MA 02114  
(617) 918-1207  
FAX: (617) 918-1291

## REGION VI

ARNOLD ONDARZA  
[ondarza.arnold@epa.gov](mailto:ondarza.arnold@epa.gov)  
EPA Region VI  
1445 Ross Avenue, 10<sup>th</sup> Floor  
Dallas, TX 75202-2733  
303-312-6777  
(800) 533-3508  
FAX: (303) 312-7025

## REGION II

GEORGE H. ZACHOS  
[zachos.george@epa.gov](mailto:zachos.george@epa.gov)  
EPA Region II  
2890 Woodbridge Ave  
Edison, NJ 08837  
(732) 321-6621  
(888) 283-7626  
FAX: (732) 906-6182

## REGION VII

CRAIG W. SMITH, PE  
[smith.craig@epa.gov](mailto:smith.craig@epa.gov)  
EPA Region VII  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7683  
(800) 223-0425  
FAX: (913) 551-7145

## REGION III

GREGG CRYSTALL  
[crystall.gregg@epa.gov](mailto:crystall.gregg@epa.gov)  
US EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-3207  
(800) 438-2474  
FAX (215) 814-3015  
<http://www.epa.gov/reg3hwmd/super/ombudsman.htm>

## REGION VIII

SONYA PENNOCK  
[pennock.sonya@epa.gov](mailto:pennock.sonya@epa.gov)  
999 18th St. Suite 300  
Denver, CO 80202-2466  
(303) 312-6600  
800-227-8917, ext. 6600  
FAX: (303) 312-6961  
<http://www.epa.gov/region8/superfund/ombudsman/>

## REGION IV

LLOYD MONTY BATES  
[bates.lloyd@epa.gov](mailto:bates.lloyd@epa.gov)  
EPA Region IV  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-3104  
(404) 562-8354  
FAX: (404) 562-9988

## REGION IX

JULIE ANDERSON  
[anderson.julie@epa.gov](mailto:anderson.julie@epa.gov)  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 947-4260  
FAX: (415) 947-3519

## REGION V

THOMAS MARKS  
[marks.thomas@epa.gov](mailto:marks.thomas@epa.gov)  
EPA Region V  
77 W. Jackson Boulevard  
Chicago, IL 60604-3507  
(312) 353-6591  
FAX: (312) 886-4071

## REGION X

MARK MASARIK  
[masarik.mark@epa.gov](mailto:masarik.mark@epa.gov)  
1435 N. Orchard Street  
Boise, ID 83706  
(208) 378-5761  
(800) 892-7609  
Fax: (208) 378-5744  
<http://yosemite.epa.gov/r10/cleanup.nsf/9f3c21896330b4898825687b007a0f33/2947a39e6016789088256a65006757cb?OpenDocument>

# EPA Regional Indian Coordinators

## REGION I

JIM SAPPPIER  
Sappier.James@epa.gov  
(617) 918-1672  
VALERIE BATAILLE  
bataille.valerie@epa.gov  
(617) 918-1674  
EPA Region I (CSP)  
1 Congress Street  
Boston, MA 02114  
FAX: (617) 918-1510  
Web Page: <http://www.epa.gov/region01/govt/tribes/index.html>

## REGION II

CHRISTINE YOST, Indian Coordinator  
Yost.Christine@epa.gov  
EPA Region II (2PM-E-1)  
290 Broadway  
New York, NY 10007-1866  
(212) 637-3564  
FAX: (212) 637-3772  
Web Page: <http://www.epa.gov/region02/nations/index.html>

## REGION IV

BILL PATTON, Tribal Government Program Manager  
patton.bill@epa.gov  
EPA Region IV (AMB)  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-3104  
(404) 562-8632  
FAX: (404) 562-9961  
Web Page: <http://www.epa.gov/region4/info/govtpartners.html>

## REGION V

WILLIAM DEW, Director, Indian Environmental Office  
Dew.William@epa.gov  
EPA Region V (R-21J)  
77 W. Jackson Boulevard  
Chicago, IL 60604-3507  
(312) 353-2087  
FAX: (312) 353-9533  
Web Page: <http://www.epa.gov/region5/tribes/>

## REGION VI

MAPLE BARNARD, Associate Director for Tribal Planning  
barnard.maple@epa.gov  
EPA Region VI (6-XA-R)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
(214) 665-2200  
FAX: (214) 665-7360  
Web Page: <http://www.epa.gov/earth1r6/6xa/tribal.htm>

## REGION VII

WOLFGANG BRANDNER, Indian Coordinator  
Brandner.Wolfgang@epa.gov  
EPA Region VII (PLMG/POIS)  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7381  
FAX: (913) 551-7267

## REGION VIII

CONNALLY MEARS, Director, Tribal Assistance Program  
mears.connally@epa.gov  
EPA Region 8 (8P-TA)  
999 18th St. Suite 500  
Denver, CO 80202-2405  
(303) 312-6343  
FAX: (303) 312-6116  
Web Page: <http://www.epa.gov/region8/tribes>

## REGION IX

CLANCY TENLEY, Director, Tribal Program Office  
Tenley.Clancy@epa.gov  
EPA Region IX (CMD-3)  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3785  
FAX: (415) 947-3562  
Web Page:  
[http://www.epa.gov/region09/cross\\_pr/indian/index.html](http://www.epa.gov/region09/cross_pr/indian/index.html)

## REGION X

SANDRA JOHNSON, Tribal Office Director  
johnson.sandrai@epa.gov  
EPA Region X (TO-149)  
1200 Sixth Ave.  
Seattle, WA 98101  
(206) 553-2887  
Fax: (206) 553-0151  
Web Page:  
<http://yosemite.epa.gov/r10/tribal.nsf/webpage/tribal+office+homepage?opendocument>

## REGION X

JEAN GAMACHE, Tribal Team Lead  
Gamache.Jean@epa.gov  
Alaska Operations Office  
EPA Region X  
222 West 7th Avenue, #19  
Anchorage, Alaska 99513  
(907) 271-6558  
FAX (907) 271-3424

# 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 goals for:

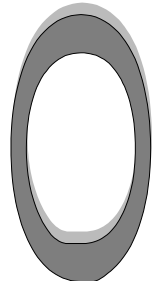
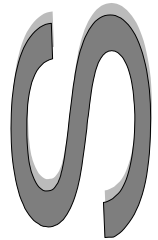
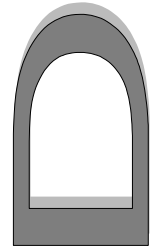
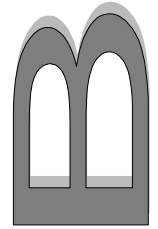
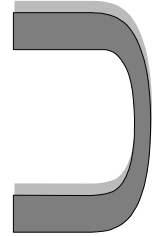
#### Direct Procurement

- ☞ Small Business
- ☞ 8(a) Business
- ☞ Small Disadvantaged Business
- ☞ Women-Owned Small Business
- ☞ HUBZone Business
- ☞ Service Disabled Veterans

#### Subcontracting

- ☞ Small Business
- ☞ Small Disadvantaged Business
- ☞ Women-Owned Small Business
- ☞ HBCUs
- ☞ HUBZone Business
- ☞ Veteran-Owned Small Business
- ☞ Service Disabled Veterans

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



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

**DESCRIPTION**

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

**ACTIVITIES**

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

**MBE/WBE COORDINATORS**

<u>REGION</u>	<u>COORDINATOR</u>	<u>STATES</u>	<u>TELEPHONE</u>
I	Sharon Molden	CT, ME, RI, MA, NH, VT	(617) 918-1062
II	Otto Salamon	NJ, NY, PR, VI	(212) 637-3417
III	Romona McQueen	DE, DC, MD, PA, VA, WV	(215) 814-5155
IV	Rafael Santamaria Matt Robbins	AL, FL, GA, KY, MS, NC, SC, TN	(404) 562-8110 (404) 562-8371
V	Sharon Green	IL, IN, MI, MN, OH, WI	(312) 353-5661
VI	Debora Bradford	AR, LA, NM, OK, TX	(214) 665-7406
VII	Cecil Bailey	IA, KS, MO, NE	(913) 551-7462
VIII	Maurice Velasquez	CO, MT, ND, SD, UT, WY	(303) 312-6862
IX	Kathy Meltzer	AZ, CA, HI, NV, AS, GU	(415) 972-3714
X	D. Lovelady	AK, ID, OR, WA	(206) 553-1770
Cincinnati	Norman White		(513) 487-2024
RTP	Jerry Dodson		(919) 541-2249
Headquarters	Lupe Saldana		(202) 564-5353

**OSDBU STAFF**

Jeanette Brown	Director	(202) 564-4100
David Sutton	Deputy Director	(202) 564-4100
Kimberly Patrick	Attorney Advisor	(202) 564-5386
Patricia Durrant	Soc. Bus. Prog. Ofr.	(202) 564-4738
Denean Jones	Info. Mgmt. Specialist	(202) 564-4142
Tammy Thomas	Program Specialist	(202) 564-4298
Natalie Twyman	Secretary	(202) 564-2314
Elnora Thompson	Clerk-Typist	(202) 564-4139
Thelma Harvey	SEE Employee	(202) 564-4138
Darius White	Interin	(202) 564-4237

The Office of Small and Disadvantaged Business Utilization (OSDBU) has a **OUTREACH CENTER** for small, minority and women-owned firms in concert with Howard University's Small Business Development Center. The services of the Outreach Center are designed to enable developing, emerging and startup firms to strengthen their competitive position in the EPA marketplace. A few other services are available: (NO FEE is required except for special sessions when neither a celebrity consult is engaged or a site cost is encumbered. Hours of operations are 9:00 am until 4:00 pm, you can call for an appointment at (202) 564-4584.

# REQUEST FOR PUBLICATIONS

Small Business Division (SBD)

JANUARY 2004

**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 Attorney Engineer	Laboratory Educational Environmental	State Govt. County Govt. City Govt.	Association Individual EPA Hq.: _____	EPA Region: _____ Congressional Other Fed.: _____
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**PUBLICATIONS REQUESTED (Circle the Corresponding Alpha-Numeric Codes below):**

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

A- 1	B- 6	C-11	C-44	C-81	D- 3	E-13	E-49	F-7	H- 1	I- 3	I-32	J-12	K- 28 K-52	
A- 2	B- 7	C-12	C-45	C-82	D- 5	E-14	E-50	F-9	H- 2	I- 4	I-35	J-13	K-29K-53	
A- 3	B- 8	C-13	C-47	C-83	D- 6	E-15	E-51	F-10	H- 3	I- 5	I-36	J-14	K-30K-54	
A- 4	B- 9	C-14	C-50		D- 7	E-19	E-52	F-11	H- 4	I- 6	I-37	J-15	K- 31 K-55	
A- 5	B-10	C-15	C-51	C-85	D- 8	E-20	E-53	F-12	H- 5	I- 7	I-38	J-16	K-32K-56	
A- 6	B-11	C-16	C-52	C-87	D- 9	E-21	E-54	F-13	H- 6	I- 8	I-40		K- 33 K-57	
A- 7	B-12	C-17	C-53	C-88	D-12	E-22	E-55	F-14	H- 7	I- 9	I-41	K- 1	K-34K-58	
A- 8	B-13	C-18	C-54	C-89	D-13	E-23	E-56	F-15	H- 8	I-10	I-42	K- 2	K-59	
A- 9	B-14	C-19	C-56	C-90	D-14	E-24	E-57	F-16	H- 9	I-11	I-43	K- 3	K-36K-60	
A-10	B-15	C-20	C-57	C-91	D-15	E-25	E-58	F-17	H-10	I-12	I-44	K- 4	K-37 K-61	
A-11	B-16	C-21	C-58	C-92	D-16	E-26	E-59	F-18	H-11	I-13	I-45	K- 5	K-38 K-62	
A-12	B-17	C-22	C-59	C-93	D-17	E-27	E-60	G-1	H-12	I-14	I-46	K- 6	K-39 K-63	
A-13	B-18	C-23	C-60	C-94	D-18	E-28	E-61	G- 2	H-13	I-15	I-47	K- 8	K-40 K-64	
A-15	B-19	C-24	C-62	C-95	D-19	E-29	E-62	G- 3	H-14	I-16	I-48	K- 9	K- 41 K-65	
A-16	B-20	C-25	C-63	C-96	D-20	E-30	E-63	G- 4	H-15	I-17		K-10	K-42 K-66	
A-17	B-21	C-26	C-64	C-97		E-31	E-65	G- 5	H-16	I-18	J- 1	K-11	K-43 K-67	
A-18	B-22	C-27	C-65	C-98	E-1	E-32	E-66	G- 6	H-17	I-19	J- 2	K-13	K-44 K-68	
A-20	B-23	C-28	C-66	C-99	E- 2	E-33	E-67	G- 7	H-18	I-20	J- 3	K-14	K-45 K-69	
A-21	B-24	C-30	C-67	C-100	E- 3	E-34	E-68	G- 8	H-19	I-21	J- 4	K-15	K-46 K-70	
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A-23	B-26	C-35	C-69	C-102	E- 5	E-40	E-70	G-10	H-21	I-23	J- 6	K-19	K-48	
A-24	B-31	C-36	C-70	C-103	E- 6	E-41	E-71	G-11	H-22	I-24	J- 7	K-20	K-49	
A-25	C- 1	C-37	C-71	C-104	E- 7	E-42	E-72	G-12	H-23	I-25	J- 8	K-21		
	C- 2	C-38	C-73	C-105	E- 8	E-43		G-13	H-24	I-26	J- 9	K-22	K-51	
B- 1		C- 3	C-39	C-75		E- 9	E-44	F- 12	G-14	H-25		I-27		J- 10 K-23
B- 2		C- 7	C-40		C-76		E-10	E-45	F- 2	G-15	H-26	I-28	J-11	
B- 3		C- 8	C-41	C-77	D- 1	E-11	E-46	F- 3	G-16	H-30				
B- 4	C- 9	C-42	C-80	D- 2	E-12	E-47	F- 5	G-17	I- 1	I-29				
B- 5		C-10	C-43				E-48	F- 6		I- 2	I-31			

**Mail to:**

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

**Or Telephone:**

Toll Free Hotline: (800) 368-5888  
In the D.C. area, (202) 566-2855/Telefax (202) 566-2848  
[Asbestos.ombudsman@epa.gov](mailto:Asbestos.ombudsman@epa.gov)  
[Smallbiz.ombudsman@epa.gov](mailto:Smallbiz.ombudsman@epa.gov)  
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Other Materials

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