



# Small Business Ombudsman UPDATE



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### Small Business Advocate and Gateway to EPA

Since my appointment as the Agency's Small Business Ombudsman in 1985, I have continually dedicated my resources to serve as the advocate for small businesses and as their gateway to EPA. In that role, I was pleased to host the EPA Small Business Forum in October 2004 with over 70 participants, including EPA, states, trade associations, small businesses, and other interested stakeholders. The objective was to validate EPA's *Small Business Strategy* and Implementation Plan, address key small business issues, and serve as a segue to the 2005 National Summit on Small Business and the Environment.

On the day following the Forum, I hosted a meeting with many of the same stakeholders to address early involvement of small businesses in the development of area source standards required by the Urban Air Toxic provisions of the Clean Air Act, and we are working together to minimize potential adverse impacts on small businesses.

During 2004, I was especially pleased that we completed the Implementation Plan that supports the *Small Business Strategy*, which was signed in 2003. The goal of the Plan is to bring unity and improved effectiveness to Agency-wide efforts to assist small businesses.

I encourage you to read through this issue of the *Update* to learn more about what we are doing to keep the needs of small businesses highly visible throughout the agency.

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
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Bridgette Dent	Program Assistant	202-566-2819
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Catherine Tunis	Regulatory Impact Analyst	202-566-2830

**Senior Environmental Employees (SEEs):**

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 Asbestos	202-566-2826
Joseph Albright	Biologist, Asbestos, Radon, and Lead	202-566-2817

**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 2004***

***As we begin a new year, the EPA Small Business Division would like to thank all of our customers*** for helping us in our quest to help small businesses and the environment. We accomplished a lot in 2004 and would like to share a few of those major accomplishments.

- ◆ ***Small Business Strategy Implementation Plan*** - Lead an Agency workgroup to implement the Small Business Strategy. The Workgroup worked hard for the last year to complete the Implementation Plan which has gone forward to be endorsed by the Deputy Administrator.
- ◆ ***EPA Small Business Forum*** - Hosted on October 6, 2004, with over 70 attendees, including EPA, states, trade associations, small businesses, and other interested stakeholders. Deputy Administrator Steve Johnson gave the opening remarks and other agency senior management participated. The event served as a segue to the 2005 National Summit.
- ◆ ***EPA Deputy Administrator Meetings*** - Facilitated March 30 meeting between the EPA Deputy Administrator, senior management, and industry to give EPA an opportunity to hear first hand about the concerns of small businesses, and work with program offices to follow-up on issues raised.
- ◆ ***SBO/SBAP National Conference*** - This year's conference was hosted by Sacramento County's Business Environmental Resource Center, in Sacramento, California, on June 2-5, and was a huge success. The Conference provided participants a forum for sharing and learning ways to assist small businesses with their environmental responsibilities.
- ◆ ***Report to Congress on the Status of the State 507 Programs*** - Published the *Periodic Report on the Status of the State 507 Programs* and distributed it to over 5,000 small business constituents. We have also completed renewal of the Information Collection Request (ICR) for this activity which was approved by OMB in November.
- ◆ ***Small Business Paperwork Relief Act*** - Continued to serve as the Agency Point of Contact for the Small Business Paperwork Relief Act, which requires agencies to "make efforts to further reduce information collection burden for small business concerns with fewer than 25 employees," among other requirements. Convened an agency-wide workgroup to identify and develop the best approaches to further reduce the paperwork burden for small businesses with fewer than 25 employees.
- ◆ ***Best Management Practices (BMPs)*** – Developed BMPs to help small businesses find information on practices that are good for their businesses and for the environment. Designed BMPs for the Dry Cleaners, Printers, Marinas, Furniture Refinishing, Retail, Service Stations, Machine Shops, Health Care, Hotels, and Bakery industry sectors, which are available on the "smallbiz" website.
- ◆ ***Benchmarking Environmental Performance*** - Supported benchmarking environmental performance through a grant with the National Center for Manufacturing Sciences (NCMS). The benchmarking team is working with several trade associations to develop tools that apply to the environmental performance of a variety of small business industry sectors: printed wiring boards, metal casting, and foundries.
- ◆ ***Small Business Ombudsman Toll-Free Hotline*** - Popular hotline, manned by Senior Environmental Engineers, continues to respond to over 1000 calls each month providing high-quality, current information and assistance.
- ◆ ***Small Business Environmental Homepage*** ([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)) – Continued to support the Home Page, which provides state small business assistance programs and others in the small business community with access to environmental compliance and pollution prevention information.

Small Business Division  
Small Business Ombudsman

## IMPLEMENTATION PLAN IS FINAL!



On October 12, 2004 EPA finalized its Small Business Strategy Implementation Plan. The Plan supports EPA's *Small Business Strategy* which was signed in final form by EPA Administrator Christine Todd Whitman on June 27, 2003.

The *Small Business Strategy* reflects the changes in EPA's approach to achieving its mission of protecting human health and the environment. Over the years, EPA's focus has transitioned from strict command and control regulations, to employing voluntary policies and innovative regulatory approaches. The Agency has also made great strides in acknowledging the relevancy of the small business community to its mission, as well as to the U.S. economy. The *Strategy* recommended a wide variety of traditional and innovative approaches for addressing small businesses needs and concerns.

The overall goal of the Implementation Plan is to bring unity and improved effectiveness to Agency-wide efforts to assist small businesses in improving their environmental performance, and it establishes a general framework outlining how EPA's Program and Regional Offices will coordinate, collaborate, and unify environmental and regulatory compliance assistance to small businesses. It does not apply to federal assistance for contracting, grants, or cooperative agreements.

A cross-Agency workgroup comprised of 52 EPA staff representing eleven Program Offices and six Regional Offices were directly involved, over a period of two years, in developing both the *Strategy* and the Implementation Plan. That workgroup recommended activities to implement the *Small Business Strategy* and prioritized them based on expected outcome, feasibility, and resource requirements. Most of the activities addressed already exist and are, to some degree, operational within the Agency. The Implementation Plan is expected to build on those activities, as well as on other work underway in partner agencies at the federal, state, and local levels. The Plan does not include specific operational details such as lead personnel, schedules, and milestones. It is not a workplan, but rather a general plan of action that focuses on broad actions and commitments.

As an internal *Strategy* and Plan, external Stakeholder involvement was not required; however, to ensure all issues and needs were considered, EPA's Small Business Division conducted intensive external and internal outreach starting in May, 2000. This outreach included interviews with many external small business stakeholders, with representatives of over twenty EPA offices and Regions, as well as numerous internal meetings through Summer, 2004.

With the Implementation Plan completed, the Small Business Division is moving forward. The first priorities addressed include identifying opportunities to involve small businesses early in the rulemaking process; considering small business needs and limitations in the E-Government initiative; and establishing a full-time "point-of-contact" at each EPA Region. These topics were discussed during a recent "Small Business Forum" where EPA Deputy Administrator Steve Johnson challenged small business stakeholders to test the *Small Business Strategy* for what does and does not work. They will serve as the platform for the *National Summit on Small Business and the Environment* planned for Spring 2005.

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)

For Further Information Contact: **Elsa Bishop**, 202/566-2814

11/17/04

# Small Business Paperwork Relief Act of 2002

## Fact Sheet and Implementation Status

January 2005, Update

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 (U.S.C. 44, Chap. 35) to impose five very different requirements on Federal agencies. Below is a summary of each requirement, and the status of how the U.S. Environmental Protection Agency (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 (SBA) 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)) EPA's 2004 annual list was prepared by EPA's Small Business Division with help from the Office of Enforcement and Compliance Assurance (OECA) and sent to SBA on April 22, 2004. OMB published this information in the *Federal Register* on June 28, 2004, pp. 36107-36138. EPA's information can be found on pages 36127-8. OMB has requested another update of this list by January 10, 2005.

Requirement 2: *Establish an agency point of contact as liaison for small business concerns.* In June 2003, EPA Administrator Governor Christine Todd Whitman designated **Karen V. Brown**, current EPA Small Business Ombudsman and Director, Small Business Division, as the Agency's Point of Contact with respect to SBPRA. This appointment was published in the *Federal Register* on June 27, 2003, pp. 38525-38556 and on June 28, 2004, pp. 36107-36138. OMB has requested another update of this information by January 10, 2005.

Requirement 3: *"Make efforts to further reduce information collection burden for small business concerns with fewer than 25 employees."* EPA's Small Business Division has convened an Agency-wide workgroup to review the context of this section and to identify and develop the best approaches for EPA to take across the Agency to make efforts to further reduce the paperwork burden.

Requirement 4: *Interagency Task Force to study the 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, and has already met and completed 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 for public comment. The final report on the first three tasks was published June 28, 2003 at <http://www.whitehouse.gov/omb/inforeg/sbpr2003.pdf>. The Task Force was then 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 Innovation (OEI), Jay Benforado, Director of the National Center for Environmental Innovation (NCEI), Jim Edward, Director of the Compliance Assistance and Sector Programs Division in the Office of Enforcement and Compliance Assurance (OECA), and Karen V. Brown, EPA Small Business Ombudsman/Director, Small Business Division. The Task Force, led by SBA's Office of Advocacy, held a public outreach meeting on February 9, 2004 to receive feedback on what types of information and formats of receiving information are most valuable. This feedback and the interagency work now underway for the Business Gateway and E-forms initiative informed the work of the Task Force on these final tasks. The Draft Report of the Task Force was published in the *Federal Register* on May 5, 2004, pp. 25147-25157, for public comment. The Task Force final report was published on June 28, 2004 at <http://www.whitehouse.gov/omb/inforeg/sbpr2004.pdf>.

**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.* OECA led an EPA workgroup that 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. OECA is leading a similar effort to prepare the FY 2004 report. OMB has requested notification that this report has been sent on schedule by January 10, 2005.

In addition to the requirements stated in the Act, OMB has asked Federal agencies to submit an SBPRA Plan, due January 10, 2005, with three components: 1) description of agency efforts to enhance or expand compliance assistance resources for small businesses; 2) description of ongoing or planned outreach efforts to the small business community with respect to paperwork burden issues; and 3) description of ongoing or planned actions that will reduce the paperwork burden on small businesses. This request was sent to Kim Nelson, EPA Chief Information Officer, who is the Assistant Administrator for the Office of Environmental Information (OEI). OEI has requested the Small Business Division's assistance to prepare this report.

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.



## The Pesticide Registration Improvement Act: Small Business Implications

On January 23, 2004, President Bush signed the Consolidated Appropriations Act of 2004. This Act established a new registration service fee system for applications for pesticide registration and amended registration. Under this system, fees are now charged for covered applications received by the Agency. EPA is required to make a determination on the application within specified decision time review periods. The goal of the statute, called the Pesticide Registration Improvement Act (PRIA), is to create a more predictable evaluation process for affected pesticide decisions and to couple the collection of individual fees with specific decision review periods. The statute also promotes shorter decision review periods for applications that qualify for reduced-risk status. The fee system is authorized until September 30, 2010, although the decision times under the system do not apply to applications received after September 30, 2008. The statute also extends the Agency's authority to collect pesticide registration maintenance fees for another five years. PRIA became effective on March 23, 2004.

A critical component of PRIA is a change in the small business definition under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). With this amendment, a company can qualify as a small business if it employs 500 or fewer employees, and the company, as well as its affiliates, has global gross revenues from pesticides that do not exceed \$60 million. Companies that meet the new small business definition are eligible for a 50 percent waiver of the applicable registration service fee. If a company meets the small business definition and their annual gross global revenues from pesticides are less than \$10 million, the Agency will waive the full registration service fee. Under the statute, the fee waiver provisions do not apply to the annual maintenance fee payments.

For an application to be deemed complete and subject to the decision review periods, a registrant is required to pay the applicable fee or receive a waiver from the fees. For most applications, the decision review period starts 21 days after submission of the application – provided it includes the applicable fee and all the necessary forms, labeling and documents certifying payment of the fee. If the registrant requests a waiver or reduction of the fee, the Agency has 60 days to review the request. If the Agency grants a full fee waiver, the decision time review period begins on the date the full fee waiver is granted. If the Agency grants a partial waiver, the decision time review period begins when the correct payment amount is received or when the waiver is granted, whichever is later. If a waiver or fee reduction request is denied, the decision time review period begins when the full payment is received.

The Agency has created a Web site dedicated to implementation of PRIA: <http://www.epa.gov/pesticides/fees>. Questions regarding the statute can be submitted via e-mail to [service.fees@epa.gov](mailto:service.fees@epa.gov). A workgroup comprising representatives of registrant companies and trade associations designed a form for assisting registrants when they submit small business waiver requests under PRIA. Use of the form is voluntary. This form can be accessed at: <http://www.epa.gov/pesticides/fees/questions/waivers.htm>.

Contact: **Karen Brown** at (202) 566-2816 or via email at [brown.karen@epa.gov](mailto:brown.karen@epa.gov)

## Benchmarking Environmental Performance

The National Center for Manufacturing Sciences (NCMS) project on Benchmarking Environmental Performance was launched in 2004. The goal of the project is to create environmental benchmarking resources for selected small business sectors.

### *Why Benchmark*

- To provide companies with a user-friendly tool to compare their performance with their peers
- To show the potential company savings associated with improving performance levels

### *Benchmarking Hurdles*

- **Metrics:** identifying variables that affect environmental performance, selecting metrics that are commonly available, and finding broadly applicable and meaningful factors that account for differences in production volume
- **Confidentiality:** assurances, difficulties with anonymous results (e.g., no opportunity for follow-up)
- **Participation:** getting sufficient number of companies involved, finding incentives

### *Project Status*

NCMS is currently working with the printed wiring board and foundry sectors on survey development.

- Working with IPC-Association Connecting Electronics Industry, NCMS has extensively reviewed data collected in previous surveys of printed wiring board manufacturing facilities, and has undertaken a series of in-depth interviews to gain additional insight into the significance of the data, and to apply the enhanced understanding to future surveys. In addition, NCMS is developing a new survey form for electronics manufacturing services (EMS) facilities.
- Working with the American Foundry Society (AFS), NCMS has developed a new survey form to gauge the extent of foundry sand recycling, and to help understand the economic and logistic considerations involved.

These new forms will be used shortly for the first round of data gathering in these two sectors.

Another component of the program deals with a sector, metal finishing, which has already participated in an extensive benchmarking development process. The Strategic Goals Program, which ran from 1998 through 2003, gathered a large body of environmental performance information from hundreds of metal finishers, and created an advanced benchmarking tool. The current NCMS Benchmarking project is building on these results to take benchmarking one step further. Now that we have a picture of what the sector is doing, what can we say about what it can do and should do, based on the data we have in hand? The “Future of Finishing” component will attempt to answer that question by combining input from industry leaders and their representatives, from technical experts, and from regulators to develop alternative scenarios for different assumptions about economic and regulatory conditions. The results are intended to help metal finishers, regulatory agencies, and the general public see how various choices can be expected to affect the future environmental impact of metal finishing operations.

Contact: **Angela Suber**, Small Business Division, 202/566-2827, [suber.angela@epa.gov](mailto:suber.angela@epa.gov)



## NATIONAL COMPLIANCE ADVISORY PANEL RECENT ACTIVITIES



The National Compliance Advisory Panel (NCAP) is committed to supporting the state SBAPs and CAPs, and develops and implements strategies and activities structured to achieve that goal, in coordination with the SBO/SBAP National Steering Committee.

**NCAP Statement on Multi-Media Services** – As small business owners/representatives, the NCAP strongly supports the concept of “one-stop-shopping” for small businesses, appreciates and recognizes those programs that have expanded their scope, and encourages the conversion of other state SBAPs to multi-media services. This White Paper, which has just been finalized, is intended to express the NCAP’s support for conversion to multi-media services. The NCAP intends to use this document in its outreach efforts on behalf of the state programs, and hopes that states will use it as a tool to try to convince state environmental managers and legislators in their pursuit of providing multi-media services.

**NCAP Guidelines** – The NCAP was established in 2001. Its original guidelines were fashioned after the guidelines of the SBO/SBAP National Steering Committee. Through the past three years, various situations have arisen which indicated that the guidelines did not adequately address the needs of the NCAP. Thus, revised guidelines were developed and thoroughly reviewed by all members. Final revised NCAP Guidelines were approved during the NCAP meeting held in conjunction with the National Conference in Sacramento. Although final, the SBO/SBAP National Steering Committee opted to provide comments to the NCAP. Those comments are presently under consideration by a NCAP committee.

**Congressional Outreach** - On February 26-27, 2003, NCAP members met with high-ranking members of Congress or their staffs in Washington, DC. to increase their awareness of the SBO/SBAP Program. Members felt that this Congressional Outreach effort was extremely successful and that it significantly raised awareness, as well as provided the vehicle for establishing a direct line of communication. The NCAP has outlined a potential outreach initiative which would involve state CAPs and the NCAP to garner support for conversion to multi-media services and to seek additional funding, beyond emission fees, for the state SBAPs. Any efforts in this regard will be fully coordinated with the SBO/SBAP National Steering Committee.

**2004 Annual CAP Training** - The NCAP was very involved in developing and presenting the 2004 Annual CAP Training session held on Saturday, June 5 in Sacramento, California, again in conjunction with the Annual SBO/SBAP National Conference. 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** – The last issue of the “NCAP News” was issued in November 2004. Based on discussions among the members and with the SBO/SBAP National Steering Committee, the NCAP regional representatives sent the newsletter to all – state CAP members, SBOs and SBAPs – in their respective regions. The “NCAP News” highlights activities undertaken by state CAPs. State CAPs are requested to provide input for future issues of the newsletter.

**Regional Call Participation** – During the 2003 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. The poll indicated that, while not all regions have regular conference calls, those that do would welcome participation by NCAP members. Please invite your NCAP regional representative to participate. This is another effort by the NCAP to establish more direct communication with state CAPs and SBAPs in their regions.

**SBO/SBAP National Steering Committee Subcommittees** – The National Steering Committee has expressed an interest in having the NCAP represented in its various subcommittees to directly provide the small business perspective. NCAP members are willing to participate. To date, Reimar von Kalben, Region 8 representative, serves on the Awards Subcommittee and Gary Dawson, Region 4 representative, serves on the Promotional Subcommittee. NCAP Vice Chair Frances Hartwell also serves on the 2005 National Conference Planning Committee.

**Special Events and Activities** – NCAP Chair Ken Legler and Vice Chair Frances Hartwell were featured speakers during the “Small Business Forum” held in Washington, DC on October 6, 2004, to provide the small business perspective on current key EPA initiatives. Gary Dawson, Region 4 representative, also participated in the Forum. All three participated in a meeting of stakeholders on October 7, 2004 to discuss the proposed Area Source Rules, and NCAP Chair Ken Legler participated in a meeting with top EPA management to discuss potential conversion of state SBAPs to provide multi-media services, also held on October 7, 2004.



**MEMORANDUM OF UNDERSTANDING**  
BETWEEN THE  
**NATIONAL PARK SERVICE**  
**CONCESSION ENVIRONMENTAL MANAGEMENT PROGRAM**  
AND THE  
**ENVIRONMENTAL PROTECTION AGENCY**  
**NATIONAL CENTER FOR ENVIRONMENTAL INNOVATION**



## UPDATE

On March 13, 2003, the National Park Service (NPS) and the United States Environmental Protection Agency (EPA) signed a Memorandum of Understanding (MOU) that established a partnership to share resources – including sharing resources for promoting environmental management system approaches that are good for both the environment and business. The MOU promotes the implementation of cost-effective environmental management practices for businesses in the tourism industry, including the approximately 600 NPS concessioners that provide various visitor services in more than 130 national parks.

EPA and NPS have participated in several meetings to discuss ideas for promoting environmental innovation and improvement for tourism industry businesses. One project, which educates businesses on cost-effective environmental Best Management Practices (BMPs), can assist businesses in the tourism industry in developing environmental management systems. NPS concessioners implementing these BMPs demonstrates that environmental management can help protect and preserve America's natural treasures.

The Small Business Environmental Home Page has posted BMPs on-line for *Bakery, Food Service, Furniture Finishing, Health Care, Hotel, Landscaping, Machine Shop, Marina, Retail Store, and Service Station* sectors at <http://www.smallbiz-enviroweb.org>. These BMPs are living documents and will be modified as new information is made available.

In addition to promoting environmental BMPs for the tourism industry business, the NPS and EPA are also working on:

- Providing EMS implementation assistance and training to the tourism industry business;
- Promoting environmentally preferable purchasing; and
- Providing resources and training to increase environmental awareness amongst the tourism industry business.

If you would like additional information regarding the MOU, please contact **Daniel Eddinger** at 202-566-2820 or [edding.daniel@epa.gov](mailto:edding.daniel@epa.gov).



## Best Management Practices Fact Sheet

New environmental Best Management Practices (BMP) fact sheets are available on the Small Business Environmental Website at: <http://www.smallbiz-enviroweb.org/pollution/BMPs.html>. An environmental BMP is an action or combination of actions implemented to reduce or mitigate the environmental impacts created during business operations. Ten fact sheets are currently available and focus on *Bakery, Food Service, Furniture Finishing, Health Care, Hotel, Landscaping, Machine Shop, Marina, Retail Store, and Service Station* business sectors. Information included in these sheets come from a wide range of existing sources such as federal agencies, state agencies, and trade associations.

The fact sheets introduce general BMPs for each sector and are designed to work in conjunction with the Environmental Protection Agency's *Practical Guide to Environmental Management for Small Businesses* and its companion book, *Documenting Your Environmental Management Plan*. Utilizing these documents and the BMP fact sheets can assist small businesses in developing an effective Environmental Management Plan.

In the future, additional sector BMPs will be created and users will be able to submit feedback on existing BMPs. The fact sheets are considered living documents and will be updated to reflect new technologies and processes as they become available. These BMPs are intended as a starting point for a business' Environmental Management Plan and are not all-inclusive. It is recommended readers investigate additional information sources, listed at the end of each sector fact sheet, for other environmental BMP suggestions and practices.

If you would like additional information regarding the BMPs please contact **Daniel Eddinger** at 202/566-2820 or [edding.daniel@epa.gov](mailto:edding.daniel@epa.gov).

### Each sector-specific BMP fact sheet is divided into five sections:

- 1) **Sector Introduction:** Provides basic background information on environmental impacts associated with the sector.
- 2) **Best Management Practices:** Consists of subsections describing a particular environmental impact, followed by a list of BMPs which address the problem.
- 3) **Investments in Technology:** Supplies additional information on technologies mentioned in the BMPs or provides information on new technologies to consider when making your choice of BMPs.
- 4) **Case Study:** Demonstrates the effectiveness of a BMP used in a business.
- 5) **Other Sources:** Provides links to BMP information listed in the fact sheet. Also provides additional resources available to small businesses.

# 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

## National Steering Committee SBO/SBAP

Ron Dyer, Chairman



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Contact: Rose Marie Wilmoth  
Awards Subcommittee Chair  
(502) 564-2150

### **NATIONAL COMMITTEE SEEKS NOMINATIONS FOR SMALL BUSINESS ENVIRONMENTAL STEWARDSHIP AWARDS**

January, 2005 - The National Steering Committee for the Small Business Ombudsman and Small Business Assistance Programs (SBO/SBAP) is seeking nominations for the 2nd 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 National Steering Committee represents state 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 2005 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 during the National SBO/SBAP Conference at the Beau Rivage Hotel, Biloxi, Mississippi on June 13, 2005.

Individuals, businesses and organizations may nominate themselves or others for the award by completing the nomination form online or by requesting a form from the contact person listed above. Anyone submitting a nomination is encouraged to apply electronically. Additional information about the award and the nomination form are available at:

[http://www.smallbiz-enviroweb.org/sba/awards\\_smallbusiness\\_2005.html](http://www.smallbiz-enviroweb.org/sba/awards_smallbusiness_2005.html)

The application period is now through March 31, 2005. Nomination forms must be submitted by March 31, 2005. To be eligible for this award, a description of how the nominee has worked with the state Small Business Ombudsman or Small Business Assistance Program must be part of the nomination.

Nominations will be evaluated by a committee of SBO/SBAP representatives, National Compliance Advisory Panel members who are small business owners, and the EPA Small Business Ombudsman Office. Award Committee members will not participate in evaluating nominations from their state of residence.

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 Ombudsman Office.



# News

## National Steering Committee

### SBO/SBAP

Ron Dyer, Chairman



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Contact: Rose Marie Wilmoth  
Awards Subcommittee Chair  
(502) 564-2150

### **NATIONAL COMMITTEE SEEKS NOMINATIONS FOR SMALL BUSINESS ASSISTANCE PROGRAM RECOGNITION AWARD**

January, 2005 - The National Steering Committee for the Small Business Ombudsman/Small Business Assistance Programs (SBO/SBAP) is seeking nominations for the 2nd annual Small Business Assistance Program Recognition Award. The award recognizes state Small Business Assistance 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 National Steering Committee represents state 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 2005 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 during the National SBO/SBAP Conference at the Beau Rivage Hotel, Biloxi, Mississippi on June 13, 2005.

Individuals, businesses and state small business assistance programs may submit nominations for the award by completing the nomination form online or requesting a form from the contact person listed above. Anyone submitting a nomination is encouraged to apply electronically. Additional information about the award and the nomination form are available at:  
[http://www.smallbizenviroweb.org/sba/awards\\_smallbusiness\\_2005.html](http://www.smallbizenviroweb.org/sba/awards_smallbusiness_2005.html)

The application period is now through March 31, 2005. Nomination forms must be submitted by March 31, 2005. Nominations will be evaluated by a committee of SBO/SBAP representatives, National Compliance Advisory Panel members who are small business owners, and the EPA Small Business Ombudsman Office. Award Committee members will not participate in evaluating nominations from their state of residence.

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 Ombudsman Office.



# UPCOMING EVENTS

(Save these dates and mark your calendar)

## January 29, 2005 - February 1, 2005

*National Automobile Dealers Association 88th Annual Convention and Exposition, New Orleans, LA*

Contact: National Automobile Dealers Association at (703) 821-7188.

Website: [www.nada.org/Content/NavigationMenu/MemberServices/Convention/NADA\\_Convention.htm](http://www.nada.org/Content/NavigationMenu/MemberServices/Convention/NADA_Convention.htm)

Email: [conven@nada.org](mailto:conven@nada.org)

## February 8-10, 2005

*TRI 2005 National Conference, Washington, DC*

Contact: Margaret Sealey at (202) 624-3662

Venue Website: <http://www.HamiltonCrownePlazaWashingtonDC.com>

Email: [msealey@sso.org](mailto:msealey@sso.org)

## February 24-25, 2005

*Region IV SBO/SBAP Annual Conference, Destin, FL*

Website: <http://www.sandestinbeachhilton.com/>

## March 2, 2005

*Louisiana DEQ's Annual Environmental Conference, LA*

Contact: Leslie Garcia at (225) 219-3272

Website: [www.deq.state.la.us/](http://www.deq.state.la.us/)

Email: [leslie.garcia@la.gov](mailto:leslie.garcia@la.gov)

## March 7-10, 2005

*EnviroTech Expo and Conference, Chicago, IL*

Contact: Mike Critser at (203) 840-5597

Website: [www.nmwreg.com/conference/cfp.asp](http://www.nmwreg.com/conference/cfp.asp)

Email: [mcritser@reedexpo.com](mailto:mcritser@reedexpo.com)

## March 29 - April 1, 2005

*Air Toxics Workshop 2005, Research Triangle Park, NC*

Contact: Lalit Banker at (919) 541-5420

Email: [banker.lalit@epa.gov](mailto:banker.lalit@epa.gov)

## April 11-14, 2005

*2005 National Environmental Partnership Summit, Chicago, IL*

Contact: (215) 428-9655

Website: [www.EnvironmentalSummit.org](http://www.EnvironmentalSummit.org)

## June 12-15, 2005

*2005 SBO/SBAP National Conference, Biloxi, MS*

Contact: (601) 961-5166

Email: [jesse\\_thompson@deg.state.ms.us](mailto:jesse_thompson@deg.state.ms.us)

## November 2-4, 2005

*Brownfields 2005, Denver, CO*

Website: [www.brownfields2005.org](http://www.brownfields2005.org)

Check for other small business events at: <http://www.smallbiz-enviro.web/news/events/default.asp>

# Environmental Assistance



## Cures the Regulatory Blues

**2005 SBO/SBAP National Conference**

**June 12-16, 2005**

**Biloxi, Mississippi**



*Beau Rivage*



### **HOLD THESE DATES! MARK YOUR CALENDARS!**

The 2005 SBO/SBAP National Conference will be held June 12-16, 2005, at the Beau Rivage Resort Hotel, 875 Beach Boulevard, Biloxi, Mississippi. The phone number for the Beau Rivage is 1-888-383-7037. In order to receive the group rate, callers must identify their affiliation with the 2005 SBO/SBAP National Conference. You can reach the conference website at: <http://www.smallbiz-enviroweb.org>.

Conference activities will begin on Sunday, June 12 with the Compliance Advisory Panel (CAP) Training. Also, on Sunday, there will be Newcomers Orientation. This session will tie in both CAP Training and Newcomer Orientation groups, and provide a holistic approach of interaction between program areas.

The conference opens on Monday, June 13 with an opening plenary session with speakers from the Mississippi legislature, Department of Environmental Quality, and the EPA. On Monday evening, participants can enjoy a welcoming reception on the hotel terrace overlooking the Gulf of Mexico. The conference will end with a field trip to the Stennis Space Center where the closing sessions and plenary will take place.

**For more information about the conference contact Jesse Thompson, Mississippi Department of Environmental Quality, Environmental Resource Center, at (601) 961-5167 or via e-mail at [Jesse.Thompson@deq.state.ms.us](mailto:Jesse.Thompson@deq.state.ms.us).**

So make your plans to attend today!

## EPA REGULATORY AGENDA – December 13, 2004

### Potential Impacts on Small Businesses

Twice each year, EPA publishes the Semi-Annual Regulatory Agenda to update the public about:

- Regulations and major policies currently under development
- Reviews of existing regulations and major policies
- Regulations and major policies completed or canceled since the previous Agenda

Under the Regulatory Flexibility Act (RFA)/Small Business Regulatory Enforcement Fairness Act (SBREFA), EPA must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel on proposed rules, and prepare a Small Entity Compliance Guide on final rules, unless the Agency certifies that a rule will not have a significant economic impact on a substantial number of small entities (SISNOSE). The Semi-Annual Regulatory Agenda lists all rules which will have a SISNOSE and trigger the SBREFA process. It also lists those rules that may affect small entities, but which are not expected to have a SISNOSE and thus do not trigger the SBREFA process.

The December, 2004 Agenda lists the following **eight EPA rules** as triggering the SBREFA process:

- Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel
- Phase I (FIP) to Reduce the Regional Transport of Ozone in the Eastern United States
- Lead-based Paint Activities; Voluntary Program for Renovation and Remodeling
- Lead-based Pain Activities; Abatement Amendments for Renovation and Remodeling
- Effluent Guidelines and Standards for the Construction and Development Industry
- National Primary Drinking Water Regulations: Groundwater Rule
- National Primary Drinking Water Regulations: Radon
- National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements

The December Agenda also lists **114 EPA rules** that will **not** trigger the SBREFA process, but which may affect small entities, including 32 NESHAPs. Due to the large number, all are not listed here. **The Small Business Division is currently tracking 78 rules that could impact small businesses.** Below are some of the major rules that we are currently tracking.

- CAA – Area Source Rules (50); NESHAPs: 1) Portland cement; 2) Residual Risk; 3) Dry cleaning; 4) Chromium electroplating National Emission Standards; Clean Air Mercury Rules
- CWA – Definition of Waters of the US; NPDES Streamlining Rule; SPCC Rule; National Primary Drinking Water Regulations
- EPCRA – Amendments to EPCRA (Sara Title III); TRI: 1) Chemical Expansion; 2) Mandatory P2 Reporting; 3) Chemical List Review
- FIFRA - Pesticides: 1) Management & Disposal; 2) Tolerance & Processing Fees; 3) Data Requirements (several); 4) Registration Review; 5) Registration Requirements
- RCRA – Revision to Definition of Solid Waste; Burden Reduction; Solvent-contaminated Industrial Wipes
- TSCA – Chemical Right-to-Know; Testing Agreements (5)

In addition to the above-listed actions, the Agenda includes a list of **eight rules** for which the Agency is conducting a review as required by the Regulatory Flexibility Act (RFA). **Section 610 of the RFA** requires that the Agency review, after ten years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small businesses. These reviews will be used to decide whether a rule should be continued unchanged, amended, or withdrawn. The nine rules listed for 610 review are:

- Fuels and Fuel Additives Registration Regulations
- Emission Standards for New Nonroad Spark-Ignition Engines at or below 19 Kilowatts
- NESHAP: Secondary Lead Smelting
- NESHAP: Petroleum Refineries
- WPS: Pesticide Worker Protection Standard (WPS) Rule
- Lead: Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities
- Land Disposal Restrictions Phase III: Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners
- Land Disposal Restrictions Phase II: Universal Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes

Contact: **Elsa Bishop**, 202/566-2814, [bishop.elsa@epa.gov](mailto:bishop.elsa@epa.gov)

Helping small businesses access environmental compliance and pollution prevention information

# Small Business Environmental Home Page

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

May 2004



## Small Business Assistance...

Overview of the state small business assistance programs (SBAPs)—web sites—list of small business assistance providers—small business initiatives/policies/laws—small business ombudsman (SBO)/SBAP National Steering Committee information—SBAP national logo—State Small Business Stationary Source Technical and Environmental Assistance Program (SBTCP) Reports to Congress—ten state demonstration projects—SBO/SBAP conference presentations and photographs—other helpful small business web sites and documents—SBAP/Multimedia Survey and Guidelines Survey results in searchable databases—national and state Compliance Advisory Panel (CAP) information—performance measurement tools and success stories database (includes downloadable tools and case studies).

## Funding Help...

Definition of 'small business'—state financial assistance program links—federal and nonprofit financial assistance program web sites.



## Pollution Prevention...

Pollution prevention links—ISO 14000 web sites—recycling waste exchange web sites.

## Mid-Atlantic Region Small Business Assistance...

Resources for small businesses and assistance providers in DE, DC, MD, PA, VA, WV—technical assistance, cost reduction & energy conservation, environmental technology development, and funding web site links and descriptions—funded by EPA Region III.



## Contacts...

EPA SBO—EPA regions—EPA small business leads—OSHA regional/area offices—state SBAPs—SBAP/SBO national steering committee members—national/state CAP members—trade association representatives—small business community key members.



## SBO-SBAP Listserve...

Forum for the small business community—exchange ideas and share information—open to SBOs, SBAPs, small businesses, trade associations, technical assistance programs, educators, researchers—over 145 subscribers.

## News and Events...

Upcoming events database—news to share—state newsletters—Small Business Quarterly News Alerts—EPA SBO Update Newsletters.



## Industry Sectors...

Industry sector links—Compliance Assistance Centers—trade association web sites—other helpful links.

## Environmental Compliance...



Regulatory updates database—brief summaries of major federal environmental laws and applicable EPA web sites—calendar for reporting deadlines and summaries of environmental reporting requirements—checklist for reporting and recordkeeping requirements—state environmental agency and SBAP web sites—expert systems for Class V motor vehicle wells and auto dismantlers/recyclers—helpful regulatory search/ compliance web sites and guidance documents.

## National Small Business Financial Assistance Work Group...

"Cafeteria plan" of financial assistance—how to start a program—success stories—activities—contacts—Financial Assistance Program Survey results in searchable database.

## Publications, Fact Sheets, Videos...

Publications database (over 7,200 publication descriptions and links)—EPA SBO list of publications—key small business publications—videos database.

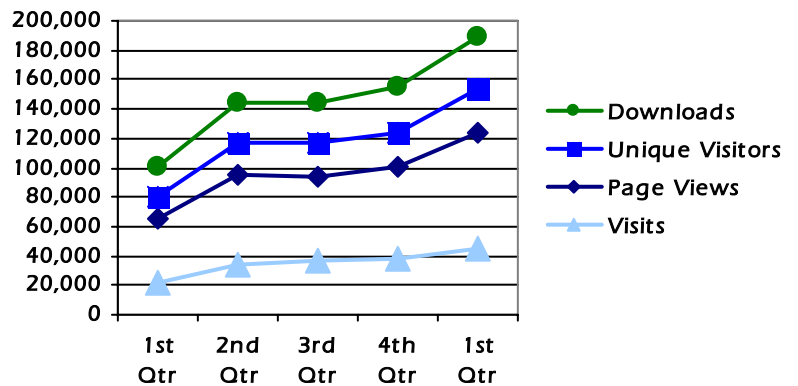
Supported by funding from the U.S. EPA Small Business Division / Small Business Ombudsman

# Small Business Environmental Home Page User Statistics

## How Much is the Home Page Used? (1st Quarter 2004)

- ◆ 296,018 successful hits
- ◆ 3,252 average hits per day
- ◆ 78,725 page views
- ◆ 865 average page views per day
- ◆ 45,137 visits
- ◆ 496 average visits per day
- ◆ 30,161 unique visitors
- ◆ 35,088 downloads (does not include documents that are linked externally)

## 2003-04 User Statistics Trends



## Top 10 Pages Visited (1st Quarter 2004)

1—Top Page	7,099
2—Links to State Environmental Agencies/SBAPs	1,957
3—State Financial Assistance Programs	1,764
4—Trade Associations	1,230
5—SBAP List of Contacts	1,200
6—Small Business Assistance Home	1,085
7—All Publications	1,038
8—Links by Industry Sector	998
9—Upcoming Events	973

84% of visits are from North America; 81% from the U.S.

95% of visits are from the U.S. and the following countries: Canada, United Kingdom, Australia, Japan, India, China, Germany, Netherlands, Taiwan, Nigeria, Philippines, Sweden, Korea, France, Israel, Singapore, Hong Kong, Malaysia, and Czech Republic.

## Top 10 Downloads (1st Quarter 2004)

1—Practical Guide to Environmental Management for Small Business	2,404
2—Documenting Your EMP, A Workbook for Small Business	2,256
3—A Resource Directory of Small Business Environmental Assistance Providers	1,031
4—Household Hazardous Waste Management, A Manual for One-Day Community Collection Programs	999
5—Decision-Makers' Guide to Solid Waste Management, Volume II	837
6—Flexible Air Operating Permits for Printers—A Review	576
7—Managing Asbestos in Place-A Bldg. Owner's Guide to Operations & Maintenance. Programs for ACMs	571
8—Unifying EPA's Small Business Activities: A Strategy to Meet the Needs of Small Businesses	559
9—Asbestos Analysts Registry (AAR) Approved Organizations	525
10—How To Setup A Local Program To Recycle Used Oil	488

## Glossary

**Hit** = Each file requested by a visitor. There can be several hits on each page.

**Page View** = Hit to any file classified as a page.

**Visit** = Series of actions that begin when a visitor views their first page from the server, and ends when the visitor leaves the site or remains idle beyond the idle-time limit of 30 minutes.

**Unique Visitor** = Individual who visited the site during the report period. If someone visits more than once, they are counted only the first time they visit.





# Small Business Environmental Home Page

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

The Small Business Environmental Home Page (Home Page) is maintained by *Concurrent Technologies Corporation (CTC)* under funding provided by U.S. EPA Small Business Division/Small Business Ombudsman. The Home Page provides efficient access to EPA, state, and other environmental and pollution prevention information focused on small business. See the Home Page for ongoing updates. The most recent updates include the following:

- **Environmental Best Management Practices (BMPs) for Small Businesses** have been posted at: [www.smallbiz-enviroweb.org/pollution/BMPs.html](http://www.smallbiz-enviroweb.org/pollution/BMPs.html) for bakery, food service, furniture finishing, health care, hotel, landscaping, machine shop, marina, retail store, and service station industry sectors.
- The **Promotional Subcommittee web page** has been launched. The Technology Subcommittee web page is coming soon. To find all subcommittee pages (Awards, Guidelines, Multimedia, Technical), go to: [www.smallbiz-enviroweb.org/sba/steering\\_subcommittees.html](http://www.smallbiz-enviroweb.org/sba/steering_subcommittees.html).
- Presentations, photographs, conference agenda, and attendance list from the **2004 SBO/SBAP National Conference** have been posted: [www.smallbiz-enviroweb.org/sba/conferences.html](http://www.smallbiz-enviroweb.org/sba/conferences.html). More presentations will be added as we get them!
- Now posted is **Performance Measurement: A Working Session** (results from the 2004 SBO/SBAP National Conference): [www.smallbiz-enviroweb.org/perfmeas/perfworkshop060404.html](http://www.smallbiz-enviroweb.org/perfmeas/perfworkshop060404.html). Please send your *Performance Measurement Tools and Success Stories* (in word or word perfect) so that we can continue to populate the database: [www.smallbiz-enviroweb.org/perfmeas/perfmeas.html](http://www.smallbiz-enviroweb.org/perfmeas/perfmeas.html).
- Information about the **Small Business Assistance 507 Program Recognition Award** and **Small Business Environmental Stewardship Award** presented at the 2004 SBO/SBAP National Conference has been posted: [www.smallbiz-enviroweb.org/sba/awards\\_smallbusiness\\_2004.html](http://www.smallbiz-enviroweb.org/sba/awards_smallbusiness_2004.html).
- **2004 Map of Active State CAPs** and **1995-2004 Graph of State CAP Trends** have been added. Go to: [www.smallbiz-enviroweb.org/cap/CAP\\_State\\_home.html](http://www.smallbiz-enviroweb.org/cap/CAP_State_home.html).
- An **Air Compliance Links** web page has been added and linked from the Environmental Compliance web page at: [www.smallbiz-enviroweb.org/compliance/airlinks.html](http://www.smallbiz-enviroweb.org/compliance/airlinks.html).
- There are now over 9,000 state, federal, trade association, and other publications and factsheets in the online **Publications Database**: [www.smallbiz-enviroweb.org/pub\\_video/publications.asp](http://www.smallbiz-enviroweb.org/pub_video/publications.asp). Over 2,300 have been added in the last 6 months!
- Information about how to access 198 videos (now 650!) has been added to the **Videos Database** at: [www.smallbiz-enviroweb.org/pub\\_video/videos.asp](http://www.smallbiz-enviroweb.org/pub_video/videos.asp).
- The **National Small Business Financial Assistance Work Group (NSBFAWG)** still needs your help! Will someone step forward to lead this effort to help 507 programs develop strategies on providing financial assistance to small businesses? For more information about the Work Group, go to [www.smallbiz-enviroweb.org/NSBFAWG/NSBFAWG.html](http://www.smallbiz-enviroweb.org/NSBFAWG/NSBFAWG.html) and email Audrey Zelanko!
- Results have been posted from the **Online User Survey** conducted January-March 2004. Go to: [www.smallbiz-enviroweb.org/sba/surveyresults2004.html](http://www.smallbiz-enviroweb.org/sba/surveyresults2004.html) to find the survey form, results, response summaries and actions, and a results flyer.

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



## An eRulemaking Initiative Update

The eRulemaking Initiative, authorized by Section 206 of the E-Government Act of 2002, is one of the 25 current federal E-Government initiatives. Through this Initiative, citizens can easily access and participate in a high quality, efficient, and open rulemaking process. The eRulemaking Initiative is a collaborative cross-agency initiative involving more than 150 federal rulemaking agencies and governed by an executive committee of 19 partner departments and agencies.

*Regulations.gov*, the first milestone of the eRulemaking Initiative, is a groundbreaking achievement that puts the federal government's rulemaking process at the American public's fingertips. It is the first one-stop, Internet site for the public to search and comment on all federal rulemakings. It is also the first time virtually all federal agencies can accept electronic or web-form comments. Since its launch two years ago in January 2003, the Web site has received nearly six million hits, with 650,000 unique visitors downloading over 300,000 files. For additional information, see <http://www.regulations.gov>

The next phase of the eRulemaking initiative will build upon *Regulations.gov* to establish a full-featured federal docket management system. In August 2004, stakeholders interested in electronic rulemaking participated in the eRulemaking Initiative's "Forum on Public Access to Federal Rulemaking Through the Internet," a series of public meetings held in San Francisco, Boston, and Washington DC. The purpose of the meetings was to give citizens and organizations, interested in regulatory affairs, an opportunity to learn about the eRulemaking Initiative and provide input on the features and functionality of the new federal-wide docket management system. Comments from meeting participants and other interested persons are available on EPA's EDOCKET at [www.epa.gov/edocket](http://www.epa.gov/edocket) (Docket number is OEI-2004-0002).

The eRulemaking partner agencies finalized Version 1.0 of the Federal Docket Management System (FDMS) in October 2004. The eRulemaking team has begun the initial implementation process; partner agencies will be BETA-testing the system January 2005, and public usability testing will start in February. The FDMS will be incorporated into the existing *Regulations.gov* Web site and the new enhanced site will be publicly released in mid-2005.

Harvard University, in partnership with the eRulemaking Initiative, is hosting an online forum to continue dialogue with stakeholders. The eRulemaking Initiative invites the public to take a look and provide feedback as well as enter discussion with other interested parties at <http://icommons.harvard.edu/~hu-erulemaking>.

For Further Information Contact: **Kristin Tensuan** at: (202) 632-0338 or [tensuan.kristin@epa.gov](mailto:tensuan.kristin@epa.gov)

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

EPA released the draft Report on the Environment (RoE) and accompanying Technical Document in June 2003. During November 2003 through February 2004, EPA held stakeholder dialog meetings in Chicago, Atlanta, San Francisco, Seattle, Dallas and Philadelphia. The purpose of the sessions was to solicit feedback from a wide range of stakeholders on their reactions and thoughts on the draft reports. Stakeholder feedback in these sessions proved very helpful in planning the future for reporting on the environment and using environmental indicators in planning and management. The summary document for the feedback received during these sessions is available at [www.epa.gov/indicators](http://www.epa.gov/indicators).

The dialog continued in a live web cast hosted by EPA's Office of Environmental Information on June 24, 2004. During the web cast senior managers from OEI, ORD, OW, OAR, EPA Region 5 and ECOS, discussed what was learned during the dialogue sessions and what steps are planned for the next RoE. All stakeholders who were originally invited to one of the six sessions were invited to view the webcast and pose questions to one of the panelists. The webcast can be viewed at <http://www.atlanticvideo.com/clients/epa/>. For Further Information Contact **Brendan Doyle** at 202-564-6935

### **Reporting Year (RY) 2003 Toxics Release Inventory (TRI) Data Released on November 23, 2004**

The Toxics Release Inventory (TRI) data submitted to the Environmental Protection Agency (EPA) for reporting year 2003 (RY2003) was posted on the internet on November 23, 2004. This posting of the TRI data on the internet is call the Electronic Facility Data Release (e-FDR) and is the first phase of a two-phased approach for making RY2003 TRI data available to the public. The second phase will take place in early spring 2005, as part of the annual "Public Data Release" (PDR), and will include releasing TRI data through TRI Explorer and other supporting materials.

Until the PDR is issued, TRI data made publicly available on the internet through the e-FDR is accessible in limited format, through the EPA Envirofacts database. The internet site to view the data is <http://www.epa.gov/tri-efdr/>. The public may view Form R and Form A Certification Statement information on a form-by-form, facility-by-facility basis. Some, but not all, data checks have been completed for the forms released and the query tool does not support aggregation of the data or national analysis. The spring, 2005 Public Data Release will include national analysis and trends as well as tools to support independent analysis.

For further information contact: **Judith Kendall** at: (202)566-0750.



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

The Environmental Protection Agency (EPA) is one of 12 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 15 months. EPA also offers up to \$100,000 and 1 additional year as Phase II Options for firms with third party financing for accelerating commercialization or for technologies accepted into the EPA Environmental Technology Verification (ETV) Program.

**EPA's next Phase I Solicitation will open on March 24, 2005 and close on May 25, 2005.** 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**



# What's New in Chemical Accident Prevention

## EPA's Office of Emergency Management (OEM)

### Regulatory Developments

#### Factsheets Available

*Changes to the Chemical Accident Prevention Rule (Risk Management Program) in 2004* provides additional information about the reporting deadlines and the recent changes to the RMP reporting requirements. This factsheet is available on the EPA website at: [http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/RMP2004\\_factsheet.pdf/\\$File/RMP2004\\_factsheet.pdf](http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/RMP2004_factsheet.pdf/$File/RMP2004_factsheet.pdf)

*Checklist for Resubmitting your Risk Management Plan (RMP) for Chemical Accident Prevention* provides information about updating and re-submitting your RMP. RMPs must be updated at least once every five years. Owners and operators responsible for RMP implementation should review the factsheet which includes a checklist to consider in updating and resubmitting RMPs. This factsheet is available on the EPA website at: [http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/RMP2004-chklist.pdf/\\$file/RMP2004-chklist.pdf](http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/RMP2004-chklist.pdf/$file/RMP2004-chklist.pdf)

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

- 1) Send an e-mail to: [listserv@unixmail.rtpnc.epa.gov](mailto:listserv@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 OEM 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: **Breeda Reilly** at (202) 564-7983 or [reilly.breeda@epa.gov](mailto:reilly.breeda@epa.gov)

# List of Air Toxics Implementation Tools

EPA Air Toxics Implementation Assistance Tools

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

Sorted by Title

Updated 11/04

## General Interest

Date	Implementation Assistant Tool/Document Title	EPA #
9/00	Air Pollution Control Technology Training Modules – Overview of Carbon Adsorption, Wet Scrubbers, ESP etc. (CD, VHS available) <a href="http://www.epa.gov/ttn/atw/utrain.html">http://www.epa.gov/ttn/atw/utrain.html</a>	
8/04	Auto and Light Duty Truck – Brochure and Timeline <a href="http://www.epa.gov/ttn/atw/auto/autopg.html">http://www.epa.gov/ttn/atw/auto/autopg.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
10/98	Potential to Emit - A Guide for Small Businesses <a href="http://www.epa.gov/ttn/atw/1998sbapptebroc.pdf">http://www.epa.gov/ttn/atw/1998sbapptebroc.pdf</a>	
9/00	Taking Toxics Out of the Air Document – Summary of Toxics program <a href="http://www.epa.gov/oar/oagps/takingtoxics/">http://www.epa.gov/oar/oagps/takingtoxics/</a>	EPA-452/K-00-002
8/04	Implementation Information for the Surface Coating MACTs - Common Files that may be useful across surface coating categories <a href="http://www.epa.gov/ttn/atw/coat/common/coatings.html">http://www.epa.gov/ttn/atw/coat/common/coatings.html</a>	

## MACT Implementation Tools Completed

Date	Implementation Assistant Tool/Document Title	EPA #
12/98 (Revised 2004)	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
10/01	Boat Manufacturing - Brochure, map of sources, slides from presentation, sample initial notification letter, checklists etc. <a href="http://www.epa.gov/ttn/atw/boat/boatpg.html">http://www.epa.gov/ttn/atw/boat/boatpg.html</a>	
4/95	Chromium Electroplating and Anodizing NESHAP - A guidebook on how to comply <a href="http://www.epa.gov/ttn/atw/chrome/chromepg.html">http://www.epa.gov/ttn/atw/chrome/chromepg.html</a>	(EPA-453/B-95-001)
9/97 (Revised 2004)	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 <a href="http://www.epa.gov/ttn/atw/fabric/fabricpg.html">http://www.epa.gov/ttn/atw/fabric/fabricpg.html</a>	
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
9/02	General Provisions - Various tools (e.g., example forms) <a href="http://www.epa.gov/ttn/atw/gp/gppg.html">http://www.epa.gov/ttn/atw/gp/gppg.html</a>	

<b>Date</b>	<b>Implementation Assistant Tool/Document Title</b>	<b>EPA #</b>
9/97 (Revised 2004)	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
5/95 (Revised 2004)	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
8/04	Industrial/Commercial/Institutional Boilers and Process Heaters - Brochure, Compliance timelines, Applicability flow charts, Sample initial notification form, Applicability flowchart : <a href="http://www.epa.gov/ttn/atw/boiler/boilerpg.html">http://www.epa.gov/ttn/atw/boiler/boilerpg.html</a>	
12/03	Integrated Iron and Steel - Inspection checklists, applicability flowcharts, compliance timeline <a href="http://www.epa.gov/ttn/atw/iisteel/iisteelpg.html">http://www.epa.gov/ttn/atw/iisteel/iisteelpg.html</a>	
8/02	Large Appliances (Surface Coating) - Overview Brochure and Timeline <a href="http://www.epa.gov/ttn/atw/lapp/lapplpg.html">http://www.epa.gov/ttn/atw/lapp/lapplpg.html</a>	
8/03	Metal Can (Surface Coating) - Overview Brochure and Timeline <a href="http://www.epa.gov/ttn/atw/mcan/mcanpg.html">http://www.epa.gov/ttn/atw/mcan/mcanpg.html</a>	
8/02	Metal Coil (Surface Coating) - Overview Brochure and Timeline <a href="http://www.epa.gov/ttn/atw/mcoil/mcoilpg.html">http://www.epa.gov/ttn/atw/mcoil/mcoilpg.html</a>	
8/03	Metal Furniture (surface coating)- Overview Brochure and Timeline. Emission Standards Division (ESD) planning additional tools. <a href="http://www.epa.gov/ttn/atw/mfurn/mfurnpg.html">http://www.epa.gov/ttn/atw/mfurn/mfurnpg.html</a>	
8/04	Miscellaneous Metal Parts – Brochure and Timeline <a href="http://www.epa.gov/ttn/atw/misc/miscpg.html">http://www.epa.gov/ttn/atw/misc/miscpg.html</a>	
12/03	Municipal Solid Waste Landfill MACT - Guidance on SSM plan <a href="http://www.epa.gov/ttn/atw/landfill/landfillpg.html">http://www.epa.gov/ttn/atw/landfill/landfillpg.html</a>	EPA-456/R-03-006
12/03	Municipal Solid Waste Landfill MACT - Example Moisture Mass Balance Calculations for Bioreactor Landfills <a href="http://www.epa.gov/ttn/atw/landfill/landfillpg.html">http://www.epa.gov/ttn/atw/landfill/landfillpg.html</a>	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
5/00	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>	
8/04	Paper and Other Web Surface Coating – variety of tools : <a href="http://www.epa.gov/ttn/atw/powc/powcpg.html">www.epa.gov/ttn/atw/powc/powcpg.html</a>	
9/00	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



<b>Date</b>	<b>Implementation Assistant Tool/Document Title</b>	<b>EPA #</b>
11/00 (Revised 2004)	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 2004)	Pharmaceutical MACT Rule (Expert system on applicability ) <a href="http://www.epa.gov/ttn/atw/pharma/pharmpg.html">http://www.epa.gov/ttn/atw/pharma/pharmpg.html</a>	
9/01	Pharmaceutical MACT Inspection checklist <a href="http://www.epa.gov/ttn/atw/pharma/pharmpg.html">http://www.epa.gov/ttn/atw/pharma/pharmpg.html</a>	
8/04	Plywood and Composite Board – Various tools : <a href="http://www.epa.gov/ttn/atw/plypart/plypart.html">http://www.epa.gov/ttn/atw/plypart/plypart.html</a>	
9/00	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	Primary Aluminum - Plain Language Guide to the NESHAP-40 CFR 63, Subpart LL: Summary of Requirements <a href="http://www.epa.gov/ttn/atw/alum/alumpg.html">http://www.epa.gov/ttn/atw/alum/alumpg.html</a>	EPA-453/R-99-011
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
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>	
8/04	Reciprocating Internal Combustion Engines – various tools : <a href="http://www.epa.gov/ttn/atw/rice/ricepg.html#IMP">http://www.epa.gov/ttn/atw/rice/ricepg.html#IMP</a>	
12/03	Refractory Products Manufacture - brochure, overview of testing requirements, example calculations, and overview of control options <a href="http://www.epa.gov/ttn/atw/refrac/refracpg.html">http://www.epa.gov/ttn/atw/refrac/refracpg.html</a>	
8/04	Reinforced Plastics - Applicability flowchart and sample notification form : <a href="http://www.epa.gov/ttn/atw/rpc/rpcpg.html">http://www.epa.gov/ttn/atw/rpc/rpcpg.html</a>	
11/00 (Revised 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 <a href="http://www.epa.gov/ttn/atw/shipb/shipbpg.html#IMP">http://www.epa.gov/ttn/atw/shipb/shipbpg.html#IMP</a>	
12/03	Wool Fiberglass - Inspection checklists, applicability flowcharts <a href="http://www.epa.gov/ttnatw01/woolfib/woolfipg.html">http://www.epa.gov/ttnatw01/woolfib/woolfipg.html</a>	
9/97 (Revised 2004)	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

## NSPS Implementation Tools Completed

Date	Implementation Assistant Tool/Document Title	EPA #
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">www.epa.gov/ttn/atw/landfill/landflpg.html</a>	EPA-453/96-004

## 111(d)/129 Implementation Tools Completed

Date	Implementation Assistant Tool/Document Title	EPA #
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
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/rimwc.html">http://www.epa.gov/ttn/atw/129/mwc/rimwc.html</a>	EPA-456/R-96-003
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

## 183(e) Implementation Tools Completed

Date	Implementation Assistant Tool/Document Title	EPA #
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

## Implementation Tools Planned FY05

Air Toxics Implementation Tool Project Title	EPA Contact*
Miscellaneous Coatings Manufacturing – Surface coatings sources –tools posted as drafts soon <a href="http://www.epa.gov/ttn/atw/mcm/mcmpg.html">http://www.epa.gov/ttn/atw/mcm/mcmpg.html</a>	Gary Blais 919-541-3223
Miscellaneous Organic NESHAP – 3 trainings planned in 2004 <a href="http://www.epa.gov/ttn/atw/mon/monpg.html">http://www.epa.gov/ttn/atw/mon/monpg.html</a>	Marcia Mia 202-564-7042
Plastic Parts and Products – Brochure and Timeline pending (prior to Dec 04) <a href="http://www.epa.gov/ttn/atw/plastic/plasticpg.html">http://www.epa.gov/ttn/atw/plastic/plasticpg.html</a>	Ingrid Ward 919-541-0300
SOCMI Waste Water NSPS - Inspection checklist, applicability flow charts, compliance timeline, Q & As, Relationship to other rules table <a href="http://www.epa.gov/ttn/atw/nsps/socww/socwwpg.html">http://www.epa.gov/ttn/atw/nsps/socww/socwwpg.html</a>	Tom Link 919-541-5456
Wood Building Products – Several types of tools being finalized soon (prior to Dec 04). <a href="http://www.epa.gov/ttn/atw/wbldg/wbldgpg.html">http://www.epa.gov/ttn/atw/wbldg/wbldgpg.html</a>	Gary Blais 919-541-3223
<p><i>*To contact one of these persons you can e-mail them by typing: <a href="mailto:last.name.first.name@epa.gov">last name.first name@epa.gov</a>. For example, Ingrid Ward's email address is: <a href="mailto:ward.ingrid@epa.gov">ward.ingrid@epa.gov</a></i></p>	

# 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 ?? 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 MACT area source categories currently deferred from TV permitting are drycleaners, EO sterilizers, chrome electroplaters, secondary lead smelters, and secondary aluminum production. EPA has been researching how we can exempt these categories from TV permitting on a permanent basis, and we hope to announce a decision soon. To exempt them we must do a notice and comment rulemaking to explain how we have applied the Act's exemption test for each MACT category. The Act's exemption test is whether it would be "impractical, infeasible or unnecessarily burdensome" on the sources to be permitted. EPA hopes to issue its final rule prior to the TV permit application deadline for these area sources, which in most places, will be 1 year after the deferral ends, or Dec 05. For further information contact **Jeff Herring** at: 919-541-3195.

#### 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. One of these actions is to promote local decision making on reducing toxics in a community environment. As a result, EPA is working with over 30 communities to help assess and address their air toxics problems. 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/urbanapg.html](http://www.epa.gov/ttn/atw/urban/urbanapg.html).

**Contact: Laura McKelvey, 919-541-5497.**

#### 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 businesses 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 has agreed to promulgation dates for five of the remaining 55 source categories and is currently in negotiations with a litigant to develop schedules for the remaining 50 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 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 projects under way. We are focusing our resources on the 8 projects where we have missed our statutory deadline and Earth Justice has filed suit and we are under schedule negotiations. The first proposal is for coke ovens and should be out-by July 2004. For more information on the program, source categories, and project contacts, visit the web at

<http://www.epa.gov/ttn/atw/trrisk/residriskpg.html>

**Contacts: Standards Development - Bob Lucas at 919 541-0884 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 promulgated a final NESHAP, were required to submit a Part 1 title V permit application to their permitting authority by May 15, 2002 to develop case-by-case maximum achievable control technology (MACT) **to incorporate into their title V permit.** 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. 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. Sources in only 2 NESHAP are potentially subject to 112(j): Industrial, institutional, and commercial boilers, and process heaters that burn hazardous waste; and hydrochloric acid production furnaces that burn hazardous waste. Part 2 applications are due for these sources by 8/13/05, unless the final rules are signed by that date.

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)**

### **National Wide Bacteria Standards to Protect Swimmers at Beaches**

On November 8, 2004, EPA established more protective health-based federal bacteria standards for those states and territories bordering Great Lakes or ocean waters that had not yet adopted standards in accordance with the BEACH Act of 2000. Of the 35 states and territories that have coastal or Great Lakes recreation waters, 14 have adopted criteria as protective of health as our recommended criteria for all their coastal recreation waters, 5 have adopted criteria as protective as our recommended criteria for some of their coastal recreation waters, and 13 states are in the process of adopting protective criteria. When this final rule was issued, three states had not yet started adopting our recommended criteria (Georgia, Louisiana, and Oregon). When a state or territory adopts criteria as protective of human health as our 1986 bacteria criteria into their standards, EPA will approve those standards and withdraw the federal standards for that state or territory.

<http://www.epa.gov/waterscience/beaches/bacteria-rule.htm>

While the Clean Water Act and its implementing regulations may trigger the need for new or revised discharge limits based on the water quality standards to be placed on small entities in some cases by this rule, the standards themselves do not directly apply to any discharger, including small entities.

## **Animal Feeding Operations**

### **Animal Feeding Operations Virtual Information Center**

The AFO Virtual Information Center is a tool to facilitate quick access to livestock agricultural information in the US. This site is a single point of reference to obtain links to state regulations, web sites, permits and policies, nutrient management information, livestock and trade associations, federal web sites, best management practices and controls, cooperative extension and land grant universities, research, funding, and information on environmental issues.

<http://cfpub.epa.gov/npdes/afo/virtualcenter.cfm>

## **Managing Manure Guidance for CAFOs**

This guidance provides technical information for owners, operators, technical service providers, consultants, and permit authorities on how to carry out EPA's revised regulatory requirements for NPDES permitting of CAFOs. It also provides information on voluntary technologies and management practices that may both improve the production efficiency of CAFOs and further protect the quality of the nation's waters.

<http://cfpub.epa.gov/npdes/afo/info.cfm#manure>

## **Effluent Guidelines Program**

Effluent guidelines are regulations for industrial discharges to surface waters and to publicly-owned treatment systems. 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 September 2004, EPA announced a final plan for identifying which effluent guidelines need to be revised or developed, in compliance with Section 304(m) of the Clean

Water Act. In this plan EPA identified four industries to consider for effluent guidelines rulemaking. Two of these industries—Airport Deicing Operations and Drinking Water Supply and Treatment—are not subject to existing effluent guidelines. The other two industries—Vinyl Chloride Manufacturing, which is part of the Organic Chemicals, Plastics, and Synthetic Fibers point source category, and Chlor-Alkali manufacturing, which is part of the Inorganic Chemicals point source category—are subject to existing effluent guidelines. The plan and several supporting documents are available on the Internet at <http://epa.gov/guide/plan.html>.

## Concentrated Aquatic Animal Production

The final effluent guideline for Concentrated Aquatic Animal Production (CAAP) was published in the Federal Register on August 23<sup>rd</sup> 2004. CAAPs are also often called aquaculture.

The final CAAP effluent guideline includes requirement for flow-through, recirculating, and new pen systems that produce 100,000 pounds or more per year of aquatic animals. Pond production systems are not included. Under the effluent guideline, CAAPs must develop a plan that describes how the facility will control solids, properly store materials (drugs, pesticides, feed), and maintain the structural integrity of the system. In addition, all CAAPs must meet recordkeeping and reporting requirements and ensure that staff is properly trained.

The CAAP effluent guideline does not modify the National Pollutant Discharge Elimination System (NPDES) regulations defining a CAAP. Some CAAPs will need a NPDES permit even though they are not covered by the CAAP effluent guideline.

EPA will publish a guidance document on complying with the CAAP effluent guideline in early 2005.

## 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. The withdrawal of cooling water from waters of the U.S. harms billions of aquatic organisms each year, including fish, fish larvae and eggs, crustaceans, shellfish, sea turtles, and marine mammals. Most damage is done to early life stages of fish and shellfish.

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. EPA developed these regulations in three phases. The first phase, promulgated in December 2001, covered new facilities and had no significant impact on small businesses.

On February 16, 2004, EPA's Administrator signed final regulations for the second phase, which established requirements for cooling water intake structures at existing electric power generating plants that use at least 50 million gallons of cooling water a day. These final regulations do not have a significant economic impact on a substantial number of small entities. This rule protects more than 200 million pounds of aquatic organisms annually from death or injury. The benefits from improvements to commercial and recreational fishing range from \$73 million to \$83 million per year. EPA estimates that this rule affects about 550 facilities, most of which are owned by large businesses or

government jurisdictions. EPA estimates that the final rule will cover only two small businesses.

Phase III was proposed on November 1, 2004. The proposal addresses existing facilities not covered by the Phase II rule that withdraw cooling water above a certain regulatory threshold and offshore and coastal oil and gas extraction facilities that are designed to withdraw at least two million gallons a day. EPA estimates that the rule will cover one small entity, a new offshore oil and gas platform.

The proposed rule contains three options that, based on design intake flow and source waterbody, define which existing facilities would be subject to new requirements:

- \* The facility has a total design intake flow of 50 MGD or more, and withdraws from any waterbody type; or
- \* The facility has a total design intake flow of 200 MGD or more, and withdraws from any waterbody type; or
- \* The facility has a total design intake flow of 100 MGD or more and withdraws water from an ocean, estuary, tidal river, or one of the Great Lakes.

The facilities subject to the rule would have to meet the same requirements as those established in the Phase II regulations for large-flow power plants. Requirements to reduce impingement mortality and/or entrainment would be determined based on waterbody type. The proposed rule provides several compliance alternatives, such as using existing technologies, selecting additional fish protection technologies (such as screens with fish return systems), and using restoration measures.

The proposed rule would also establish requirements for new offshore and coastal oil and gas extraction facilities. These facilities would be required to design their cooling water intake structures to meet a through-screen velocity of 0.5 feet per second or less and, if they are located in estuaries or tidal rivers, they would also be required to meet proportional flow requirements. Facilities could also request alternative, less stringent requirements if their compliance costs would be wholly out of proportion to those we considered in establishing the requirements.

On February 27, 2004, EPA convened a Small Business Advocacy Review Panel for the proposed rule. Prior to convening the panel, EPA held conference calls and meetings to receive information from prospective small entity representatives about the panel and their early concerns about the planned proposed regulation. Three municipal power plant representatives and four representatives from manufacturing industries provided comments to the panel. The panel produced a final report to the EPA Administrator on April 27, 2004 that considered several regulatory alternatives for reducing the impacts of the rule on small entities. That report was used considered in the development of the Phase III rule.

## 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 Technical and Financial Assistance for Small Drinking Water Systems**

This brochure, *Sources of Technical and Financial Assistance for Small Drinking Water Systems*, 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 Very Small Water Systems**

EPA has developed a workbook entitled *Taking Stock of Your Water System: A Simple Asset Inventory for Very Small Drinking Water Systems* to assist very small water systems (including manufactured housing communities and homeowners associations) in conducting a simple inventory of infrastructure for capital planning purposes. This workbook is 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. 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**

EPA has developed a handbook entitled *Strategic Planning: A*

*Handbook for Small Water Systems*. The handbook 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 available in early 2005. 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 to Improve Public Health Protection*. 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 provide 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 more than 48,000 community water systems, or 8 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 Contaminant Candidate List, 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 published a draft report to notify the public of its decision to carryover the 1998 CCL as the draft CCL2 on April 2, 2004 (69 FR 17406). The notice also provided information on EPA's efforts to expand and strengthen the underlying CCL listing process to be used for future CCL listings, and requested 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/mdbp/lt1eswtr.html](http://www.epa.gov/safewater/mdbp/lt1eswtr.html).

## Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) Turbidity Provisions - Technical Guidance Manual

EPA is issuing the *Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) Turbidity Provisions - Technical Guidance Manual*. EPA prepared this document to provide information to drinking water systems on the turbidity provisions (the measure of cloudiness from materials such as soil in the water) in the rule and to help protect the public against drinking water contamination (i.e., pathogens). The manual contains



sample worksheets that may help systems collect important information. The guidance also includes additional materials such as background reference information, equations and sample calculations, example reports, and example operating procedures. An electronic version can be found on the EPA website at [www.epa.gov/safewater/mdbp/lt1eswtr.html](http://www.epa.gov/safewater/mdbp/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 mid 2005.

## Small Systems Guide to the Stage 1 Disinfectants/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 2005.

## 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.

## 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 for Small Systems**

The **Arsenic Treatment Technology Evaluation Handbook for Small Systems** 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 available by early 2005.

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

As part of EPA's initiative to help small drinking water utilities assess their vulnerabilities to terrorism, EPA awarded \$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 of 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).

### **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 6, 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/>

### **Water Security Response Guidelines**

EPA is releasing the interim final version of the *Response Protocol Toolbox: Response Guidelines*. The *Response Guidelines* should be of considerable value to a number of key authorities with critical roles during implementation of public health actions or remediation actions in response to a drinking water contamination threat or incident. The *Response Guidelines* are not intended to replace the *Response Protocol Toolbox* and they do not contain the detailed information contained within the six complete modules. This document is a compilation of many of the key forms from the *Response Protocol Toolbox* and has been developed to provide an easy to use document for field and crisis conditions. As stated in the definition of Response Guidelines in Module 1, Section 4.3 of the *Response Protocol Toolbox*, Response Guidelines are different from an Emergency Response Plan in that they are essentially a "field guide" for responding to contamination threats and can be developed in many different formats. For more information on-line, visit <http://www.epa.gov/safewater/security/>.

### **Small and Medium Water System Emergency Response Plan Guidance**

*Emergency Response Plan Guidance for Small and Medium Water System* was developed to assist community water systems (CWS) in complying with the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. The guidance will provide CWSs (serving a population between 3,301 and 99,999) with guidance on developing or revising Emergency Response Plans (ERPs). An ERP is a documented plan that describes the actions that a CWS would take in response to various major events. Major event refers to: credible threats, indications of terrorism, or acts of terrorism; major disasters or emergencies, such as hurricanes, tornadoes, storms, earthquakes, fires, flood, or explosion regardless of cause; and catastrophic incidents that leave extraordinary levels of mass casualties, damage, and disruption severely affecting the population, infrastructure, environment, economy, and government functions. The *Emergency Response Plan Guidance for Small and Medium Water System* should be of considerable value to a number of key authorities with critical roles during implementation of emergency response or remediation actions in response to a drinking water contamination threat or incident. For more information on-line, visit <http://www.epa.gov/safewater/security/>.



## **EPA Allocates Grant Funds For Water Counter-Terrorism Activities**

EPA announces the allocation of nearly \$5 million in State and Tribal Assistance Grants to assist drinking water systems across the nation in continued support of counter-terrorism coordination with state, local, and federal governments, which began under a 2002 grant program. This coordination is to ensure drinking water utilities receive technical assistance and training on homeland security issues, including vulnerability assessments and emergency response plans. Additionally, grant funds can be used for activities and strategies that would assist in implementing security enhancements and improving the readiness of individuals and groups involved in first response at drinking water systems. Utilities seeking assistance should consult with their state drinking water program to learn what assistance their state is offering. For more information on-line, visit <http://www.epa.gov/safewater/security/>.

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

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

The EPA recently completed an evaluation of data collected this past spring and summer to better understand the efficiency and effectiveness of the Resource Conservation and Recovery Act's (RCRA) hazardous waste generator regulatory program, as well as identifying areas for improvement. Data were collected at four public meetings and through an Advanced Notice of Proposed Rulemaking (ANPRM). EPA is now in the process of identifying and evaluating alternative program strategies for management review that have the following goals: foster improved program effectiveness; reduce compliance costs, where practicable; foster a pollution prevention stewardship philosophy on the part of generators; and improve relationships among EPA, the States and regulated community. The objective of this effort is to select a program strategy to implement by the end of 2004, subject to resource availability and an examination of other RCRA program priorities.

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

On March 31, 2004, Administrator Leavitt signed a notice proposing national emission standards for hazardous air pollutants (HAPs) from hazardous waste combustors. The proposed rule appeared in the Federal Register on April 20, 2004 (69 FR 21198). The combustors affected by this rule detoxify or recover energy from hazardous waste, and include incinerators, cement kilns, lightweight aggregate kilns, boilers and process heaters, and hydrochloric acid production furnaces. The proposed standards will implement section 112(d) of the Clean Air Act by requiring hazardous waste combustors to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT).

By proposing technology-based standards for these devices, EPA aims to reduce emissions of hazardous air pollutants,

including lead, mercury, arsenic, dioxin and furans, and hydrogen chloride and chlorine gas. In conjunction with these pollutants, emissions of particulate matter will also be reduced. For further information visit [www.epa.gov/hwcmact/](http://www.epa.gov/hwcmact/).

### **RCRA Definition of Solid Waste Proposed Rule**

On October 28, 2003, (68 FR 61558) EPA proposed revisions to the definition of solid waste that identify certain recyclable secondary materials reclaimed in a continuous process in the same industry as not discarded and thus not subject to regulation of wastes under Subtitle C of RCRA. EPA also proposed codification of long-standing criteria used to determine whether recycling is "legitimate." The comment period ended on February 24, 2004, and EPA is currently reviewing the large number of comments received. At this time, EPA hopes to complete a final rule by the end of the calendar year in 2006.

### **RCRA Burden Reduction Initiative**

In accordance with the goals of the Paperwork Reduction Act (PRA) of 1995, EPA is in the process of finalizing changes to the regulatory requirements of the Resource Conservation and Recovery Act (RCRA) hazardous waste program to significantly reduce the burden these requirements impose on the States, the public, and the regulated community.

The Agency plans to finalize, sometime in 2005, 100 changes to the Subtitle C hazardous waste regulations that will, in most cases, eliminate or modify duplicative reporting and/or recordkeeping requirements. Some changes however will address records retention time, reducing facility self-inspection frequencies, and streamlining personnel training requirements. This rulemaking is the culmination of over four years of work in cooperation with State and Regional offices, Agency experts, and stakeholders. Once promulgated, it will streamline our information collection requirements to ensure that only the information that is actually needed and used to effectively implement the RCRA program is collected. At the same time, the changes we will be finalizing will have no impact on the protection provided to human health and the environment that RCRA has established.

The RCRA Burden Reduction Initiative proposal as well as two other supporting Federal Register notices can be found at [www.epa/epaoswer/hazwaste/data/burdenreduction](http://www.epa/epaoswer/hazwaste/data/burdenreduction)

### **Dyes and Pigments**

On November 10, 2003, the Administrator signed a proposal for a new hazardous waste listing for non wastewaters from the production of certain organic dyes and pigments; on November 25, 2003, the proposed rule was published in the Federal Register. This action addressed the potential human health and environmental risks posed by these wastes, and determined that wastes containing mass loadings of any of eight specified 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 were proposed to be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. After considering the economic impacts of the proposed rule, EPA concluded that it will not result in significant economic impacts on small dyes and/or pigments production businesses. EPA

previously proposed listing decisions for the wastes of concern in 1994 and 1999. The 1994 and 1999 proposals had not been promulgated because they relied on redacted data claimed by industry to be confidential. The 2003 proposal completely supersedes the earlier proposals. The comment period for the proposal closed in February 2004. EPA is scheduled to issue a final rule by February 16<sup>th</sup>, 2005.

## **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. EPA held a public hearing on the proposed rule on March 9, 2003 in Washington, DC. The proceedings from that hearing and all public comments on the proposal can be found on the EPA Docket's website, at <[www.epa.gov/edocket](http://www.epa.gov/edocket)> under docket number RCRA-2003-0004. EPA is currently analyzing the comments received by the public.

## **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 early 2005.

## **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.

EPA is currently evaluating several options that would provide regulatory relief to generators and handlers relative to the current RCRA subtitle C regulatory program for F006. A Notice of Proposed Rulemaking (NPRM) is anticipated in the Summer of 2005.

## **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 2005.

## **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.

EPA published a proposed rule in the Federal Register on May 22, 2001. Item C-7.

The long-awaited final rule revising the manifest form is now in the last stages of internal EPA review. After internal review, the Agency will submit the final rule to the Office of Management and Budget for their 90-day review. The Agency expects to promulgate the Forms rule in the first quarter of the 2005 calendar year.

Comments on the E-Manifest component of the May 2001 proposal suggest the Agency consider alternative system architectures to the proposed decentralized approach, which is based on the assumption that EPA's role would be limited to developing E-Manifest standards, while private entities (e.g., waste firms or IT vendors) would develop the systems. The Agency has been conducting additional analyses on several key issues related to the E-Manifest Rule. On May 19 - 20, 2004, EPA's Office of Solid Waste conducted a two-day public meeting with stakeholders on the future direction of the E-Manifest. The meeting included plenary and breakout sessions addressing the policy, information technology, and funding issues associated with the E-manifest. The meeting was well attended by hazardous waste generators, waste management firms, IT vendors and consultants, and representatives from several state environmental agencies. As a result of this meeting, EPA hopes either to go forward with a final rule issuing standards as Re: July 2004 Ombudsman Update Item, (Uniform Waste Manifest) a decentralized approach, or recommend a national E-Manifest system, whereby EPA would have a role in collecting e-Manifests.

### **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.

Now, EPA is considering another compliance extension, but no final decision has been reached

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

### **EPA Published Proposed Rule on All Appropriate Inquiries**

On August 26, 2004, EPA published a proposed rule that would set federal standards and practices for the conduct of "all appropriate inquiries." EPA is required to promulgate federal regulations for the conduct of all appropriate inquiries under the Small Business Liability Relief and Brownfields Revitalization Act (the Brownfields Amendments). The Brownfields amendments amended the CERCLA liability provisions governing the innocent landowner defense and added to CERCLA certain liability protections for bona fide prospective purchasers and contiguous property owners. As a condition for obtaining liability protection, innocent landowners, bona fide prospective purchasers and contiguous property owners are required to conduct all appropriate inquiries to determine past ownership and uses of a property and assess the environmental conditions of the property prior to the purchase date of the property.

EPA developed the proposed regulations using a negotiated rulemaking process. The proposed regulatory language is the language negotiated by the Regulatory Negotiation Committee and the language on which the Committee reached consensus in November 2004. The public comment period for the proposed rule closed on November 30, 2004. After reviewing and considering all public comments received in response to the proposed rule, EPA will develop and promulgate a final rule that will set federal standards for the conduct of all appropriate inquiries. Additional information about the proposed rule and the negotiated rulemaking process can be found at 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 Amendments, which is the ASTM E1527 Phase I Environmental Site Assessment Standard.

For additional information, contact **Patricia Overmeyer** of EPA's Office of Brownfields Cleanup and Redevelopment 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.

### Tier2 Submit 2004 Software Available

- The Office of Emergency Management (OEM) is pleased to announce the release of Tier2 Submit 2004 software, now available for download from the EPA web site. The software, in its fourth 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.
- 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)

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)

### Toxics Release Inventory (TRI)

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 anticipates an early Spring release of the 2003 TRI Data. Once available, TRI summary information and data access will be provided via the TRI website at: <http://www.epa.gov/tri>.

EPA released the 2002 TRI data on June 23, 2004. TRI summary information and data access is available via the web at: <http://www.epa.gov/tri/tridata/tri02>. The 2002 TRI Data Release Web site provides fast and easy access to the data overview and relevant TRI information (including tables, charts, maps, and a summary of key findings). 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 one electronic publication summarizing the 2002 data: the 2002 TRI Public Data Release (PDR) Report (EPA-260-R-04-003). This report provides an overview of the 2002 TRI reporting year data and other information relating to TRI data. The PDR report serves as a supplement to EPA's on-line tool TRI Explorer where users of TRI data can retrieve electronic 2002 state fact sheets that provide a snapshot of each state's releases and other waste management activities and a description of the information included in the state fact sheet. Prior year's data releases, from 1999 to 2002, are also available via the TRI website at: <http://www.epa.gov/tri/tridata/index.htm#pdr>.

Copies of Public Data Release documents may be obtained by calling (202) 564-9554 or by emailing [TRIDOCS@epa.gov](mailto:TRIDOCS@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 Final Rule**

EPA has issued a final rule (69 FR 18489, April 8, 2004) that establishes reporting procedures that support the effort of 40 CFR part 40 par 745, subpart L to ensure that lead abatement professionals are trained and certified. The final rule includes procedures to notify the Agency: 1) prior to commencement of lead-based paint abatement activities; 2) prior to providing lead-based paint activities training courses; and 3) following completion of lead-based paint activities training courses. These requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections. Item E-40. For Further Information Contact: **Mike Wilson** at: (202) 566-0521

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

Rules were changed (FR 6/18/03, pp 36487-95) to allow construction and demolition landfills to accept residential lead-based paint (LBP) waste for disposals so long as the landfills do not accept any other household waste. Item E-47. For Further Information Contact: **Paul Cassidy** at: (703) 308-7281

## **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 about commercial-ready technology 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. In 2003, ETV also began verifying homeland security technologies for monitoring and treating chemical and biological agents. By October, 2004, 310 private sector environmental and homeland security technologies had been verified, with over 70 in the testing process. 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),



## **Energy Star Small Business Network 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 the voluntary Energy Star Small Business Network, they can download or have mailed a free 100-page guide, "Putting Energy into Profits." Joining the Energy Star Small Business Network 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. Network 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 Small Business Network members may submit a "success story" for public recognition and consideration for annual awards. More than 9,000 small businesses and congregations have already joined the Network as of November 2004. Saving energy helps the environment and saves money, too. Call or log on today! For Further Information Contact: **Catherine Tunis** at 202-566-2830

### **Now Available in Spanish: DfE's Integrated Environmental Management System (IEMS) *Implementation Guide and Template***

The Design for the Environment (DfE) Program has translated its *Integrated Environmental Management Systems (IEMS) Implementation Guide* and *Company Manual Template*, as well as related web pages, into Spanish. The English IEMS materials, targeted at small businesses that wish to better manage their chemicals, have already been well received. To view or download them, please visit the following pages.

Spanish IEMS Home Page: <http://www.epa.gov/dfe/projects/iems/indexspanish.htm>

Spanish IEMS Implementation Guide (Guía de Implementación de SIAA):  
[http://www.epa.gov/dfe/pubs/iems/iems\\_guide/indexspan.htm](http://www.epa.gov/dfe/pubs/iems/iems_guide/indexspan.htm)

Spanish IEMS Company Manual Template (SIAA Plantilla de Manual para Pequeñas Empresas): [http://www.epa.gov/dfe/pubs/iems/iems\\_template/indexspan.htm](http://www.epa.gov/dfe/pubs/iems/iems_template/indexspan.htm)

Spanish IEMS Checklist for Lead Organizations (Un Lista de Verificación de un SIAA para Organizaciones Líderes): <http://www.epa.gov/dfe/pubs/iems/leadorgspan.htm>

At this time, these materials are only available electronically. We have a limited number of CDs available **contact Karen Chu at 202-564-8773**

# 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 U.S. 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 99.7 percent of all employer firms.
- Employ half of all private sector employees.
- Pay 44.3 percent of total U.S. private payroll.
- Have generated 60 to 80 percent of net new jobs annually over the last decade.
- Create more than 50 percent of nonfarm private gross domestic product (GDP).
- Supplied more than 23 percent of the total value of federal prime contracts in FY 2003.
- 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 2003, there were approximately 23.7 million businesses in the United States, according to Office of Advocacy estimates. The Internal Revenue Service (IRS) estimates there were 27.0 million nonfarm business tax returns in 2003; 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 equal to nonemployers) increased 2.4 percent in 2002 and is expected to increase 1.9 percent in 2003. Census data show there were 5.7 million firms with employees and 17.0 million without employees in 2001. Applying the sole proprietorship growth rates to the nonemployer figures and similar Department of Labor growth rates to the employer figures produces the 23.7 million figure. Small firms with less than 500 employees represent 99.7 percent of the 23.7 million businesses.

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

Estimates for businesses with employees indicate there were 572,900 new firms and 554,800 closures (both about 10 percent of the total) in 2003.

#### Starts and Closures of Employer Firms, 1995-2003

Category	1995	2000	2001	2002	2003
New Firms	594,369	574,300	585,140	589,700e	572,900e
Firm Closures	497,246	542,831	553,291	569,000e	554,800e
Bankruptcies	51,959	35,472	40,099	38,500	35,037

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 2000-2001 (according to the most recent data), small businesses created all of the net new jobs in the U.S. Firms with less than 500 employees saw a net increase in employment of 1,150,875; however, large business employment decreased on net by 150,905. Overall net employment increased 999,970.

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. Having small businesses account for all of the net new jobs is not unique to 2000-2001. During an economic downturn in the early 1990s, a similar result occurred.

Source: U.S. Bureau of the Census.

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



## What is small firms' share of employment?

**The small business share of employment remains around 50 percent.** Although small firms create more than half—and sometimes all—of the net new jobs, some firms will become large firms as new jobs are created. Of 115.1 million nonfarm private sector workers in 2001, small firms with fewer than 500 workers employed 57.4 million and large firms, 57.7 million. Smaller firms with fewer than 100 employees employed 41.0 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.** Owners of about one-third of 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 highest 1992–1996 survival rate for firms owned by white non-Hispanics was in oil and gas extraction (82 percent). 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 most often used. Commercial banks are leading suppliers, followed by owners and finance companies. Data from the Federal Reserve Board Survey of Small Businesses Finances, 2003 are currently being prepared.

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

## 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.
- More current data from the Census Bureau Survey of Business Owners, 2002 are not yet in.

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/advo/stats](http://www.sba.gov/advo/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 questions to (202) 205-6533 or [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 2004

<p><b>Region 1</b> Leo R. Blais Pawtuxet Valley Prescription Ctr. 85 Sandy Bottom Road Coventry, RI 02816</p>	<p>James M. Knott, Sr. <b>Chair</b> Riverdale Mills Corporation 456 Hill Street Whitinsville, MA 01588</p>	<p>Laura L. Monica High Point Communications Group 553 Route 3A Bldg 3 Bow, OH 03304-3242</p>	<p>David A. Tibbetts Smith, Segel, &amp; Sowalsky 50 Congress Street Suite 300 Boston, MA 02109 (508) 234-7804</p>	
<p><b>Region 2.</b> Jose M Garcia-Ramis Action Service Corporation PO Box 364866 San Juan, PR 00936</p>	<p>W. Timothy Howes <b>Chair</b> 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 Donati Whiteoak Turf Care 5290 Fisher Crest Lane Richmond, VA 23231 (804) 795-2040</p>	<p>Felix J. Jackson DataProbe Technical Service 9722 Groff's Mill Dr., Suite 110 Owings Mills, MD 21117 (443)-831-3047</p>	<p>Pamela Mazza <b>Chair</b> Piliero, Mazza &amp; Pargament 888 17th St. NW, Suite 1100 Washington, DC 20006</p>	<p>Frank A. Ursomarso, Sr. Union Park Automotive Group, Inc. P. O. Box 2508 Wilmington, Delaware 19805 (302) 573 5202</p>	
<p><b>Region 4</b> George Dobbins, Jr. Southern Communications Systems Five North Third Street Memphis, TN 38103 (901) 523-7236</p>	<p>Paul Hsu, Ph.D. Manufacturing Technology, Inc. 70 Ready Avenue, N.W. Fort Walton Beach, FL 32548 (850) 664-6007</p>	<p>Stanley L. King S. L. King and Associates 34 Peachtree Street, NW Suite 1000 Atlanta, GA 30303</p>	<p>R. Bruce McCrory <b>Chair</b> Kiker Corporation 3150 Lees Lane Mobile, AL 36693-5227 (251) 661-1971</p>	<p>Douglas McFarland Radio Station 98.9 - Charleston 926 Trowman Lane Mt. Pleasant, SC 29464 (843) 767-8100</p>
<p><b>Region 5.</b> Edward Aprahamian 4201 N. Oakland Ave, 2nd Fl Shorewood, WI 53211 (414) 906-1505</p>	<p>Lyle J. Clemenson <b>Chair</b> Clemenson Enterprises, Inc PO Box 406 Brookly Park, MN 55445 (763) 425-1167</p>	<p>Lloyd E. Falconer Seward Screw Products, Inc. 16377 Third Street Seward, IL 61077 P: 815-247-8411</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> Jose Cuevas, Jr. JumBurrito 1701 N. Big Spring Street Midland, TX 79701 (915) 520-3529</p>	<p>Regina N. Hamilton Jones, Walker, Waechter, Poitevant Carrere and Denegre, LLP 8555 United Plaza Blvd, 5<sup>th</sup> Fl Baton, Rouge, LA (225) 248-2088</p>	<p>Harold McAlpine Christmas Tree Farm 197 christmas Tree Land Bismark, AR 71929 (501) 865-3731</p>	<p>A. Joseph Shepard <b>Chair</b> Regent Capital Partners, Inc. 6611 Hillcrest Avenue, #501 Dallas, TX 75205-1301</p>	<p>Mary Ann Weems Weems Galleries and Framing 2509 Don Juan Loop, N.E. Albuquerque, NM 87112 (505) 293-6133</p>
<p><b>Region 7.</b> Paul Kinyon <b>Chair</b> 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 (816) 960-3800</p>	<p>James J. Ziebarth RR 1, Box 14A Wilcox, NE 68982 (308) 478-5255</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 <b>Chair</b> Sioux Steam Cleaner Corp One Sioux Plaza Beresford, SD 57004 (605) 624-4707</p>	<p>Brenda Mosher Interim Health Care of Wyoming 1010 East First St, Suite A Casper, WY 82601 (307) 577-8041</p>	<p>Michael Stransky, FAIA 375 West 200 South, Ste 100 Salt Lake City, UT 84101 (801) 521-8600</p>	<p>Nancy Warneke-Gaynor 1992 KM Ranch Road Whitefish, MT 59937 (406) 862-3802</p>
<p><b>Region 9.</b> Patricia A. Chevalier Blue Hawaiian Helicopters 105 Kahului Heliport Kahului, HI 96732 (808) 871-8844</p>	<p>Barry M. Gold <b>Chair</b> 2402 Michelson, Ste 225 Irvine, CA 92612-1323 (949) 660-5677</p>	<p>Robert L. Gore Becker Realty Corporation 50 S. Jones Blvd Las Vegas, NV 89107 (949) 260-8070</p>	<p>Kimberly King King Security Services 323 Geary Street Suite 606 San Francisco, CA 94102</p>	
<p><b>Region 10.</b> Michael Dahmer Systems Associates, Inc. 573 Glacier Drive (PO Box F) Jerome, ID 83338</p>	<p>Carl Grossman Public Private Partnerships, Inc. 4800 SW Macadam Avenue, Suite 309 Portland, OR 97239 (503) 219-9500</p>	<p>Sue Linford Linford of Alaska, Inc 135 Cordova Anchorage Anchorage, AK 99501</p>	<p>Milford E. Terrell <b>Chair</b> 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>

## **Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act (RFA/SBREFA)**

The Small Business Regulatory Enforcement Fairness Act (SBREFA), passed in March 1996, amended the Regulatory Flexibility Act (RFA) to further the Agency's partnerships with small entities in our rulemakings. One of the important goals of the RFA/SBREFA, is to provide small entities with an expanded opportunity to participate in the development of certain regulations. EPA is the government leader implementing SBREFA.

Under RFA/SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities.

### **Accomplishments:**

- 27 Small Business Advocacy Review Panels completed;
- 26 NPRMs published following completion of a Panel process -- each proposal reflected the advice and recommendations of the Panel;
- Over 450 small-business, small-community, and small non-profit representatives have advised the Panels;
- Over 260 recommendations made by Panels to address the particular concerns of regulated small entities;
- EPA has received letters of appreciation from the Small Business Administration, as well as favorable comments from small businesses associated with the process; and Small Business Congressional testimony to Senator Bond: "EPA has the best program of small-business outreach in the Government."
- EPA's outreach and accommodations for small businesses in the majority of rules that are not subject to the Panel process have been greatly improved;and
- Small Community Advisory Subcommittee of Local Government Advisory Committee found that Panels' outreach "provide excellent examples of consultation with small governments."

### **SBREFA Is Working Well:**

- Each Panel's report included concrete recommendations to the Administrator with positive outcomes for the Agency and small entities;
- The influence of SBREFA extends beyond the statutory requirements themselves; and
- EPA's policy is to conduct outreach and provide accommodations, where appropriate and allowable, in ANY rule that imposes ANY impact on small businesses.

### **Sample Outcomes:**

- The Class V Underground Injection rule allows many small businesses to continue use of their wells under permit (as opposed to a contemplated ban) and allows funeral homes to continue use of their injection wells pending further study;
- The proposed rule addressing the Sulfur Content of Gasoline provides an extended period (four to six years) for small refineries to comply with rule requirements, without damage to the fuel supply;
- This rule did not include a substantial number of smalls but we conducted the panel nonetheless and provided compliance flexibility,
- The Panel for the Industrial Laundries Effluent Guideline re-evaluated the risks posed by the many

- small businesses likely to be regulated. This Panel was conducted very early in the process;
- The Panel recommended the Agency take comment on a “no-regulation” option; and
- EPA eventually withdrew the regulatory proposal, and the industry introduced a voluntary pollution-prevention program.

### **REGULATIONS DEVELOPED WITH SBREFA PANELS**

- Control of Emissions of Air Pollution from Nonroad Diesel Engines (OAR)
- Effluent Guidelines and Standards for the Industrial Laundries Point Source Category (OW)
- NPDES Comprehensive Storm Water Phase II Regulations (OW)
- Effluent Guidelines and Standards for the Transportation Equipment Cleaning Category (OW)
- Effluent Guidelines and Standards for the Centralized Waste Treatment Industry (OW)
- Revisions to the Underground Injection Control Regulations for Class V Injection Wells (OW)
- National Primary Drinking Water Regulations: Ground Water Rule (OW)
- Phase I Federal Implementation Plans (FIPs) to Reduce the Regional Transport of Ozone in the Eastern United States (OAR)
- Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport (OAR)
- National Primary Drinking Water Regulations: Radon (OW)
- National Primary Drinking Water Regulations: Long Term 1 Enhanced Surface Water Treatment Rule (OW)
- National Primary Drinking Water Regulations: Filter Backwash Recycling Rule (OW)
- Tier II Light-Duty Vehicle and Light-Duty Truck Emission Standards and Gasoline Sulfur Standards (OAR)
- National Primary Drinking Water Regulations: Arsenic and Clarifications to Compliance and New Source Contaminant Monitoring (OW)
- Control of Emissions of Air Pollution from New Compression-Ignition and Spark-Ignition Recreational Marine Engines (OAR)
- Heavy-Duty Engine Emission Standards & Diesel Fuel Sulfur Control Requirements (OAR)
- Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3) (OPPTS)
- Effluent Guidelines and Standards for the Metal Products and Machinery Category, Phases 1 and 2 (OW)
- National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations (CAFOs) (OW)
- NESHAP: Reinforced Plastic Composites Production (OAR)
- National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule (OW)
- National Primary Drinking Water Regulations: Stage 2 Disinfectants/Disinfection Byproducts Rule (OW)
- Control of Emissions from Nonroad Spark-Ignition Engines and Standards for Recreational Spark-Ignition Engines (OAR)
- Control of Emissions from Highway Motorcycles (OAR)
- Effluent Guidelines and Standards for the Construction and Development Industry (OW)
- NESHAP: Lime Manufacturing (OAR)
- Effluent Guidelines and Standards for the Concentrated Aquatic Animal Production Industry (OW)
- Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel (OAR)
- Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the CWA, Phase 3 (OW)

For Further Information Contact: **Joan Crawford** at (202) 564-6578 or by email at [crawford.joan@epa.gov](mailto:crawford.joan@epa.gov)

## 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>.

# Q&A's on EPA's Small Business Compliance Policy

Revised on 5/19/04

**Q: What is the purpose of the Small Business Compliance Policy?**

A. To promote environmental compliance among small businesses by providing them with special incentives.

**Q: What incentives are available under the Small Business Compliance Policy?**

A. EPA will eliminate civil penalties for small businesses that voluntarily discover, promptly disclose, and correct violations in a timely manner. However, 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 violation(s). As of April 30, 2004, no business has been assessed a penalty for economic benefit under the Small Business Compliance Policy.

**Q: What conditions must be satisfied to use the Small Business Compliance Policy?**

A. The small business must: (1) have a "good" compliance record; (2) voluntarily discover the violation (*e.g.*, through on-site compliance assistance or a voluntary environmental audit); (3) disclose the violation in writing within 21 days of discovery; and (4) correct the violation and remedy any associated harm within 180 days of its discovery (360 days if correction will involve using pollution prevention technologies).

**Q: What is a "small" business?**

A. A small business is one that employs 100 or fewer individuals across all facilities and operations that the business owns.

**Q: What is a "good" compliance record for purposes of being able to use the Small Business Compliance Policy?**

A. A business that has not been subject to two or more enforcement actions for any environmental violation in the past 5 years. Also, the business has not used the Small Business Compliance Policy for a violation of the same or similar requirement within the past 3 years.

**Q: Are any types of violations ineligible?**

A. Ineligible violations are those that: (1) caused actual serious harm to public health, safety or the environment; (2) may present an imminent and substantial endangerment to public health or the environment; or (3) involved criminal conduct. In addition, violations identified through a monitoring or sampling requirement prescribed by statute, regulation, permit, or judicial or administrative order or consent agreement are ineligible (*e.g.*, emission violations discovered through required continuous emissions monitoring or alternative monitoring established in a permit, or violations of National Pollutant Discharge Elimination System discharge limits discovered through required sampling or monitoring).

**Q: Will disclosure under the Small Business Compliance Policy mean that I will be more likely to be targeted for inspections?**

A. No. Disclosure is more likely to result in EPA directing its limited resources towards businesses where there is greater reason to question compliance with the law.

**Q: Does EPA coordinate with states in implementing the Small Business Compliance Policy?**

A. Whenever a State agency or Tribe provides a penalty waiver or mitigation or a correction period to a small business pursuant to the Small Business Compliance Policy or a compatible state or tribal policy, that State or Tribe should notify the appropriate EPA Region to ensure coordination and to request that EPA defer to that action. Similarly, EPA will notify the appropriate State agency or Tribe whenever EPA applies this policy to ensure coordination and request the State or Tribe defer to EPA's action.

**Q: How does a company make a disclosure under the Small Business Compliance Policy?**

A. Contact your Regional EPA office. Contacts are listed below.

	<b>Policy Contacts</b>		<b>Small Business Liaison</b>	
Region 1:	Joel Blumstein	617-918-1771	Dwight Peavey	617-918-1829
Region 2:	Ron Lockwood	212-637-3413	Ron Lockwood	212-637-3413
Region 3:	Frank Fritz	215-814-2664	David Byro	215-814-5563
Region 4:	Carol Bachon Greg Tan	404-562-9528 404-562-9697	Annette Hill	404-562-8287
Region 5:	Linda Mangrum Richard Murawski	312-353-2071 312-353-6721	Glynis Zywicki	312-886-4571
Region 6:	Rusty Hurbert	214-665-3197	David Gray Patty Senna	214-665-2200 214-665-7175
Region 7:	Becky Dolph	913-551-7281	Jan Lambert	913-551-7768
Region 8:	Donna Arthur	303-312-6954	Maureen Kiely	303-312-6262
Region 9:	Brian Riedel	415-744-1380	Angela Baranco	415-744-4262
Region 10:	Robyn Hoffmann	206-553-7154 7154	Robyn Hoffman	206-553-7154

**Q: Is EPA open to suggestions on how to improve the Small Business Compliance Policy?**

B. Yes. EPA wants to encourage small businesses to learn about environmental compliance and pollution prevention through the wide range of programs and tools available to them through regulatory agencies, private and non-profit organizations, and the Internet. We are always interested in suggestions on better ways to do that. **Contact Jonathan Binder**, 202-564-2516.

**Q: Where can I get more information on the Small Business Compliance Policy and EPA's compliance assistance program?**

A. For the Small Business Compliance Policy go to [www.epa.gov/compliance/incentives/smallbusiness](http://www.epa.gov/compliance/incentives/smallbusiness) and for general information about EPA's compliance assistance program go to [www.epa.gov/compliance](http://www.epa.gov/compliance).



# 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.

# Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)

The U.S. Environmental Protection Agency has sponsored partnerships with industry, academic institutions, other groups to establish Compliance Assistance Centers for 14 industry & government sectors. **These sector-specific resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply.**



**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)

**Healthcare Environmental Resource Center:** Provides pollution prevention and compliance assistance information for the health care sector. [www.HERCenter.org](http://www.HERCenter.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.nmfrc.org](http://www.nmfrc.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.pwbrc.org](http://www.pwbrc.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)

**FedCenter:** Provides compliance information and tools designed specifically to meet the growing environmental needs of federal facilities. [www.FedCenter.gov](http://www.FedCenter.gov)

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

# What's New With The Centers?

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

**The Centers Are Serving Their Intended Purpose & More!** Center activity continues to grow, with a 33% increase from FY 2003 to FY 2004. In FY 2004 Center Websites were visited over 1,164,000 times. Better yet, 90% of the assistance provider community survey respondents agreed or strongly agreed that the Centers helped them understand regulations that apply to a sector, local government, or federal facility. Center information is well used. In fact, 72% of the assistance provider community respondents took one or more actions as a result of Center use. 48% of the assistance provider community respondents indicated an environmental improvement as a result of Center use.

## **New Federal Facilities Compliance Assistance**

**Center Launched:** *FedCenter.gov*, a new and expanded Internet-based compliance assistance center focused on the environmental compliance needs of over 32,000 federal facilities in all fifty states and territories is now available. A result of President Bush's admonition, "the Federal government must lead by example," *FedCenter.gov* is designed to play a major role in helping to implement the President's Management Council initiative to improve federal environmental compliance by leveraging the resources of all federal agencies. *FedCenter.gov* provides compliance assistance information and tools designed specifically to meet the growing environmental needs of federal facilities. *FedCenter.gov* replaces FedSite, the current, but limited, compliance assistance center.



## **CCAR-GreenLink and LGEAN Are Working**

**Together** to provide city and county governments with online training in environmental and related safety concerns for their vehicle repair operations. The online training in Safety and Pollution Prevention – "S/P2" – is now available to local governments through the LGEAN web site.

"Local governments must comply with the same EPA and OSHA requirements as private-sector automotive facilities," said Andrew Seth, LGEAN's Manager. "The online S/P2 training will provide cities and counties with a cost-effective means to meet environmental and safety standards."

## **Healthcare Compliance Assistance Center Breaks**

**Ground:** The cornerstones are in place, and the (virtual) walls are going up, brick by brick, on HERC, the Healthcare Environmental Resource Center. Construction is proceeding on overview and detail pages covering hazardous waste, regulated medical waste, and solid waste management, including locators for state-specific rules. The pages will also help users navigate through the extensive collection of technical resources compiled by Hospitals for a Healthy Environment (H2E). You can peek through the fence at [www.HERCenter.org](http://www.HERCenter.org). For more information, or to pass along comments and suggestions, contact **Paul Chalmer** at NCMS, (734) 995-4911, [paulc@ncms.org](mailto:paulc@ncms.org), or **Laura Brannen** at H2E, (603) 643-6700, [laura.brannen@valley.net](mailto:laura.brannen@valley.net).



## **New State Resource Locators Now Available:**

Keeping up with state environmental requirements can be a challenge. Many states have prepared excellent information resources, and offer forms and other materials on line. But first you have to find them. The Environmental Compliance Assistance Platform (EnvCAP) now offers **13** state resource locators for a wide range of topics to help you find important state-specific environmental compliance information. Locators ready for your use address: state regulations; storm water; industrial storm water; RCRA/hazardous waste; asbestos; national endangered species; state wetlands; food processing; universal waste; construction & demolition debris; air pollution regulations; lead paint; and mercury. Access the state resource locators at [www.envcap.org/statetools.htm](http://www.envcap.org/statetools.htm).

## **Don't Miss the New Centers Search Function at**

**www.assistancecenters.net:** The Centers provide valuable compliance information on a huge array of topics of interest to many regulated entities and assistance providers (e.g., stormwater protection, waste disposal, wastewater management). Center visitors can now enter keywords into the search entry field at [www.assistancecenters.net/search.cfm](http://www.assistancecenters.net/search.cfm) and search each Center for the information they need from one Webpage.

# WHERE TO CALL FOR MORE INFORMATION AND HELP

## EPA SMALL BUSINESS OMBUDSMAN

Toll Free (800) 368-5888	Local and DC Area (202) 566-2855 <a href="http://www.smallbiz-enviroweb.org">www.smallbiz-enviroweb.org</a> Homepage <a href="http://www.epa.gov/sbo">www.epa.gov/sbo</a>	Fax (202) 566-2848 <a href="mailto:asbestos.ombudsman@epa.gov">asbestos.ombudsman@epa.gov</a>
<a href="mailto:smallbiz.ombudsman@epa.gov">smallbiz.ombudsman@epa.gov</a>		

### EPA Web Pages and Hotlines

### Phone Number

● National Service Center for Environmental Publications ( <a href="http://www.epa.gov/ncepihom/">www.epa.gov/ncepihom/</a> )	800-490-9198 513-489-8190
● Indoor Air Quality Information Clearinghouse ( <a href="http://www.epa.gov/iaq">www.epa.gov/iaq</a> )	800-438-4318
● Radon ( <a href="http://www.epa.gov/iaq/radon">www.epa.gov/iaq/radon</a> )	800-767-7236
● EPA Energy Star ( <a href="http://www.energystar.gov">www.energystar.gov</a> )	888-782-7937
● Clean Air Technology Center ( <a href="http://www.epa.gov/ttn/catc">www.epa.gov/ttn/catc</a> )	919-541-0800 (English) 919-541-1800 (Spanish)
● Office of Transportation and Air Quality ( <a href="http://www.epa.gov/omswww">www.epa.gov/omswww</a> )	734-214-4333
● Emission Measurement Center ( <a href="http://www.epa.gov/ttn/emc">www.epa.gov/ttn/emc</a> )	919-541-7774
● Stratospheric Ozone Information ( <a href="http://www.epa.gov/ozone">www.epa.gov/ozone</a> )	800-296-1996
● Acid Rain (emission trading, auctions, Information) ( <a href="http://www.epa.gov/airmarkets">www.epa.gov/airmarkets</a> )	202-343-9620
● Safe Drinking Water Hotline ( <a href="http://www.epa.gov/safewater">www.epa.gov/safewater</a> )	800-426-4791
● National Environmental Service Center (WV Univ) ( <a href="http://www.nesc.wvu.edu">www.nesc.wvu.edu</a> )	800 624-8301
● National Env. Service Center )WV Univ) ( <a href="http://www.nsf.wvu.edu">www.nsf.wvu.edu</a> )	800-624-8301
● Storm Water Phase II Information	866-352-7755
● Water Resource Center	202-566-1729
● Wetlands Information ( <a href="http://www.epa.gov/owow/wetlands">www.epa.gov/owow/wetlands</a> )	800-832-7828
● U.S. EPA RCRA, Superfund & Underground Storage Tanks Hotline Washington Metro Area ( <a href="http://www.epa.gov/epaoswer/hotline/">www.epa.gov/epaoswer/hotline/</a> )	800-424-9346 703-412-9810
● Emergency Planning & Community Right to Know Title III (EPCRA)	800-424-9346
● Toxic Substance Control Act (TSCA) Information Service Washington Metro Area	800-471-7127 202-554-1404
● Office of Pesticide Program Registration Division (Ombudsman) ( <a href="http://www.epa.gov/pesticides">www.epa.gov/pesticides</a> )	703-305-5446
● Bio-Pesticide Contact ( <a href="http://www.epa.gov/pesticides/biopesticides">www.epa.gov/pesticides/biopesticides</a> )	703-305-7973
● National Pesticide Information Center ( <a href="http://npic.orst.edu">Http://npic.orst.edu</a> )	800-858-7378
● EPA Waste Wise/Waste Reduction ( <a href="http://www.epa.gov/wastewise">www.epa.gov/wastewise</a> )	800-372-9473
● Office of Environmental Justice Information Line	800-962-6215
● Office of Emergency Management ( <a href="http://www.epa.gov/emergencies">www.epa.gov/emergencies</a> )	202-564-8600
● Small Business Innovation Research (SBIR) ( <a href="http://epa.gov/ncerqa/sbir">http://epa.gov/ncerqa/sbir</a> )	800-490-9194
● EPA Inspector General (IG) ( <a href="http://www.epa.gov/oigearth">www.epa.gov/oigearth</a> )	888-546-8740
● Compliance Assistance Centers <a href="http://www.assistancecenters.net">http://www.assistancecenters.net</a>	202-564-7076
● Small and Disadvantaged Business Utilization ( <a href="http://www.epa.gov/osdbu">www.epa.gov/osdbu</a> )	202-564-4100



## OTHER WEBSITES & HOTLINES

## Phone Number

- Small Business Environmental Home Page ..... (412) 992-5349  
([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org))
- Recycling Hotline/Earth 911 ..... (800) 253-2687  
([www.recycle.net/recycle](http://www.recycle.net/recycle)),([www.cleanup.org](http://www.cleanup.org))
- 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 Information ..... 877.337.3463  
(Operated by the DOE)  
([www.eere.energy.gov](http://www.eere.energy.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))
- National Lead 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))
- Government Printing Office ..... (202) 512-1800  
([www.gpo.access.gov](http://www.gpo.access.gov))
- National Institute of Occupational Safety and Health ..... (800) 356-4674  
([www.cdc.gov/niosh/homepage.html](http://www.cdc.gov/niosh/homepage.html))
- American Association of Poison Control Centers ..... (202) 362-7217  
([www.aapcc.org/](http://www.aapcc.org/))
- National Capital Poison Center ([www.poison.org](http://www.poison.org)) ..... (800) 222-1222

## EPA REGIONAL SMALL BUSINESS LIAISONS

REGION 1	CT, ME, MA, NH, RI, VT	Dwight Peavey	(617) 918-1829
2	NJ, NY, PR, VI	Ronald Lockwood	(212) 637-3413
3	DE, DC, MD, PA, VA, WV	David Byro	(215) 814-5563
4	AL, FL, GA, KY, MS, NC, SC, TN	Annette N. Hill	(404) 562-8287
5	IL, IN, MI, MN, OH, 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 Hoffmann	(206) 553-7154

January 2005

***EPA PROGRAM OFFICE  
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
Keith Barnett Barnett (Area Sources)	919-541-5605
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
Steven Hitte (Title V Deferrals)	919-541-0886
Tom Eagles (Regulatory Steering Committee)	202-564-1952
State SBO/SBAP CAAA Section 507 Contacts	Separate listing

**Office of Water**

Agnes Ortiz (Regulatory Steering Committee)	202-566-1303
Carey Johnston, (Metal Products and Machinery Rule)	202-566-1014
Deborah McCray (Small Systems & Tech. Assist Ctrs-(TACs))	202-564-3843
Greg Schaner (Pretreatment Streamlining Rule)	202-564-0721
Jack Faulk (Stormwater Permits/Phase II)	202-564-0768
Jennifer Bielanski (Point of Contact for Small Systems)	202-564-3836
Jim Horne (Environmental Management Systems)	202-564-0571
John Flowers (Water Alliance for Voluntary Efficiency)	202-564-0624
John Whitler (Water Security Division)	202-564-1929
Katie Porter (Long Term 1 Turbidity Guide)	202-564-3839
Marta Jordan (Concentrated Aquatic Animal Production)	202-566-1049
Paul Shriner (Concentrated Animal Feeding Operations,CAFO)	202-566-1076
Stephanie Flaharty (Regulatory Management)	202-564-5072
Tom Grubbs (Stage 1 DBPR Small Systems Compliance Guide)	202-564-5262

**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
Richard Keigwin (Pesticide Improvement Act)	703-305-7618
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
David Nicholas (Brownfields/General)	202-566-1927
Gerain Perry (Regulatory Steering Committee)	202-566-1929
Jackie Tenusak (SPCC, General)	202-566-1926
Linda Garczynski (Brownfields)	202-566-2731
Patricia Washington (OSWER Brochures)	703-308-0497
Paul Connor (Underground Storage Tanks)	202-564-5114
Terry Grist (Recycling)	703-308-7257
EPA Regional Public Liaison for Superfund, RCRA, OSWER Issues (formerly Regional Superfund RCRA Ombudsmen)	Separate listing

### **Office of Enforcement and Compliance Assurance**

Barry Hill (Environmental Justice)	202-564-2515
Beth Cavalier (Supplemental Environmental Project)	202-564-3271
Brian Mass (Homeland Security)	202-564-6019
Diana Saenz (UST Enforcement)	202-564-4209
Gerard C. Kraus (Regulatory Steering Committee)	202-564-6047
Hans Scheifele (Compliance Assistance Measurement)	202-564-1459
James Edward (Compliance Assistance General)	202-564-2462
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# Small Business Assistance Programs

Small Business Stationary Source Technical and Environmental Compliance Assistance Program, 507 Programs, Compliance Assistance Provider, Technical Assistance Programs, 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 0-37 depending on the particular state. The average SBAP operates with a staff of three.



### Program Budgets

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

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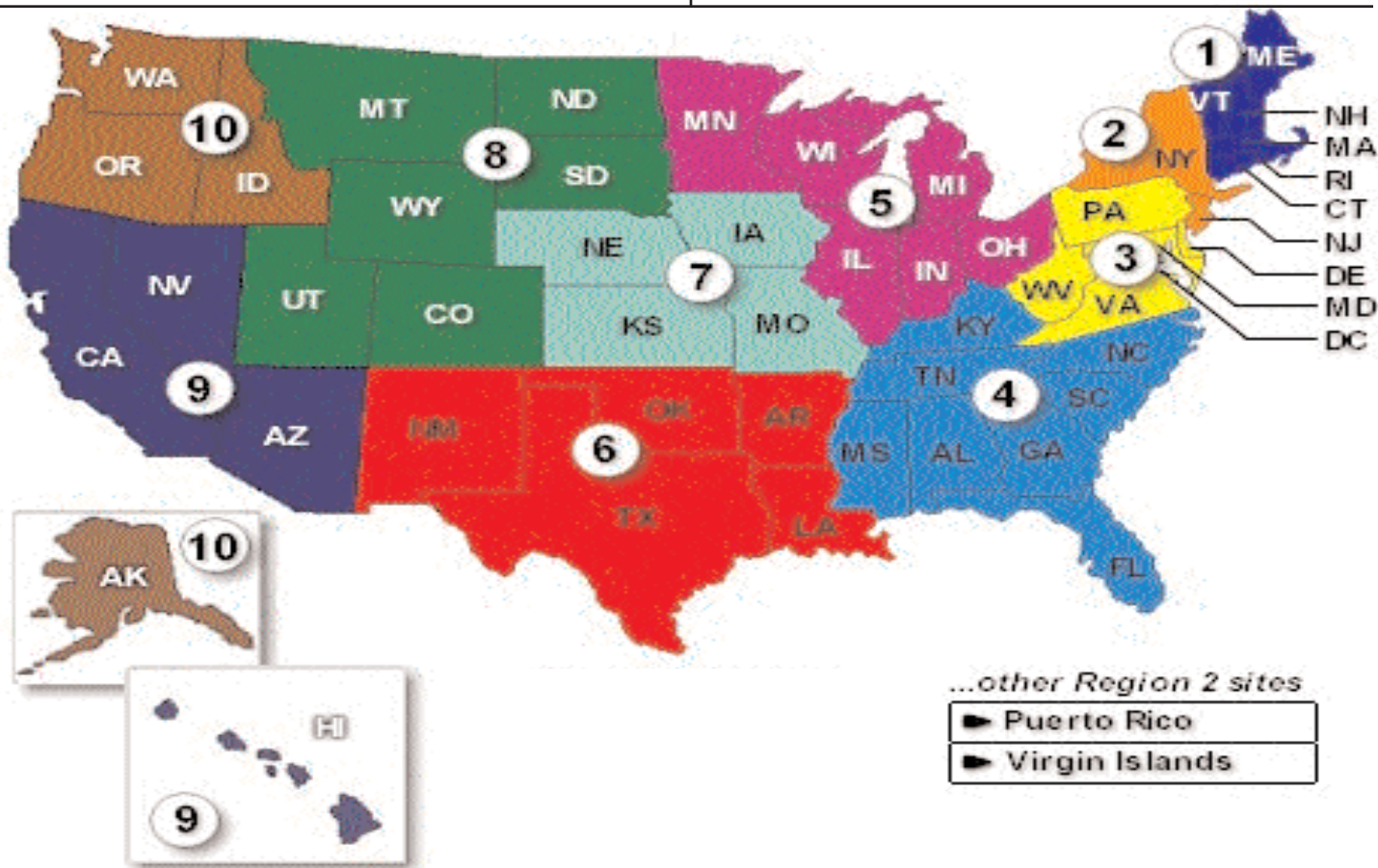
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- Region 4: Kenya K. Stump  
Jesse Thompson (MS)
- Region 5: Renee Lesjak Bashel (WI)  
Annette Fulgenzi (IL)
- Region 6: Larry Lashley (LA)  
Kyle Arthur (OK)
- Region 7: Dan Nickey (IA)  
Wendy Walker (IA)
- Region 8: Nick Melliadis (CO)  
Dan Clark (WY)
- Region 9: Terrell Ferreira (CA)  
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# Office of Small and Disadvantaged Business Utilization

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

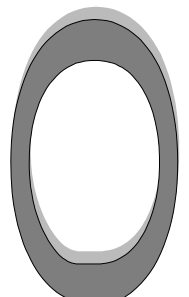
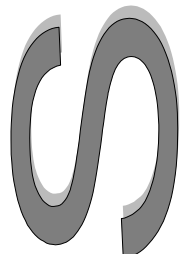
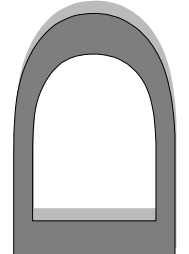
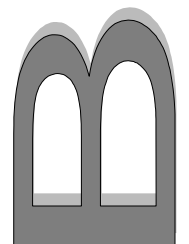
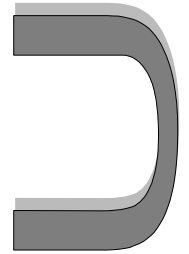
## Direct Procurement Program

### 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 Veteran-Owned
  - Subcontracting**
    - ☞ Small Business
    - ☞ Small Disadvantaged Business
    - ☞ Women-Owned Small Business
    - ☞ HUBZone Business
    - ☞ Service Disabled Veteran-Owned
- ◆ 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, HACUs, HBCUs and MIs
- ◆ 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

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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 2005

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**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-10	C-43	C-81	D- 3	E-14		F-7	H- 1	I- 2	I-32		K-37	K-67
A- 2	B- 7	C-11	C-44	C-82	D- 5	E-15	E-50	F-9	H- 2	I- 3	I-35		K-38	K-68
A- 3	B- 8	C-12	C-45	C-83	D- 6	E-19	E-51	F-10	H- 3	I- 4	I-36	K- 1	K-39	K-69
A- 4	B- 9	C-13	C-47		D- 7	E-20	E-52	F-11	H- 4	I- 5	I-38	K- 2	K-40	K-70
A- 5	B-10	C-14	C-50	C-85	D- 8	E-21	E-53	F-12	H- 5	I- 6	I-40	K- 3	K-41	K-71
A- 6	B-11	C-15	C-51	C-87	D- 9	E-22	E-54	F-14	H- 6	I- 7	I-41	K- 4	K-42	K-72
A- 7	B-12	C-16	C-52	C-88	D-12	E-23	E-55	F-15	H- 7	I- 8	I-42	K- 5	K-43	
A- 8	B-13	C-17	C-53	C-89	D-13	E-24	E-56	F-16	H- 8	I- 9	I-43	K- 6	K-44	
A- 9	B-14	C-18	C-54	C-90	D-14	E-25	E-57	F-17	H- 9	I-10	I-44	K- 8	K-45	
A-10	B-15	C-19	C-56	C-91	D-15	E-26	E-58	F-18	H-10	I-11	I-45	K- 9	K-46	
A-11	B-16	C-20	C-57	C-92	D-16	E-27	E-59		H-11	I-12	I-46	K-10	K-47	
A-12	B-17	C-21	C-58	C-93	D-17	E-28	E-60	G- 1	H-12	I-13	I-47	K-11	K-48	
A-13	B-18	C-22	C-59	C-94	D-18	E-29	E-61	G- 2	H-13	I-14	I-48	K-13	K-49	
A-15	B-19	C-23	C-60	C-95	D-19	E-30	E-62	G- 3	H-14	I-15		K-14	K-51	
A-16	B-20	C-24	C-62	C-96	D-20	E-31	E-63	G- 4	H-15	I-16	J- 1	K-15	K-52	
A-17	B-21	C-25	C-63	C-97		E-32	E-65	G- 5	H-16	I-17	J- 2	K-16	K-53	
A-18	B-22	C-26	C-64	C-98	E- 1	E-33	E-66	G- 6	H-17	I-18	J- 3	K-19	K-54	
A-20	B-23	C-27	C-65	C-99	E- 2	E-34	E-67	G- 7	H-18	I-19	J- 4	K-20	K-55	
A-21	B-24	C-28	C-66	C-100	E- 3	E-36	E-68	G- 8	H-19	I-20	J- 6	K-21	K-56	
A-22	B-25	C-30	C-67	C-101	E- 4	E-40	E-69	G- 9	H-20	I-21	J- 7	K-22	K-57	
A-23	B-26	C-31	C-68	C-102	E- 5	E-41	E-70	G-10	H-21	I-22	J- 8	K-23	K-58	
A-24	B-31	C-35	C-69	C-103	E- 6	E-42	E-71	G-11	H-22	I-23	J- 9	K-28	K-59	
A-25		C-36	C-70	C-104	E- 7	E-43	E-72	G-12	H-23	I-24	J-10	K-29	K-60	
	C- 1	C-37	C-71	C-105	E- 8	E-44	E-73	G-13	H-24	I-25	J-11	K-30	K-61	
B- 1	C- 2	C-38	C-73		E- 9	E-45	F- 1	G-14	H-25	I-26	J-12	K-31	K-62	
B- 2	C- 3	C-39	C-75		E-10	E-46	F- 2	G-15	H-26	I-27	J-13	K-32	K-63	
B- 3	C- 7	C-40	C-76	D- 1	E-11	E-47	F- 3	G-16	H-30	I-28	J-14	K-33	K-64	
B- 4	C- 8	C-41	C-77	D- 2	E-12	E-48	F- 5	G-17		I-29	J-15	K-34	K-65	
B- 5	C- 9	C-42	C-80		E-13	E-49	F- 6		I- 1	I-31	J-16	K-36	K-66	

**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)  
[www.epa.gov/sbo/pubs.htm](http://www.epa.gov/sbo/pubs.htm)

Other Materials Requested: \_\_\_\_\_



United States  
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(1807T)  
Washington, DC 20460

Official Business  
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