

# SMALL BUSINESS OMBUDSMAN UPDATE NEWSLETTER

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

## MEMORANDUM

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

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

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

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

**DATE:** **July, 1998**

### ASSOCIATE OMBUDSMAN

**Robert C. Rose**, *Industrial Engineer*  
*The Clean Air Act & General Assistance*

### SENIOR ENVIRONMENTAL EMPLOYEES

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

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

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

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

We receive thousands of calls from small businesses each year seeking information and help on environmental regulations. All inquiries and requests can be handled **anonymously** regardless of their content.

Our office tries hard to lessen the burden of regulations on small businesses and make them more understandable as they are being formulated. However, we are not always successful when dealing with very serious, complex issues. Therefore, if you need help in interpreting and complying with the requirements, call us or write me; we can provide you information and help and point you in the right direction. You can help yourself and the environment by calling our telephone Hotline number, 1-800-368-5888 or writing me, Karen V. Brown, Small Business Ombudsman, U.S. EPA, 401 M Street, S.W., Mail Code 2131, Washington, DC 20460.

**We will look forward to hearing from You, You, and You.**

Sincerely,

Karen V. Brown

### SMALL BUSINESS OMBUDSMAN FUNCTIONS

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

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

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**Remember, We can only help...if you ask!!!**

## SBREFA UPDATE

Since its passage in 1996, The Small Business Regulatory Enforcement Fairness Act (SBREFA) has provided small entities with new opportunities for significant participation in the regulatory process. In past updates, we have discussed how EPA has increased its outreach and involvement for small business and communities in the pre-rule policy-making process. However, SBREFA also requires Federal agencies to provide substantial support to small entities in understanding and complying with existing rules.

Section 213 requires all federal regulatory agencies to offer a program of informal compliance assistance to small entities, and Section 223 requires that such agencies establish policies providing penalty reduction and/or waivers for small entities in appropriate circumstances. EPA prepared and, this spring, submitted to Congress required reports on our compliance with these requirements. The reports are now available on-line at the EPA small business web site at [www.epa.gov/sbo](http://www.epa.gov/sbo). These reports provide a comprehensive summary of ongoing EPA activities. Small entities can and should use these reports to better understand and utilize existing EPA activities dealing with EPA compliance assistance support vehicles as well as penalty reduction policies.

To fulfill §213 requirements, EPA has established an Informal Guidance Program that consists of four main components: (1) the Asbestos and Small Business Ombudsman (SBO), located at EPA Headquarters; (2) regional small business liaisons, who serve as local resources to assist small entities who contact the EPA regional offices; (3) various hotlines and clearinghouses; and (4) technical and program staff located throughout Headquarters and the regions.

EPA's penalty reduction program, fulfilling §223 requirements, consists of three policies. EPA's Final Policy on Compliance Incentives for Small Businesses (Small Business Policy) applies to companies with 100 or fewer employees and provides penalty waivers as incentives to participate in on-site compliance assistance programs and to conduct environmental audits to discover, disclose, and correct violations. Companies with more than 100 employees, but which are still considered "small entities" under the Small Business Administration (SBA) definition, can use the Agency's Incentives for Self-Policing: Disclosure, Correction, and Prevention of Violations policy (Audit Policy). The Audit Policy provides penalty reduction for any business that finds violations through an environmental audit or systematic procedure reflecting the entity's due diligence, promptly disclose the violations in writing, and correct those violations. To address the needs of small communities, EPA issued its Policy on Flexible State Enforcement Responses to Small Community Violations, which provides small communities both the tools and flexibility they need to achieve environmental compliance on a diligent but sensible schedule, and provides penalty relief. EPA is aggressively publicizing its penalty reduction program to increase self-disclosure, voluntary compliance, and penalty forgiveness.

Many of these services and policies predate the passage of SBREFA. Still, the §213 and §223 reports provide a useful vehicle for small business to learn about and benefit from these offerings. I hope you will take the time to read these important documents. As always, we welcome any suggestions on how we can increase your participation in the regulatory process or devise better ways of informing you of issues you should be concerned about.

Sincerely,

Tom Kelly

## Six Key Aspects of the SBREFA Legislation

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

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

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

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

### Regulatory Enforcement Ombudsman

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

### 10 Regional Fairness Boards

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

**For additional information about SBREFA, the Ombudsman, or the Regulatory Fairness Boards, call SBA's toll free**

1-888-REG-FAIR or visit our Web site at [www.sba.gov/regfair](http://www.sba.gov/regfair).

## SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS

### Regions/Members July 1998

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



### *What is REI?*

REI is EPA's commitment, in partnership with States, to implement key information management reforms that are essential to support the Agency's new and evolving approaches to environmental protection. The REI Action Plan was developed in response to needs identified by EPA, its regulatory partners and stakeholders.

### *What are the key components of REI?*

REI focuses on incorporating data standards and electronic reporting into thirteen of EPA's national information systems within five years. To enable the national systems managers to meet this deadline, promulgation of all necessary standards, policies, and protocols will occur within three years. As each new data and reporting standard becomes ready for implementation, each national system will incorporate it within two years either through retrofitting existing systems or including the standard in system reengineering efforts.

### *What are the milestones for developing data standards?*

Milestones for data standards include:

- Promulgating interim standards for six priority data standards;
- Developing business rules/processes for implementing the standards and promulgating final standards;
- Establishing a central Agency program to support implementation of the standards by EPA and the States;
- Implementing data standards and business practices in national systems and accepting new data in the standard format from all participating States.

Permit Compliance System	PCS
National Compliance Data Base	NCDB
OECA Docket	Docket
RCRA Information System	RCRIS
Aerometric Information Retrieval System/Air Quality Subsystem	AIRS/AQS
AIRS Facility Subsystem	AFS
Biennial Reporting System	BRS
CAA 112(r) Risk Management Plan Information System	RMP*Info
CERCLA Information System	CERCLIS 3
Safe Drinking Water Information System	SDWIS
Toxic Release Inventory System	TRIS
Water Quality Information System	STORET
Envirofacts Data Warehouse	EF

### **PRIORITY DATA STANDARDS**

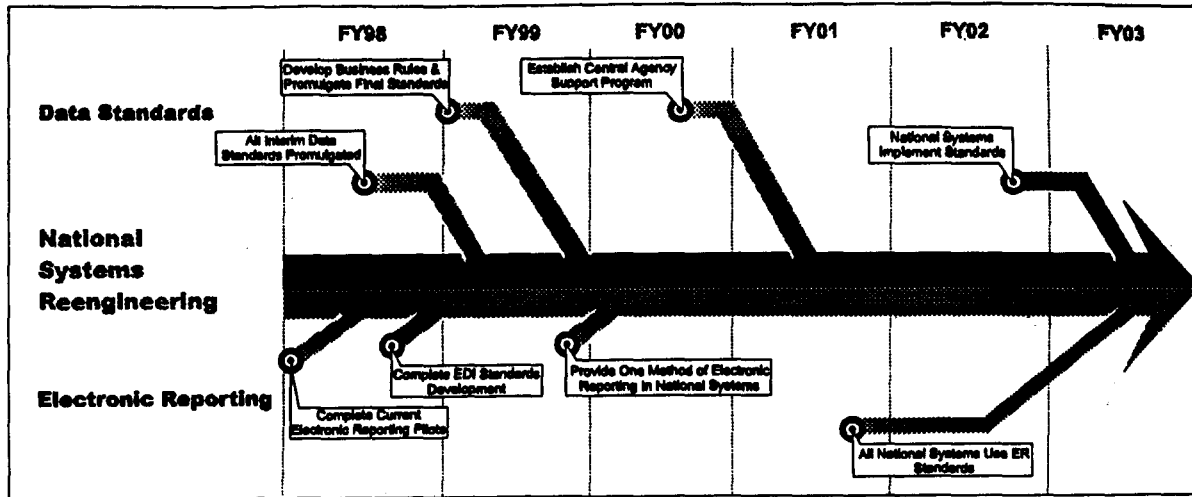
Year 2000 (Y2K) Date  
 Facility Identification  
 Standard Industrial Classification (SIC) Code  
 Latitude/Longitude  
 Biological Taxonomy  
 Chemical Identification

### *What are electronic reporting milestones?*

The electronic reporting milestones include the following:

- Completing current electronic reporting (ER) pilots;
- Completing Electronic Data Interchange (EDI) standards development;
- Drafting an EDI/Electronic Commerce policy for delegated States;
- Publishing a final policy for electronic environmental reporting
- Making at least one ER method available in all national systems; and
- Requiring that all national systems use the Agency ER standard.

**What is the time line for implementing the REI milestones for data standards and electronic reporting in national systems?**



**What are the other REI commitments?**

EPA is also committed to the following:

- Expanding the One Stop State partnership program to all interested States within the next five years;
- Assessing and evaluating the creation of a central receiving function for electronic reports;
- Ensuring the quality of environmental data by beginning to develop a comprehensive data quality program; and
- Developing a management structure to implement REI.

**What are the benefits of REI?**

REI's desired results will benefit many by:

- Establishing data standards that will reduce the confusion caused by multiple methods of representing the same information across EPA databases;
- Reducing paper reporting, errors, time delays, and associated costs;
- Enhancing the value of information to customers through data integration;
- Strengthening the IM partnership with the States;
- Enhancing IM to support information integration for effective environmental protection; and
- Establishing a more robust management structure for future IM improvements

**What resources will be required to implement REI?**

The marginal implementation cost for REI over the next five years is estimated at \$20-30 million and 30-50 full-time staff per year. EPA recognizes that future budget priorities may impact the time line for implementing REI's commitments.

**What are the remaining challenges?**

REI will institutionalize the IM policy and program changes that EPA, its partners and stakeholders all agree are needed building blocks. However, these improvements are recognized as the start, not the end, of change. EPA, with its partners and stakeholders, continues to work on additional challenges including:

- Analyzing and addressing gaps in the Agency's information holdings;
- Reducing burden while still collecting essential information;
- Strengthening the ongoing process for effective stakeholder input;
- Developing an Agency-wide Information Technology Architecture; and
- Reducing legislative and statutory barriers to better IM support.





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

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

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

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

EPA's next Phase I solicitation will open on September 17, 1998. The solicitation will close on November 19, 1998. The solicitation will be posted on National Center for Environmental Research and Quality Assurance WEBSITE at:

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

Please note that last year's solicitation is still on NCERQA's WEBSITE (click on Archive). If you have any questions, please call the EPA SBIR Helpline at:

1-800-490-9194







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

## THE CHEMICAL RIGHT TO KNOW INITIATIVE

### *High Production Volume (HPV) Chemicals and SIDS Testing*

#### *Background*

Of the 3,000 chemicals that the US imports or produces at more than 1 million lbs/yr, a new EPA analysis finds that 43% of these high production volume chemicals have no testing data on basic toxicity and only seven percent have a full set of basic test data. This lack of test data compromises the public's right to know about the chemicals that are found in their environment, their homes, their workplace, and the products that they buy. Industry must do more to ensure that basic information is available on every high-production chemical they manufacture.

There are six basic tests which have been internationally agreed to for screening high production volume (HPV) chemicals for toxicity. The tests agreed to under the Organization for Economic Cooperation and Development's Screening Information Data Set (OECD/SIDS) program are: acute toxicity; chronic toxicity; developmental/reproductive toxicity; mutagenicity; ecotoxicity and environmental fate.

EPA found that approximately 55% of TRI chemicals have had full SIDS testing, while only 7 of other chemicals have full test data. EPA also looked at a set of 491 chemicals used by children and families in consumer products. Only 25% of these chemicals have full screening data. EPA cannot begin to judge the hazards and risks of such consumer chemicals without basic information, and in fact substantially more detailed and exhaustive testing is needed to assess these high exposure chemicals.

It is clear that companies need to do more to address this problem. For example, of the 830 companies making HPV chemicals in the US, 148 companies have NO SIDS data available on their chemicals; an additional 459 companies sell products for which, on average, half or less of SIDS tests are available. Only 21 companies (or 3% of the 830 companies) have all SIDS tests available for their chemicals.

#### *Impact and Benefits to Small Entities*

For the most part, small entities are generally excluded from testing requirements. For those few small entities that may be required to do testing, any cost burden is unlikely to be significant. As Chemical users, small entities can expect to get the benefits of better knowledge about the toxicity of chemicals they use.

#### *The Vice President's Challenge*

On April 21, 1998, Vice President Gore challenged chemical companies to complete basic health screening tests for 3,000 of the most prevalent chemicals in the U.S..

#### *EPA's Plan*

EPA is responding to the Gore challenge by pushing U.S. chemical companies to conduct a package of six basic chemical screening tests for the 3,000 chemicals. Our goal is to create a "core package" of testing for high production volume chemicals for use by industry, the government, and the public.

# SPOTLIGHT ON THE RISK MANAGEMENT PROGRAM

## SMALL BUSINESSES: WHY DO YOU NEED TO KNOW ABOUT THE RISK MANAGEMENT PROGRAM?

U. S. EPA's Chemical Emergency Preparedness and Prevention Office

On June 21, 1999, companies of all sizes that use certain listed chemicals will submit for the first time plans that detail how they will prevent accidental chemical releases from occurring. The type and quantity of chemicals that you use will determine if you are affected *rather than the size of your company*. Chemicals covered by this new regulation (a.k.a. the regulated substances) include propane, ammonia and chlorine that many small businesses commonly store. This article is meant to be a brief introduction to this new program and is by no means a comprehensive explanation - but it should help answer your most crucial questions and serve as a starting point for further investigation.

### What is the Risk Management Program all about - and why might I be covered?

The Clean Air Act Section 112(r) required the U.S. Environmental Protection Agency to publish regulations focusing on chemical accident prevention. Congress and EPA's Chemical Emergency Preparedness and Prevention Office intended this new regulation to build upon the chemical safety work begun under the Emergency Planning and Community Right-to-Know Act which requires state and local governments to properly plan for and respond to chemical accidents. The Risk Management Program focuses us all on prevention of these accidents, not just preparation and response.

Your business will likely be required to comply with the Risk Management Program *if you use any of the 100+ regulated substances in quantities that meet certain thresholds*. Even if you are a small business, you may be using common hazardous chemicals in quantities great enough to cause harm to the surrounding community if there were an accident:

- chlorine - covered if you exceed 2,500 lbs
- ammonia (anhydrous) - covered if you exceed 10,000 lbs
- propane - covered if you exceed 10,000 lbs (2,500 gallon water capacity tank)

If you have discovered that you are subject to the Risk Management Program, you will then determine which tiered program you fit into. EPA established three levels of requirements to reduce the regulatory burden for facilities with a low risk of offsite impacts in the event of a chemical accident. Program Level 1 has the fewest requirements, while Program Levels 2 and 3 require more work because their processes present a greater risk to the surrounding communities.

We strongly urge you to contact EPA's confidential Hotline (see below) and your State Technical Assistance Director as you determine whether the chemicals you use are RMP-covered substances and trigger thresholds and as you determine whether you should comply with Level 1, 2, or 3 requirements.

### OK... so what's the good news?

In the course of adhering to good business practices, you probably already have some of the information at your fingertips to fill out your Risk Management Plan or you may already have put in place some elements of a Risk Management Program. The following is a general list of programs and processes that likely will be included in your Risk Management Plan (depending upon whether you fit into Program Level 1, 2, or 3) and that you may have already implemented in the normal course of doing business and will therefore not have to duplicate:

- Employee training on operating procedures for equipment;
- Compliance with OSHA's hazard communication standard;
- Maintenance programs for your equipment and processes (in accordance with industry standard practices);
- Safety information found on MSDS sheets that you are required to retain;
- Documentation of equipment that you have (most likely given to you by the vendor upon purchase);
- Accident investigation procedures mandated by your insurance company; and
- Compliance with OSHA's Process Safety Management program (if so, you will have most of the prevention part of the Plan completed).

### Why is the Risk Management Program important to me?

The Risk Management Program is the outgrowth and expansion of successful federal and industry standards that established practices for prevention and mitigation of incidents involving toxic chemicals. Facilities that voluntarily adopted industry

standards for accident prevention (such as programs created by the Chemical Manufacturers Association, the American Petroleum Institute, and the Center for Chemical Process Safety) or have complied with OSHA's Process Safety Management program have found that the benefits far outweigh the initial costs incurred for development of accident prevention programs. Facilities have seen:

- Improved operating performance due to better training and safer operations;
- Avoidance of serious accidents involving evacuation, injury and even death;
- Better community and employee relations;
- Improved prevention of chemical accidents; and
- Reduction in downtime caused by equipment malfunctions.

Compliance with the Risk Management Program will put you on the road to seeing these important benefits.

#### **When do I need to comply and how will I do it?**

Facilities must have their Risk Management Program developed and implemented and a Risk Management Plan (which is the written summary statement verifying that the facility has all the required elements of a Risk Management Program in place and operational) submitted by June 21, 1999. The regulation requires that your Plan be submitted electronically to EPA via diskette, where it will then be made publicly available on the Internet. Small businesses that are unable to comply with required electronic submission may be eligible for an electronic waiver; whereby they can submit their Risk Management Plan on paper. The diskettes and paper forms that you will need to fill out will be available in January, 1999. However, we recommend that you get a head start on creating your Risk Management Program and get the necessary information ready for the Plan by ordering a copy of the Risk Management Plan data elements that you can expect to see on the diskettes. The ordering numbers are 550-B96-012 and 550-B96-012A and you can request a copy free-of-charge by calling our publications warehouse at 1-800-490-9198.

#### **Where can I get help?**

We realize that compliance with the Risk Management Program may impose an additional burden on your facility's existing environmental obligations, and we are making small business technical and compliance assistance our top program priority. U.S. EPA's Chemical Emergency Preparedness and Prevention Office and our Regional counterparts are taking the lead in providing assistance to you as you prepare to comply with this new regulation, and we are working with your trade associations and other industry groups to develop guidance aimed at industry sectors dominated by small businesses. In addition, each state has a Small Business Technical Assistance Director who understands your small business concerns, can provide access to information and resources, and can provide technical assistance on the Risk Management Program (as well as a variety of other clean air programs). Your most important sources of assistance at this point are:

- U.S. EPA's Hotline (1-800-424-9346): a confidential Hotline staffed by technical experts that can help you determine if you are covered by these regulations, explain the data elements in the Risk Management Plan, and assist you as you prepare your Risk Management Program. The Hotline can also suggest useful publications, provide you with updates, and get you in touch with important Regional/state personnel and the Small Business Technical Assistance Director in your state.
- CEPPPO's website provides one-stop shopping for our RMP publications and program updates.
- Trade Associations that represent your industry sector are gearing up to assist you in complying with RMP by providing technical assistance, sector-specific publications and training.
- Small Business Ombudsman Update Newsletter: stay tuned to this publication for further updates on the Risk Management Program as it develops.

#### **How can I let EPA know if we need more or different kinds of help?**

Our office is always interested in hearing directly from the regulated community on additional sources of information that may be needed in order to make sure that small businesses can comply on time, accurately and with a minimum of headaches. I would be interested in hearing any ideas you might have for technical or compliance assistance, so please write me:

Julie Vanden Bosch Phone: (202) 260-7952  
Chemical Emergency Preparedness and Prevention Office  
Mailcode 5104  
U.S. Environmental Protection Agency  
401 M Street SW  
Washington D.C. 20460

#### **Future Articles**

Keep an eye out for future articles in this newsletter that will help you comply with the RMP. We will be keeping you up to date on issues such as:

- Additional sources of assistance;
- Industry-specific guidance for majority-small business industry sectors;
- Development of the electronic submission system and public access system;
- Ways in which you can help the community understand your prevention programs; and
- How you can expect the information you submit to be used.

## SMALL BUSINESS ENVIRONMENTAL HOME PAGE

The Small Business Environmental Home Page on the internet continues to benefit the small business community and the Section 507 programs. This web page has been developed and is being maintained by the *Concurrent Technologies Corporation*--Pittsburgh Office under grant and cooperative agreement funding provided by U.S. EPA SBO.

The home page was developed in response to requests from the state Section 507 programs and the small business community for assistance in centrally distributing and exchanging information about their program activities, and for efficiency in locating EPA, state, and other information focused on small businesses. The home page is intended as a source of information for the state small business assistance programs, trade associations, and small businesses. The page is updated regularly and incorporates suggestions from the user community.

Now on line is the companion U.S. EPA SBO Home Page located on the EPA server ([www.epa.gov/sbo](http://www.epa.gov/sbo)). This page includes EPA SBO-specific information, such as details about the EPA SBO program, SBO Update Newsletters, EPA SBO's List of Available EPA Publications, and Frequently Asked Questions (and answers). The U.S. EPA SBO Home Page links directly to the Small Business Environmental Home Page.

For those who have not visited the Small Business Environmental Home Page lately, please check it out again! The links and resources on the home page are constantly being updated, and the following have recently been added/improved:

- A new videos searchable database to help you locate where you can find the videos you need for health and safety training, environmental information, and small business assistance!!
- The publications searchable database now includes over 1,000 directly linked publications and fact sheets!
- The upcoming events searchable database is on line and a "send us your event" form is available for easy inclusion of your events!
- The SBTCP 1996 and 1995 Reports to Congress are available for downloading in Adobe PDF format!
- A list of telephone numbers for Small Business Contacts by EPA Program Office has been added!
- Links and resources for pollution prevention and ISO 14000 have been updated!
- **Coming soon** is a new way to share and find state news!

In addition to the newer features of the home page described above, the Small Business Environmental Home Page continues to include: links to state environmental agencies and small business assistance program web sites, SBO update newsletters, key Compliance Advisory Panel (CAP) contacts and meeting information, links to state environmental newsletters and funding information subpages, compliance information (including monthly regulatory updates, environmental reporting calendar and requirements checklist, law summaries, links), EPA and small business assistance program contact lists, links to trade associations and listing of trade association contacts, summaries and links to new EPA initiatives and policies, industry sector links, funding help, and links to environmental and other helpful sites. Also included is a reference page to find out what's new on the site and a mechanism to search the home page. Information is organized in a user-friendly manner. Users are encouraged to provide information on events, state news, contacts, publications/fact sheets, videos, CAP information, and corrected/new links to include on the home page, and any comments and suggestions about the home page to Audrey Zelanko ([zelankoa@ctc.com](mailto:zelankoa@ctc.com); 412/826-5321, x237). The Small Business Environmental Home Page is located at the following URL:

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

**WHERE TO CALL FOR MORE INFORMATION AND HELP**

**SMALL BUSINESS OMBUDSMAN**

<b>Toll Free</b> <b>(800) 368-5888</b>	<b>Local and DC Area</b> <b>(202) 260-1211</b>	<b>T.D.D.</b> <b>(202) 260-1258</b>	<b>Fax</b> <b>(202) 401-2302</b>
<b>Internet—<a href="http://www.epa.gov/sbo/">http://www.epa.gov/sbo/</a></b>			

**OTHER EPA HOTLINES**

- **Center for Env. Research Information** (513) 569-7562
- National Center for Environmental Publications and Information . . . . . (800) 490-9198 (513) 489-8190
- Indoor Air Quality Info Clearinghouse . . . (800) 438-4318
- EPA Energy Star . . . . . (888) 782-7937
- Clean Air Tech. Center . . . . . (919) 541-0800
- Mobile Sources (Emissions) . . . . . (734) 214-4333
- Emission Measurement Center . . . . . (919) 541-0200
- Stratospheric Ozone Information . . . . . (800) 296-1996
- Acid Rain (emiss trading, auctions, Info) . (202) 564-9620
- Safe Drinking Water (public water supply, technical and regulatory issues) . . . . . (800) 426-4791
- Waste Water/Small Flows Clearinghouse (WV Univ) . . . . . (800) 624-8301
- Watershed Info. Resource System . . . . . (800) 726-5253
- Water Resource Center . . . . . (202) 260-7786
- Wetlands Information . . . . . (800) 832-7828
- Pollution Prevention Info Clearinghouse . (202) 260-1023
- **National Solid and Hazardous Waste Ombudsman** . . . . . **(800) 262-7937** (202) 260-9361
- Solid and Hazardous Waste (RCRA), Superfund (CERCLA), and Underground Storage Tanks (UST) . . . . . (800) 424-9346 (703) 412-9810
- Emergency Planning & Community Right to Know Title III (EPCRA) . . . . . (800) 535-0202 **(703) 412-9877**
- **Toxic Substances Control Act** . . . . . **(202) 554-1404**

**(TSCA) & Asbestos Information**

- **Office of Pesticide Program Registration Div.(Ombudsman)** . . . . . **(703) 305-5446**
- **Antimicrobial Ombudsman** . . . . . **(703) 308-6214**
- **Bio-Pesticide Staff Assist** . . . . . **(703) 308-8098**
- **National Pesticide Telecomm. Network** **(800) 858-7378**
- **EPA Waste Wi e/Waste Reduction** . . . **(800) 372-9473**
- **Brownfields** . . . . . **(888) 795-4684**
- **Office of Environ. Justice** . . . . . **(800) 962-6215**
- **Office Pollution Prevention Toxics** . . . **(202) 260-2983**

**OPPT Small Business Liaison**

- **Chemical Emergency Preparedness and Prevention Office CEPPPO Small Business Liaison** . . . . . **(202) 260-7952**
- **National Center for Environmental Research for Small Business Innovation Research (SBIR) Information Center Enter 3 after the prompt** . . . **(800) 490-9194**

**OTHER HOTLINES OR OTHER HELP LINES**

- **Recycling Hotline** . . . . . **(800) 253-2687**
- **National Technical Information Service (NTIS)** . . . . . **(800) 553-6847** (703) 605-6000
- **National Response Center/US Coast for reporting oil spills and hazardous substance releases** . . . . . **(800) 424-8802** (202) 267-2675
- **Department of Energy (DOE)--National Alternative Fuels Hotline** **(800) 423-1363**
- **Energy-efficiency & Renewable Energy Clearinghouse (Operated by the DOE) For inquiries on energy related matters)** . . . . . **(800) 363-3732**
- **DOT--Transportation of Haz. Mater.** . . . **800) 467-4922**
- **CHEMTREC Center Non-Emergency Svc.(operated by the Chemical Manufacturers Association--Health & Safety)** **(800) 262-8200**
- **Electric Magnetic Fields Information** . . . . **(800) 363-2383** (800) 643-4794
- **Center for Energy & Env. Mgmt Courses on ISO 9000/14000** . . . . . **(703) 250-5900**
- **National Lead Information Center (General Information)** . . . . . **(800) 424-5323** **(800) 532-3394**
- **Small Business Administration** . . . . . **(800) 827-5722**
- **Occupational Safety & Health Admin (OSHA) (Worker Safety Referral Svcs.)** . (800) 321-6742
- **American Lung Association** . . . . . **(800) 586-4822** (Connects to local State chapter)
- **Consumer Product Safety Comm** . . . . . **(800) 638-2772**
- **Radon (Nat'l Safety Council )** . . . . . **(800) 767-7236**
- **INFOTERRA/USA (EPA Ofc)** . . . . . **(202) 260-5917**
- **Government Printing Office** . . . . . **(202) 512-1800**

**EPA REGIONAL SMALL BUSINESS LIAISONS**

<b>REGION 1.</b> <b>NJ, NY, PR, VI</b>	<b>CT, ME, MA, NH, RI, VT</b> <b>Otto Salamon</b>	<b>Dwight Peavey</b> <b>(617) 565-3230</b> <b>(212) 637-3417</b>
<b>3.</b>	<b>DE, DC, MD, PA, VA, WV</b> <b>David Byro</b>	<b>(800) 228-8711/(215) 566-5563</b>
<b>4.</b>	<b>AL, FL, GA, KY, MS, NC, SC, TN</b> <b>Annette Hill</b>	<b>(404) 562-8287</b>
<b>5.</b>	<b>IL, IN, MI, MN, OH, W</b> <b>Glynnis Zywicki</b>	<b>(312) 886-4571</b>
<b>6.</b>	<b>AR, LA, NM, OK, TX</b> <b>Patty Senna</b>	<b>(800) 887-6063/(214) 665-7178</b>
<b>7.</b>	<b>IA, KS, MO, NE</b> <b>Charles Hensley</b>	<b>(913) 551-7519</b>
<b>8.</b>	<b>CO, MT, ND, SD, UT, WY</b> <b>Rob Laidlaw</b>	<b>(303) 312- 7064</b>
<b>9.</b>	<b>AZ, CA, HI, NV, AS, GU</b> <b>Frederick Leif</b>	<b>(415) 744-1017</b>
<b>AK, ID, OR, WA</b>	<b>Lauri Hennessey</b>	<b>(206) 553-1138</b>

# 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 36. In addition, the Ombudsman's Office maintains an inventory of over 200 EPA and related publications containing useful environmental information for small business. A complete listing of these publications can be obtained by contacting the Ombudsman's Office at 1-800-368-5888

## HERE'S SOME MORE RECENT ACTIVITIES AND INITIATIVES TO BETTER SERVE YOU

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

- Hosted fifth National Small Business Ombudsman and Technical Assistance Program Conference in Scottsdale, AZ., attended by 47 States, 2 Territories, and the District of Columbia (185 participants), and have set plans for a sixth Conference in early 1999, in Tampa, Florida.
- Developed external stakeholder guidance and acted as a principal participant in the Agency's Eighth Regulatory Tiering (prioritizing) Process.
- Served as principal role player in the development of a new EPA policy offering compliance incentives to small businesses in all media (waste, water, toxics, etc.).
- Coordinated individual meetings and follow-up meetings between major small business trade associations and the EPA Deputy Administrator, Assistant Administrators, and Agency Small Business Program Office Representatives on April 17, and June 17, 1998 to discuss small business initiatives and issues.
- Developed small business regulatory impact studies for several small business trade associations and prepared "look-back" regulatory impact study justification.
- Participant as key player in the joint Small Business Administration and Office of Management and Budget SBREFA Panel Process.
- Working in cooperation with the University of Tennessee's Industrial Services Center and the EPA Office of Air Quality Planning and Standards on Satellite Teleconference.
- Finalized EPA's 1996 Small Business Ombudsman Report to Congress under Section 507 of the 1990 Clean Air Act Amendments and have received state reports for the development of the 1997 report.
- Cooperatively managing Small Business Regulatory Enforcement Fairness Act of 1996 small business entity outreach activities in order to implement Act requirements.
- Planning to conduct Small Business Liaison Conference for EPA Regional Small Business Representatives on August 5-6, 1998.
- Completed an EPA Small Business Ombudsman Internet Home Page <http://www.epa.gov/>
- Compliance Advisory Panel Training and Networking Meeting held on March 29, 1998, in Scottsdale, Arizona.
- Developing Environmental Management Assistance Guide for Small Laboratories.
- Developing a State Resource Guide for Small Business Assistance Programs
- Developing a Compliance Advisory Panel (CAP) Management Manual to assist State CAPs with their Clean

Air Act responsibilities.

## NATIONAL ENVIRONMENTAL LABORATORY ACCREDITATION CONFERENCE (NELAC)

The National Environmental Laboratory Accreditation Conference (NELAC) is a voluntary association of state and federal agencies with the common objective to establish uniform laboratory accreditation standards. In support of the objective, states and federal agencies will adopt standards and serve as accrediting authorities. A multi-governmental team would serve to evaluate and approve the state and federal accrediting authorities, to ensure reciprocity of laboratory accreditations granted. Twenty state programs have applied for recognition as accrediting authorities. Current information on this program may be obtain from the Internet Site, [www.epa.gov/ttn/nelac](http://www.epa.gov/ttn/nelac).

## FACILITY IDENTIFIERS INITIATIVE

The Environmental Protection Agency has developed the "Facility Identifiers Initiative" to support access to facility based information and to standardize such data elements, in order to support access to substantive environmental data. This initiative involves an EPA/State Data Management approach to facility data integration. It is not a new regulatory reporting requirement--thus, it represents no new regulatory burden for the business community.

Since, the individual states have their own programs for protection of the environment, this initiative must also be aware of those elements required under state programs. For this reason, the EPA will be working with those parts of state governments responsible for administering both the programs delegated to the states (which may include those under the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Clean Air Act Amendments (CAAA) and those conducted under state statutes). A preliminary notice concerning this initiative appeared in the **Federal Register (FR)** on October 7, 1996 pp. 52587-600, and it is included in Item A-12. For more current information on the Facility Identification program, please visit the Internet site--[envirofacts](http://www.epa.gov/enviro) at [www.epa.gov/enviro](http://www.epa.gov/enviro) and click the Facility Identification Initiative hot link. Contacts are now underway with various concerned state agencies and EPA Regional Offices.

## CLEAN AIR ACT

### IMPLEMENTATION STRATEGY UPDATE

**EPA's Office of Air and Radiation** has prepared a 1997 *Implementation Strategy* publication. It outlines the schedule, by

industry, for issuing regulations required by the Clean Air Act. It is included in our Item I-11 package.

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

In 1992, EPA issued regulations providing for the establishment of comprehensive state air quality permitting systems consistent with the requirements of Title V of the Clean Air Act. The Rule allows States to issue a general permit covering numerous similar small sources, each of which need only submit information covering its eligibility. The Rule was revised and expanded in 1994, including the provision of more flexibility in the revision of permits, with more flexibility provided in 1995. Amendments were published on June 3, 1996, providing non-major source emission exemptions. See 71/96 Code of Federal Regulations (CFR), Part 70. For detailed history, see our Item I-25.

## **CAA -- A GUIDE FOR SMALL BUSINESSES**

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

## **NEW NATIONAL AMBIENT AIR QUALITY STANDARDS REVISED FOR PARTICULATE MATTER AND OZONE**

On July 18, 1997, the Federal Register published EPA's revisions to the National Ambient Air Quality Standards for Particulate Matter and Ozone (ground level). Particulate Matter (PM) largely originates as soot from combustion sources, such as power plants and incinerators. Ozone is primarily caused by industrial and motor vehicle emissions. These revisions require states to reconsider the air quality controls they place on industries and businesses of all sizes. In addition to the current PM standard which regulates particulates of 10 microns or smaller at annual arithmetic mean concentration of 50 micrograms per cubic meter and 24-hour average concentration of 150 micrograms per cubic meter; the standard adds the regulation of particulate 2.5 microns or smaller at 15 micrograms annually and 50 micrograms daily. Also, the Ozone standard has been revised from 0.12 parts per million (PPM), daily maximum 1 hour average, to a new standard of 0.08 PPM, daily maximum 8 hour. On both the revised PM and Ozone standards, EPA is also specifying the way in which the attainment of these standards would be measured.

As anticipated, plans for control strategies to meet the new standards would be due in 2000 for PM and in 2002 for Ozone. Deadlines for achieving full compliance would occur several years later for each. During 1998, the Agency is issuing a series of guidance memoranda for States to use in planning for the revised NAAQS standards. In May 1998, "Early Planning Guidance" was issued that addressed the requirement for Governors to submit recommendations for the designation of nonattainment, attainment and unclassifiable areas. Also, the guidance explaining the process EPA plans to follow to ensure that general authority/infrastructure State Implementation Plans (SIP) are adequate to implement the

revised Standards. We will continue to keep you updated .

## **NEW CAA MEDICAL WASTE INCINERATOR RULE**

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

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

In 1994, a General Provisions Rule was issued to establish a consistent set of requirements for NESHAPs under the air toxics provisions of the Clean Air Act, Item I-20. Since then, EPA has finalized rules which affect many small businesses, including Halogenated Solvent Cleaning Processes, Item I-21; (Important Note: 1-year stay on continuous use of cleaning machines, beginning 5/5/98), Chromium Electroplating and Anodizing Operations---revision of compliance deadlines: Federal Register 1/30/97, Item 1-22; Ethylene Oxide Emissions from Commercial Sterilization and Fumigation Operations, Item I-23 (IMPORTANT NOTE: Rule was SUSPENDED on 12/4/97 for 1 year); Dry Cleaners--rule amended 9/16/96 relative to certain transfer machines, Item I-27; Aerospace Manufacturing and Rework---amendments and control techniques guidelines proposed, Item 40; Wood Furniture Manufacturing and control techniques guidelines, Item I-41; Printing and Publishing, Item I-42; and Hospital/Medical/Infectious Waste Incinerators, Item I-46.

Rules have been proposed for Consumer Products--4/2/96, Item I-43; Automotive Refinish Coatings--4/30/96, Item I-44; and Architectural Coatings--6/25/96, Item I- 45; with Final Rules expected by late 1998.

The NESHAP for Hazardous Organic Compounds (HON) in production operations, primarily in Synthetic Organic Chemical Manufacturing, was issued in 1994. Amendments and/or revisions were issued in the Federal Register in 1995, and on 12/5/96, and 1/17/97. The latter two FRs exclude some volatile organic compounds and ease implementation plan requirements. A proposed correction relative to equipment leaks was issued on 8/22/97. Item I-24.

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

On 6/4/96, EPA published a revision to the Initial List of Categories of Sources, as required under Section 112 (c)(1) of the Clean Air Act of 1990; and a revised Schedule for the Promulgation of Emission Standards for the above categories; and an advance notice to propose adding more Research and Development Facilities was issued on 5/12/97, Item I-28.

## STATE MOTOR VEHICLE INSPECTION MAINTENANCE PROGRAMS PROVIDED MORE FLEXIBILITY

In 1992, EPA published a Final Rule making the subject programs tougher, including a requirement for "test only" stations. Our Office raised strong objections to that rule, because of the adverse impact on many small businesses. In 1995, EPA published a Final Rule allowing the states flexibility in designing their enhanced auto inspection programs. This rule was amended on 9/23/96 and 1/9/98. Item I-29.

## PERCHLOROETHYLENE (PCE) HEALTH EFFECT STUDIES

EPA evaluation of toxicological and carcinogenic studies related to PCE, which is declared a hazardous air pollutant by the Clean Air Act, has been delayed pending the completion of other studies, including those for the coming year on the related compound trichloroethylene, having similar toxicology.

As an update, in the Federal Register (FR) notice on January 2, 1998, (1/2/98 FR pp. 75-7), EPA National Center for Environmental Assessment-ORD identified a number of health assessment activities which would be conducted according to the new procedures for EPA's new Integrated Risk Information System. PCE (Tetrachloroethylene) was one of these. The notice stated that a Tetrachloroethylene reassessment would start sometime in 1998, but not before substantial progress has been made on EPA's reassessment of trichloroethylene which is ongoing. As of June 1998 the assessment has not yet been started. A completion for the trichloroethylene assessment was estimated to be in early 2000. The tetrachloroethylene reassessment would encompass both cancer hazard-risk characterization and general toxicity (noncancer) health hazard characterization including appropriate Oral Reference Dose and Inhalation Reference Concentration recommendations. For further information on these activities, reference may be made to the FR Notice cited above.

## PERCHLOROETHYLENE (PCE) SUBSTITUTES

According to the 10/26/96 issue of Science and Technology News, dry cleaning equipment using liquid carbon dioxide, instead of PCE, was scheduled for marketing. Updated information on this may be obtained from [www.globaltechno.com](http://www.globaltechno.com).

## STRATOSPHERIC OZONE PROTECTION CFC PHASEOUT RULES

An accelerated phase-out of the production of Chlorofluorocarbons (CFC), Halons, Carbon Tetrachloride, Methyl Chloroform, and Hydrochlorofluorocarbons (HCFC) was mandated and internationally endorsed in 1992, Item I-5. A Final rule *detailling* the above *phase-out*, with Methyl Bromide added, was issued, Item I-15. Final rules also have been issued which control recovery and recycling of all refrigerants during the servicing of on-road motor vehicle air conditioners, Item I-14, emissions reduction, and use of certified personnel during servicing and disposal of all *other air conditioning and refrigeration equipment* which use ozone depleting substances, Recycling amendments proposed in 6/11/98 FR, pp. 32043-98. Item I-16. Rules were also issued banning the use of CFCs

and HCFCs in non-essential products, Item I-17, Labeling of products containing ozone depleting substances and their packaging, Item I-18, and significant new *alternative refrigerants*, Item I-19.

## CAA FIELD CITATION PROGRAM AND MONETARY AWARD FINAL RULES

The proposed Field Citation's Rule allowing EPA field inspectors to levy immediate, on-the-spot fines is expected to become Final in late 1998. The proposed Monetary Award's Rule authorizes cash awards to citizens reporting violations of air regulations, if they lead to criminal convictions or fines, is presently on an indefinite "hold." See Item I-12 for both.

## RISK MANAGEMENT PLANS (RMP)/CHANGES TO THE CHEMICAL THRESHOLD LIST RULES

The Chemical Accident Prevention Provisions were codified in the July 1, 1996 Title 40 part 68 of the Code of Federal Regulations (CFR). Following that date, there have been changes proposed and, as noted, in most instances finalized:

On August 25, 1997 (62 FR 45130-2), EPA published an amendment to the List Rule governing substances and their thresholds triggering compliance with the Risk Management Program by changing the concentration qualifier for hydrochloric acid solutions to 37%, under a settlement agreement between General Electric and EPA. On the same date (62 FR 45134-6), EPA published clarifying rule interpretations. Under a separate settlement agreement between EPA and the American Petroleum Institute (API) and the Institute of Makers of Explosive (IME), EPA proposed amendments to the list Rule on other issues such as delisting explosives and clarifying transportation exemption under the definition of stationary source. EPA finalized this amendment on January 6, 1998 (63 FR 639-45). Most recently, April 17, 1998 (63 FR 19216-26), the EPA has proposed use of the new industrial classification system in lieu of the "SIC" code, the addition of certain data elements to the RMP, and clarifying certain items, including procedures for protection of confidential business information. These items are included in the OASBO Item I-30. Facilities which have more than the threshold quantities of the listed substances, noted in Title 40, Part 68 of the CFR (as cited above), must submit program summaries, known as Risk Management Plans (RMPs) by June 21, 1999.

## WANT TO GET A HEAD START ON COMPLYING WITH THE RISK MANAGEMENT PROGRAM?

EPA is looking for small businesses to help us test our electronic RMP submission system (called RMP\*Submit). If you participate, you will be asked to use the draft version of RMP\*Submit software to provide EPA with comments on the software and users manual and you will also submit a sample RMP so that EPA can test the processing of the data before the program goes on-line in June 1999. Small businesses can submit a paper copy of their RMP if they don't have access to a computer.

This is your opportunity to preview the RMP\*Submit software, get a jump start on filling out your RMP and putting your risk management program in place (although your submission will not count for the purposes of compliance). If you are interested in being one of the first 200 applicants and would like to find out more about this test-run, call Julie Vanden Bosch at 202-260-7952 or email her at "vandenbosch.julie@epa.gov."



## **EPA IS DEVELOPING . . . RISK MANAGEMENT PROGRAM WORKSHOPS ESPECIALLY FOR SMALL BUSINESSES**

There is Good news for many small businesses which are required to comply with the Risk Management Program. EPA's Chemical Emergency Preparedness and Prevention Office is developing workshops focused on helping small businesses develop Risk Management Programs for commonly used and stored chemicals. It's called the **"Plan in Hand" Workshop**. If you are a propane retailer/user, water treatment system operator, ammonia refrigeration system operator or an agricultural retailer--and use propane, chlorine or ammonia above thresholds--you will benefit from the "Plan in Hand" workshop.

**What can I expect from attending a "Plan in Hand" Workshop?** Your trainer will be hosting an interactive workshop that: 1) teaches you about the Risk Management Program; 2) gives you information on putting a Risk Management Program in place at your facility; and 3) will allow you to leave with at least part of your Risk Management Plan completed. The "Plan in Hand" workshop is designed to help you understand RMP in the context of your specific operations.

**Can I sign up for these Workshops now?** Not yet. EPA's program coordinators in each Region and state/local agencies (both of whom are taking the lead on providing RMP training for small businesses) won't have the materials needed for the "Plan in Hand" type workshop until September, but it is possible that they already have other training programs in place for small businesses. You should call them to find out more about what training opportunities are available now.

**Reminder: the compliance date for RMP is less than one year away - June 21, 1999**

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

In 1995, EPA issued guidance relative to the definition of PTE under the Clean Air Act. PTE is important because of its relation to the need for a State Operating Permit under Title V. This Office has advocated for the consideration of small businesses relative to clarity, realistic definitional parameters, and alternatives. Although to be phased out, on 8/29/96, EPA issued an extension of the 1995 "transaction" policy. Also issued was a clarification of methods for calculating PTEs in Batch Chemical Manufacturing. Guidance to assist States in clarifying the minor source status of low-emitting sources in 8 industries (gasoline service stations, gasoline bulk plants, boilers, cotton gins, coating sources, printing, degreasers using volatile organic solvents, hot mix asphalt plants) was issued on April 19, 1998. A more "generic" low emitting source PTE prohibitory rule will be issued in the near future, Item I-31.

## **NEW CLEAN AIR ACT COMPLIANCE ASSISTANCE ENFORCEMENT POLICY FOR SMALL BUSINESSES**

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

## **INDUSTRIAL COMBUSTION COORDINATED RULEMAKING (ICCR)**

The Clean Air Act requires regulation of toxic air pollutant emissions under Sections 112 and 129, from several categories of industrial combustion sources, including boilers, process heaters, waste incinerators, stationary combustion turbines, and stationary internal combustion engines. These combustion devices are used primarily for energy generation and waste disposal in a wide variety of industries and commercial and institutional establishments. They burn fuels including oil, coal, natural gas, wood and non-hazardous wastes. The industrial combustion regulations could affect thousands of sources nationwide, and could have significant environmental and health impacts as well as cost impacts.

The Agency (EPA) has established a federal advisory committee under the Federal Advisory Committee Act (FACA), entitled the Industrial Combustion Coordinated Rulemaking (ICCR), to develop recommendations for EPA on these regulations. The goal of ICCR is to develop recommendations for EPA on regulations that will maximize environmental and public health benefits in a flexible framework at a reasonable cost of compliance, within the constraints of the Clean Air Act. The ICCR documents are available from the Internet at [www.epa.gov/ttn/iccr](http://www.epa.gov/ttn/iccr) (excepting Monday up to 1:00 p.m. Eastern time).

## **CLEAN WATER ACT**

### **EFFLUENT GUIDELINES PROGRAM**

Effluent guidelines are regulations for industrial discharges to surface waters and to publicly-owned treatment systems. EPA's Office of Water is working on effluent guidelines for the following industries: industrial laundries, landfills, industrial waste combustors, transportation equipment cleaning, centralized waste treatment, pharmaceutical manufacturing, pulp and paper, iron and steel, metal products and machinery, oil and gas extraction (synthetic-based drilling fluids), coal mining, and feedlots (swine and poultry). In addition to the industry-specific regulations, EPA published (on May 28, 1998) a summary of all ongoing and potential rulemakings; the proposed summary is referred to as the Effluent Guidelines Plan.

EPA participated in Small Business Advocacy Review Panels for three of the proposed rules: industrial laundries (proposed December 17, 1997), transportation equipment cleaning (signed on May 15, 1998 and as of mid-June, expected for publication in June 1998), and centralized waste treatment (as of mid-June, proposal expected in October 1998).

The industrial laundries proposal included an exclusion for facilities that process less than a specified weight (expressed in pounds per year) of industrial items. As a result of the Panel's recommendations, EPA solicited comment on alternative exclusions to minimize small business impacts without jeopardizing environmental benefit. The proposal for the transportation equipment cleaning industry discusses and solicits comments on many issues raised by the Panel, such as the subcategorization approach; approaches for minimizing the regulatory impacts for small facilities; and the pollutant loadings. Additionally, based on comments received from the Panel and on additional information provided by small entity representatives, EPA revised the scope of the proposal to exclude the cleaning of Intermediate Bulk Containers. The centralized waste treatment proposal discusses issues raised by the Panel and solicits comments on exclusions and reduced

monitoring options that will not jeopardize the environmental benefits or limit the facility's ability to accept a broad spectrum of off-site wastes.

EPA also proposed effluent guidelines for landfills and industrial waste combustors (both on February 6, 1998) and final effluent guidelines for some segments of the pulp and paper industry (April 15, 1998). For each of these rulemakings, EPA analyzed the potential economic impacts on small businesses and concluded that the rules would not result in a significant impact on a substantial number of small entities.

Later in 1998, EPA is planning to convene Small Business Advocacy Review Panels for two proposed rules: metal products and machinery and feedlots.

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

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

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

The November 16, 1990, storm water regulations presented three permit application options for storm water discharges associated with industrial activity. The first option is to submit an individual application consisting of Forms 1 and 2F. The second option was to have participated in a group application. This option is no longer available as the deadlines have passed. Using the group application information, EPA developed the industry-specific Multi-Sector General Permit to provide NPDES permit coverage to any facility that meets the stipulated eligibility requirements, regardless of participation in the group application process. This storm water permit was published September 29, 1995 in *FR* Vol. 60, No. 189, and provides coverage for 29 different industrial sectors under one permit and is part of the EPA's program to give permittees flexibility and incentives to pursue effective storm water controls tailored to their local situation. The third option is to file a Notice of Intent (NOI) to be covered under a general permit. For more information on any of these options or to request an NOI Form (Form 1 or 2F), please call the Office of Water Resource Center (202) 260-7786. All storm water discharges associated with industrial activity that discharged point sources of storm water on or before October 1, 1992, must have had permit coverage by October 1, 1993. Controls are implemented by way of the storm water pollution prevention plan, a flexible, site-specific document.

The next phase of the storm water program, phase II, is currently under development. EPA chartered a committee under the Federal Advisory Committee Act (FACA) to help frame the policy issues integral to protecting water quality from storm water discharges. The FACA committee has met on numerous occasions since September 1995 and has helped develop options for a phase II storm water program. EPA developed proposed phase II regulations with input from the FACA committee. The proposed regulations were signed on December 15, 1997, and appeared in the Federal Register on January 9, 1998. The comment period for the proposed rule ended on April 9, 1998. EPA has held public meetings and public hearings on the proposed rule in six cities. Interested parties may obtain more information on the proposed rule by

calling (202) 260-5816 or sending e-mail requests to "sw2@epamail.epa.gov." For the name and phone number of the Storm Water primary contact for your State and the EPA Regional contact, phone us at (800) 368-5888 and request Item G-9, "Overview of the Storm Water Program."

## **APPLICATION REQUIREMENTS AND REVISION OF NPDES INDUSTRIAL PERMIT FORM**

This Proposed Rule would update the existing regulation that requires all existing manufacturing, commercial, mining, and silvicultural operations to submit an application in order to obtain a National Pollutant Discharge Elimination System (NPDES) permit. The existing form has not been revised since 1984 and must be updated to reflect statutory and regulatory changes in the NPDES program, advances in scientific methods and an increased emphasis on toxics control. The revision intends to decrease the permitting burden on facilities while at the same time adequately supplying the permit writers with necessary facility information in order to produce accurate and legally defensible permits. The revised form will streamline data and information collection by consolidating this information currently required in Forms 1 and 2C to a single new Form 2C. In addition, this rule revision aims to delete certain pollutant parameters from the application process, as well as, include a process for the electronic transfer of application data to the Agency. The revised form will also clarify issues regarding which pollutants are authorized to be discharged by the permit and, therefore, shielded from enforcement actions by the Agency. To date, EPA has held a number of informal stakeholder outreach meetings with industry, environmental, and small entity groups. EPA is now assessing the potential impact of this rule on small businesses. The proposed rule is planned for the late Fall of 1998.

## **REVISION OF PRETREATMENT REQUIREMENTS**

EPA is developing a proposal that will modify the General Pretreatment Regulations (40 CFR Part 403) to reduce the burden to publicly-owned treatment works (POTWs) and industrial users. These revisions will allow more flexibility in regulating low pH wastes, allow either mass or concentration based limits to be established, better tailor oversight of and sampling by significant industrial users, and allow the granting of removal credits for certain pollutants. The proposed rulemaking will also clarify how management practices and general permits can best be used, provide for use of electronic reporting, and address other important program issues. To facilitate regulatory changes that would be responsive to the needs of the stakeholders, EPA provided brief discussions of the issues to stakeholders (state authorities, trade associations, industrial users, environmental organizations and individual POTWs) for their review and comment prior to drafting the formal proposal. The Notice of Proposed Rulemaking will be published in the Federal Register for public comment in the Summer of 1998.

## **SAFE DRINKING WATER ACT**

The newly reauthorized Safe Drinking Water Act (SDWA) has several provisions that will benefit small water systems. EPA is seeking input from small water systems and other stakeholders as it develops the regulations, guidances, and assistance documents needed to help states and water suppliers implement these provisions. EPA has formed several working

groups through the National Drinking Water Advisory Council (NDWAC) that will provide input and recommendations on EPA activities in SDWA implementation. Each of these working groups has representatives of small water systems. All of these meetings are open to the public, and small businesses are invited to participate. Meeting information can be found on the Office of Ground Water and Drinking Water's Internet Website at [www.epa.gov/OGWDW/caL1031.html](http://www.epa.gov/OGWDW/caL1031.html).

## **SMALL SYSTEM CAPACITY DEVELOPMENT**

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

By October, 2000 States have to develop and implement strategies to help water systems achieve and maintain capacity. EPA is developing guidance documents to assist states. These include a guidance for states on ensuring new water system capacity and a guidance for states on capacity development strategy preparation. A subgroup of NDWAC provided formal input to EPA as it developed these guidances. Drafts were released in February, 1998.

The Agency has sought and received extensive public comments on these draft documents. A notice of availability for the document *Information for States on Developing Affordability Criteria for Drinking Water* was published in the federal register on February 6, 1998, and copies can be accessed through the Safe Drinking Water Hotline on 1-800-426-4791. The Agency intends to publish *Guidance and Information on Implementing the Capacity Development Provisions Under the Safe Drinking Water Act, as amended in 1996*, on August 6, 1998. These documents will then be accessible through the Safe Drinking Water Hotline

The SDWA Amendments of 1996 created a new multi-billion dollar Drinking Water State Revolving Fund (DWSRF) program which provides capitalization grant funds to states to set up drinking water infrastructure programs and for other activities related to the protection of drinking water. The DWSRF pays special attention to the needs of small systems.

In addition, a minimum of 15% of the DWSRF funds that a state expects to expend each year must go to drinking water systems serving less than 10,000 people. Up to 2% of a state's annual DWSRF allotment may be used for technical assistance to small drinking water systems. States also have the flexibility to provide an amount up to 30 percent of the capitalization grant for additional principal subsidies for disadvantaged communities. States have the flexibility to define the affordability criteria used to determine which systems meet the eligibility criteria for these additional subsidies.

EPA released final guidelines to states for applying for DWSRF funds in February 1997. EPA is working with states to set up state programs and to award capitalization grants.

Thirty states have been awarded capitalization grants, and the other states are moving very quickly to submit their applications. All states have the legislative authority to receive capitalization grants.

## **SOURCE WATER PROTECTION**

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

## **CONSUMER CONFIDENCE REPORTS**

The 1996 SDWA Amendments require that all drinking water suppliers provide an annual report to their customers on the quality of their water, the source of the supply, and other factors. EPA is tasked with developing a regulation on these consumer confidence reports by August, 1998. The NDWAC consumer confidence working group has developed recommendations on the form and content of these reports. States may develop an alternative form and content for the reports as well as allow an alternative means of distribution for systems serving fewer than 10, 000 persons. EPA plans to release final regulations in August, 1998.

## **VARIANCES AND EXEMPTIONS**

The Agency is currently working to promulgate Revisions to Existing Regulations on Variances and Exemptions under the Safe Drinking Water Act, as amended. These regulations are part of an array of regulatory relief offered to small public water systems under the Act. Variances allow systems with poor source water quality to deviate from a Maximum Contaminant Level (MCL) or Treatment Technique for a given contaminant, while exemptions allow additional time for systems to come into compliance with a new MCL or Treatment Technique. The Agency has sought and received extensive public comments on the proposed revisions, and expects to promulgate the final regulations by August 6, 1998, the statutory deadline.

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

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

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

Class V wells are shallow wells which inject a variety of fluids directly below the land surface. They include shallow non-hazardous industrial waste injection wells, septic systems, storm water drainage wells, and other wells that have been found in some instances to emplace potentially harmful levels of contaminants into the above underground sources of drinking water. In accordance with a consent agreement between EPA and the Sierra Club Legal Defense Fund (SCLDF), the EPA's proposed approach for the management of Class V injection wells was published in the Federal Register (60 FR 44652) on August 28, 1995. After review of the public comment on the proposed approach, the Agency has elected to explore other options for the management of Class V wells and has worked with the SCLDF to establish a new schedule for Class V rule promulgation. Rule covering industrial waste and cesspool wells must be proposed by July 18, 1998.

## **PESTICIDE-FEDERAL INSECTICIDE, FUNGICIDE & RODENTICIDE ACT**

### **AGRICULTURAL PESTICIDE WORKER PROTECTION STANDARDS UPDATE**

The Code of Federal Regulations, 40 CFR, Parts 156 and 170 are set to protect pesticide workers. These rules and regulations have been revised as late as 6/26/96. In addition, the EPA published a manual, *The Worker Protection Standards (WPS) for Agricultural Pesticides - How to Comply* [EPA 735-B-93-001], and Fact Sheets explaining the regulations and their implementation. These are included in Item F-15. A Proposed Rule Change covering glove requirements was published in September, 1997. A Final Rule amendment is anticipated in mid-1998.

Also, EPA has published a final Policy Statement on the manufacturer and distributor labeling revisions required by the WPS which is included in Item-17. EPA has available many items to assist in compliance with the Worker Protection Standards, including bilingual training manuals for pesticide applicators, videos and leaflets for pesticide handlers, a pesticide safety poster for workers, a slide presentation covering the "Standard," a heat stress guide, and other items. A copy of the publication "*Worker Protection Standard: Materials Developed by EPA, States, and Other Organizations*," which describes Worker Protection Standard materials and how to obtain them, may be obtained from the EPA

Certification and Worker Protection Branch, (7506-C) 401 M Streets, S.W., Washington, D.C. 20460, or by calling 1-703-305-7666. These WPS materials addressing pesticide safety and training may also be obtained through EPA Regional Offices, States Agencies, the Cooperative Extension Service, the Government Printing Office, and private agricultural supply businesses.

## **RESTRICTED USE CRITERIA FOR PESTICIDES IN GROUND WATER PROPOSED RULE**

A Proposed Rule was published, in the May 13, 1991, *FR* pages 22076-9, which presented options for adding new criteria for determining which pesticides may be considered for restricted use classification based on the potential for ground water contamination. The Agency no longer plans to address the issue through rulemaking, but instead will publish a policy statement, likely in the Fall of 1998.

## **HAZARDOUS WASTE MANAGEMENT RESOURCE CONSERVATION & RECOVERY ACT**

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

Congress, in the Hazardous Solid Waste Amendments (HSWA) of 1984 to the Resource Conservation and Recovery Act (RCRA), established a timetable for restricting land disposal of hazardous wastes unless properly treated. Treatment standards have been finalized for newly listed hazardous wastes and hazardous debris, which are included in Title 40 of the U.S. Code of Federal Regulations (CFR) Part 268, July 1, 1996, as amended, (2/18/97, FR). The CFR Part 268, as amended, is included in Item C-41. The Final (Phase III) Rule was published (4/8/96 FR pp. 15565-668) with subsequent corrections and revisions listed in Item C-88. The Phase IV Final Rule has been published (5/26/98, FR pp. 28555-754) and is included in Item C-89. This Final Rule is the latest in a series of LDR rules that establish treatment standards for wastes identified or listed as hazardous after the date of the 1984 amendments, RCA § 3004(g)(4). Prior Rules included in Item C-89 cover treatment standards for wood preserving wastes, paperwork reduction, and clarification of treatability variances, (5/12/97 FR pp. 25998-990 and 12/5/97 FR pp. 64504-9).

This Final Phase IV Rule contains five major, interrelated sections. The first section explains the new land disposal restrictions treatment standards for wastes identified as hazardous because they exhibit the toxicity characteristic for metals (referred to as "TC metal wastes"). The section also revises the universal treatment standards (UTS) for 12 metal constituents in all hazardous wastes. The TC metal wastes will now be required to meet the universal treatment standards as do most other hazardous wastes. The second major section establishes the prohibition on land disposal plus treatment standards for a particular type of newly identified hazardous waste: mineral processing waste that exhibits a characteristics of hazardous waste. The third section addresses additional

issues affecting both TC metal wastes and characteristic mineral processing wastes. The fourth section amends the rules defining when secondary materials being recycled are solid wastes. It states that secondary materials from mineral processing which are generated and reclaimed within that industry are not solid wastes unless they are managed in land disposal units before being reclaimed. Such materials are not subject to regulation as hazardous wastes. That part of the Rule also addresses other issues related to mineral processing. The final major section promulgates amended treatment standards for soil that contains hazardous waste or which exhibits a characteristic of hazardous waste.

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

## **UNIFORM HAZARDOUS WASTE MANIFEST UPDATE**

Further Rule-making actions under consideration which address management of hazardous wastes include a revision of the Uniform Waste Manifest to reduce the paperwork burden associated with the manifest consistent with the current Agency objectives for burden reduction. Currently, states 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. Also, some states require paying a fee. The Agency seeks to reduce the burden of the manifest by streamlining the form and, where feasible, utilizing automated information technologies which facilitate transmission access to and storage of manifest data. A Notice of Proposed Rule-making is now scheduled for March of 1999.

## **HAZARDOUS WASTE IDENTIFICATION RULE RE-PROPOSAL**

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

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

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

As part of the President's March 1994 environmental regulatory reform initiative, the United States Environmental Protection Agency (EPA) is finalizing new regulations for RCRA hazardous wastes that are treated, stored or disposed of during cleanup actions.

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

The four main changes to existing regulatory requirements in the Final Rule to be published late this Summer (which will be placed in OSBO Item C-45) are: 1) streamlined permits for treatment, storage or disposal of hazardous waste generated during cleanup that will be faster and easier to obtain than traditional RCRA permits, and that do not require facility-wide corrective action; 2) provisions for a new kind of unit called a "staging pile" that allows more flexibility for the storage of remediation waste during cleanup actions than is currently available under the RCRA Subtitle C requirements; 3) an exemption from RCRA Subtitle C for materials dredged under permits issued under Marine Protection, Research and Sanctuaries Act or the Clean Water Act to reduce confusion and dual regulation of dredged materials, and 4) streamlined authorization procedures for States seeking to be authorized and, therefore able to implement, revisions to Federal RCRA regulations.

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

Rule-making action on management of hazardous waste addressing "Mercury-Containing Lamps," has been considered. A Proposed Rule was published on July 27, 1994, FR pp. 38289-304. The objective of the Proposed Rule is to obtain comment on two options: the first was to provide an exclusion for the mercury containing lamps (which include fluorescent lamps) from regulation as hazardous waste provided disposal is made in permitted landfills, and the other was to add mercury lamps to EPA's Universal Waste Rule (see Item C-51). Over 300 public comments have been received on the Proposed Rule. A related supplemental analysis was completed and published in the Federal Register on 7/11/97. A Final Rule is expected to be completed in late Summer 1998. The Proposed Rule on mercury lamps is included in Item C-80.

## **NEW HAZARDOUS WASTE RECYCLING REGULATIONS**

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

EPA has promulgated streamlined, hazardous waste management regulations governing the collection and transportation of certain wastes which are frequently recycled, such as batteries, recalled pesticides, and mercury thermostats, termed "Universal Wastes." This Final rule (5/11/95 FR pp. 25491-551) is included in the Item C-51. This rule greatly facilitates the environmentally-sound collection for proper recycling procedures and waste management for the covered wastes.

EPA is now studying changes to the "Definition of Solid Waste" regulations under RCRA, governing hazardous waste recycling, which would reduce regulatory barriers for certain categories of environmentally sound recycling, covering a wide range of materials, rather than items as specified in the "Universal Waste" Rule cited above. A proposed rule was developed which proposed two broad options, but that effort has been set aside due to stakeholder concerns, and EPA is now pursuing more incremental fixes to improve the definition of solid waste. Work is underway, and a proposal should be set for publishing in the early part of 1999.

## **SMALL QUANTITY GENERATOR HANDBOOK UPDATE**

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

## **USED OIL MANAGEMENT STANDARDS**

In our last "Update Newsletter," January 1998, we reviewed some of the history on the "Used Oil Mixture Rule." Recently EPA published (5/6/98 FR pp. 24963-9) a Direct Final Rule which eliminates errors and clarifies ambiguities in the used oil management standards. Specifically, this rule clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the used oil management standards and when it is not, that the requirements applicable to releases of used oil apply in States that are not authorized for the RCRA base program, that mixtures of conditionally exempt small quantity generator (CESQG) wastes and used oil are subject to the used oil management standards irrespective of how that mixture is to be recycled, and that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. This rule also amends three incorrect references to the pre-1992 used oil specifications in the provisions which address hazardous waste fuel produced from, or oil reclaimed from, oil bearing hazardous wastes from petroleum refining operations.

This Direct Final Rule, along with the Code of Federal Regulation (CFR) Part 279 Subparts A through I, and Part 261, Subpart A (b)(13) which also address management of used oil are included in the OSBO Item C-36.

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

The rule 40 CFR Part 112, included in Item C-77, also concerns facility preparedness and development of response plans under the Oil Pollution Act (the Act of 1990) which requires that EPA issue regulations to require "Facility Response Plans" (FRP) covering events which could cause substantial harm to the environment. Also, included in publication Item C-77 is the National Response Team's Integrated Contingency Plan Guidance, Notice 6/5/96 FR pp. 28641-64, with corrections, 6/19/96 FR pp. 31163-4, which provides additional guidance on emergency plan preparation.

## **UNDERGROUND STORAGE TANK SYSTEMS**

Remember, this is the year, December 22, 1998, in which pre-existing underground storage tanks (UST) for petroleum and certain hazardous materials must meet criteria as set forth by Congressional Statute in 1984. Specifically, the UST must have leak detection installed not later than December 1993, and must have spill and overflow protection and corrosion protection by December 22, 1998. New tanks will also need to meet the required criteria. We suggest that those concerned request our information package on underground storage tanks, as found under C-37 in our list of publications.

## **UNDERGROUND STORAGE TANKS-SECTION 610 REVIEW**

Section 610 of the Regulatory Flexibility Act requires that an agency review within 10 years of Promulgation those regulations that have or will have a significant economic impact on a substantial number of small entities.

In September 1988 the Environmental Protection Agency (EPA) promulgated regulations establishing technical standards and corrective action requirements applicable to underground storage tanks, (9/23/88, 53 FR 37082) (40 CFR Part 280).

EPA will review these regulations and solicit comments on the need for the rule: the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State or local government rules; and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated. Write:

Sammy Ng, (703) 603-7166

Office of Solid Waste and Emergency Response

## EMERGENCY PLANNING, COMMUNITY RIGHT-TO-KNOW ACT

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

Major requirements of the Act includes emergency planning for designated hazardous substances (Extremely Hazardous Substances, or "EHS") above threshold reporting quantities; reporting releases of EHS and hazardous substances above reportable quantities; submission of Material Safety Data Sheets (MSDS) to planning groups; and submission of annual reports on March 1, yearly, covering inventories of hazardous substances, which for any time in the reporting year exceed the stated reporting thresholds. These requirements are explained in the "Community Right-to-Know and Small Business" pamphlet, Item K-32. A Final Rule was published on 5/7/96 FR pp. 20473-90, effective 7/8/96, on changes in the EHS list and reportable quantities. This Final Rule is included in Item K-30.

The EPA on June 8, 1998 issued a Proposed Rule 6/8/98 FR pp. 3269-317 designed to simplify reporting under Sections 311-312 of the "Emergency Planning and Community Right-to-Know Act" (EPCRA). This Proposed Rule is also included in Item K-30.

In this Proposed Rule, EPA has proposed several changes:

- Higher reporting thresholds for gasoline and diesel fuel at retail gasoline stations. Retail gas stations that store gasoline and diesel fuel entirely underground and are in compliance with underground storage tank (UST) regulations would be subject to the following thresholds under section 311-312: 75,000 gallons for all grades of gasoline combined and 100,000 gallons for diesel fuel. EPA estimates that the vast majority of retail gas stations will have less than these quantities.
- Relief from routine reporting for rock salt, sand, and gravel. Facilities that store or handle rock salt, sand, and gravel no longer would report these substances under sections 311-312, regardless of how much was onsite.
- Relief from routine reporting for substances with low hazards and low risks. A substance that does not pose a significant physical or health hazard to the public, emergency response personnel, or the environment would no longer be reportable under sections 311-312, regardless of how much was onsite.

In addition, EPA is proposing to clarify reporting of mixtures and change the interpretation of the existing hazardous chemical exemption for solids under Section 311.

Under this Proposed Rule EPA is soliciting comments on the changes as noted above, and also requests comment on several issues which would give State and local governments more flexibility to implement the existing requirements of EPCRA sections 311-312.

- Partnership programs for streamlined submission of and joint access to section 311 and 312 information;
- Electronic submittal of information;
- Reporting of ONLY changes in information, rather than submitting a new inventory each year;
- Allowing RCRA UST reports to fulfill EPCRA Section 312 requirements.

This notice proposes to rewrite the existing regulations under Sections 302-312 of EPCRA in "Plain English" format, and incorporates the requirements previously set forth in the Final Rule (5/7/96 FR pp. 20473-90), in addition to the

proposed changes outlined above. Comment is also being solicited on the use of the 'Plain English' in this Rule.

The texts of the Proposed Rule are available also in electronic format at: <http://www.epa.gov/ceppo/>, EPA's Chemical Emergency Preparedness and Prevention Office Home Page.

### SUPPORTING THE NATIONAL TOXIC RELEASE INVENTORY (TRI) PUBLIC DATA RELEASE

An EPCRA requirement is for manufacturers (SIC Codes 20 through 39) with 10 or more employees to submit "Form R" reports to the EPA annually on July 1st for the "Toxic Release Inventory" (TRI) listed chemicals when they are either "used," manufactured, or incorporated into products in quantities above stated thresholds. EPA has provided an alternate threshold for facilities that do not exceed a 500 pound reportable amount. Facilities that do not exceed the alternate threshold may fill out a Form A certification statement.

EPA has also completed rulemaking directed to expansion of the SIC Code base to be used for submission of the Form R and the Form A certification statement. A Final Rule was published, 5/1/97 FR pp. 23833-92. This Rule is now included in Item K-29. Additional industries added for reporting included groups under: metal mining, coal mining, electric utilities, commercial hazardous waste treatment, chemicals and allied products-wholesale, petroleum terminals and bulk plants-wholesale, and solvent recovery services. This Rule was effective December 31, 1997, for the report year beginning January 1, 1998. These reports must be submitted by July 1, 1999.

There are other changes in the Toxic Release Inventory (TRI) reporting now under consideration by the EPA. One change concerns addition of more data elements for the TRI reporting, and an Advance Notice of Proposed Rule Making on the additional data elements to be considered has been published in the 10/1/96 FR pp. 51321-331. Another Proposed Rule, 5/7/97 FR pp. 24887-96 addresses addition of dioxin compounds for TRI reporting. These are included in Item K-29. Another change would involve lowering the reporting thresholds on persistent and bioaccumulative items. A proposed rule on this change is currently scheduled for publication in the Fall of 1998.

Also, another change underway in TRI reporting is the inclusion of mandatory, pollution prevention reporting on the Form R, which would implement the Source Reduction and Recycling Report provision of the Pollution Prevention Act of 1990. This change would require the facilities filing Form R to include information on amounts of chemicals recycled, burned for energy recovery, and treated and released, both on and off site, for the report year, as well as the prior year and two years following. A supplementary Notice of Proposed Rulemaking is expected in late 1998.

### 1996 TOXIC RELEASE INVENTORY (TRI) PUBLIC DATA RELEASE

The 1996 Annual Toxic Release Inventory (TRI) public data base publications are to be published soon.

The titles and publication numbers for these documents are the following:

1996 Toxics Release Inventory Data release, EPA 745-R-98-005 and 1996 Toxics Releases Inventory Public Data Release State Fact Sheets, EPA 745-F-98-001

Copies of both documents will be available through the National Center for Environmental Publications and information (NCEP) at (800) 490-9198 [Fax (513) 489-8695]. These documents are to be available later this Summer. Both

## **SUPERFUND COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT**

### **CERCLA LENDER LIABILITY GUIDANCE**

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

## **THE TOXIC SUBSTANCE CONTROL ACT**

### **LEAD-BASED PAINT HAZARDS**

In accordance with Section 403 of TSCA as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992, EPA is proposing a regulation to establish standards for lead based paint hazards to apply to housing constructed prior to 1978 (some exceptions) and child-occupied facilities. Nothing in this proposal requires any person to evaluate the property(ies) for the presence of lead-based paint hazards or take any action to control these conditions if identified. The proposed rule was published 6/3/98. FR pp. 30302-55, Item E-47.

## **GENERAL**

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

On December 22, 1995, EPA issued a final policy on incentives for businesses to voluntarily discover, disclose, and correct violations of environmental rules and requirements (12/22/95 FR pp. 66705-12). The policy was effective January 22, 1996. Audit Policy Interpretive Guidance was issued on 1/15/97, Item I-13.

### **NEW POLICY ON COMPLIANCE INCENTIVES FOR SMALL BUSINESSES**

On May 20, 1996, EPA's Office of Enforcement and Compliance Assurance (OECA) issued a final policy providing incentives for auditing or using compliance assistance, and promptly correcting violations. It applies the principles of the Clean Air Act Section 507 Policy of August 12, 1994 to other environmental programs (see Item I-13).

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

Recognizing the potential difficulties faced by small and medium organizations wishing to put EMSs in place, EPA's Offices of Water and Compliance Assurance have produced a guide to EMS implementation specifically to the needs of these types of organizations. The Guide is based on the elements of the ISO 14001 standard and is written in plain, easy to understand language. Several small organizations worked with EPA and NSF to design and review the Guide and are presently using it. The Guide provides a step-by-step approach for putting an EMS in place and gives a number of examples from companies that have already done so. Contact: Jim Horne, (202) 260-5802. INTERNET: [http://www.icubed.com/epa\\_sbo/index.html](http://www.icubed.com/epa_sbo/index.html) The Guide also provides tips for putting in place an effective approach for managing an organization's compliance with regulatory requirements and using pollution prevention techniques to enhance the environmental management system. For copies of the Guide, call 1- (800) 368-5888, Item B-12

## **EPA's COMMON SENSE INITIATIVE UPDATE**

The Common Sense Initiative (CSI) reflects EPA's commitment to strengthening environmental standards, while encouraging innovation and flexibility in how they are met. CSI continues to work directly with the metal finishing and the printing industries to increase their capacity to be good stewards of the environment and public health while remaining solid members of the business community.

In January 1998, the metal finishing industry signed a landmark environmental agreement that sets ambitious, beyond compliance, voluntary environmental performance goals for the industry. This National Strategic Goals Program is the first sector-wide CSI agreement reached by participating stakeholders including industry, environmental organizations, federal, state, and local government organizations, labor, and community groups.

The agreement contains industry-wide strategic goals for full compliance, improved economic payback, brownfield prevention, and enforcement of chronic non-compliers. The agreement also includes a comprehensive action plan for all stakeholder groups. The agreement, drawn from the ongoing metal finishing sector's 14 projects, provides incentives, creates tools, and removes barriers for metal finishers to achieve the voluntary performance goals.

Since its launch in January, 1998, the Strategic Goals Program (SGP) has had a tremendous response from supporters. To date, 15 States, 22 Municipalities, and over 260 Metal Finishers have committed to participate in the program. Visit the SGP website at <http://www.strategicgoals.org> for a broad variety of information about the Strategic Goals Program, including an overview of the program and an on-line, searchable database of program participants nationwide. The website, run by the National Metal Finishing Resource Center (NMFRC), serves as a repository of information on facility performance and provides technical assistance to help participants achieve the program goals.

As a result of a CSI Council recommendation, EPA is also working with the U.S. Small Business Administration (SBA) to pilot a small business environmental loan program for metal finishers to fund environmentally sound facility improvements. SBA plans to set aside \$3 million to fund this pilot program in FY98 and is targeting the Los Angeles, California area. The Southern California Metal Finishing Association, EPA and Barrio Planners (a Los Angeles area loan assistance service) have been working with the SBA on setting up the pilot program. Plans are underway to replicate this effort across the state of California.

The CSI Print Sector also continues to make progress toward the implementation of PrintSTEP (Printers' Simplified Total Environmental Partnership), a multi-media permit project whose



goal is to help the printing industry and the public achieve cleaner, cheaper, and smarter environmental protection through the creation of a simpler regulatory "framework."

Reduced emissions will be achieved as printers voluntarily make changes in order to have fewer and easier regulatory requirements. Under this system, every printing facility within a defined location would either qualify to be exempt from obtaining a permit, certify that they are below a certain regulatory threshold, or receive a single permit, covering all media, from the regulatory agency. The proposal is being designed to provide incentives for businesses to implement pollution prevention measures prior to or during the permit application process, as well as during the life of the permit. Additionally, public involvement requirements will provide for the level of participation to be commensurate with the potential impact on the environment and public health.

Pilot projects with extensive evaluation (including gathering baseline information at the initiation of the State pilots projects) will be the primary means of determining the effectiveness of PrintSTEP. Workbooks describing the industry, the permitting process, and steps for public participation are near completion.

These products will be tested in the State pilot projects scheduled to begin later this year.

In addition to the previously mentioned recent successes, several completed metal finishing and printing industry projects continue to provide access to information and resources that were previously difficult to reach.

For example, in Metal Finishing:

- The Metal Finishing Guidance Manual is available to all metal finishing shops. This plain language tool assists shop floor managers in understanding the environmental compliance and regulatory requirements that affect them.
- On-line access for metal finishers to get up-to-date industry specific technical and compliance-related information through the Nation Metal Finishing Resource Center (NMFRC). The Internet address to access the NMFRC is <http://www.nmfr.org> In Printing:
- A comprehensive directory for printers in New York City to help them locate technical assistance offered by federal, state, and local providers. The project aims to incorporate pollution prevention into everyday work practice through education and outreach.

For more information about these and other CSI projects, please call the CSI Program Staff on 202 260-7417 or visit their home page at <http://www.epa.gov/commonsense>.

## **SMALL LAB ENVIRONMENTAL MANAGEMENT ASSISTANCE GUIDE**

Existing and new regulations are exceptionally difficult for laboratory businesses to interpret and apply. The challenge stems from several circumstances that are unique to laboratories such as : (1) the wide variety of substances labs typically deal with; (2) the potential for creating new substances with unknown properties; and (3) the variable waste streams that result from lab-scale operations.

Now, to help small chemical labs, the Environmental Protection Agency's Small Business Ombudsman's Office is nearing completion of an environmental assistance guide. The guide, expected to be completed by late Summer, will contain an inventory of many of the environmental requirements in plain English, an approach for labs to use in establishing and managing the environmental aspects of their operations and a directory of assistance resources.

With so many small labs in the US, the guide should be useful to a broad audience.

## **RESOURCE GUIDE FOR SMALL BUSINESS**

## **ENVIRONMENTAL ASSISTANCE**

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

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

The Guide will be available in a electronic format with search and report generation capabilities, and detailed instructions. There is also provided a rating system which indicates relevance and type of use for which most suitable. The Guide has had extensive state review. It is anticipated to be completed by late Summer.

## **COMPLIANCE ADVISORY PANEL TRAINING A SUCCESS**

A well received Compliance Advisory Panel (CAP) training program was held on Sunday, March 29, 1998 in Scottsdale, AZ. This training program assisted CAPs in defining their role and carrying out their mission as required by the 1990 Clean Air Act Amendments. 45 participants from 25 states shared information on building a successful CAP, which is part of each state's small business clean air technical assistance program. Another training program is tentatively planned for late 1998 in Washington, D.C., if funding is available.

## **CAP MANUAL IN THE WORKS**

A guidance manual for Compliance Advisory Panels (CAPs) is being prepared to assist members in operating a successful CAP. While CAPs may organize in the manner best suited to the goals of their state or territory Section 507 program under the Clean Air Act Amendments of 1990, this manual is intended to serve as a resource for CAPs during their organizational period and in carrying out their duties. Anticipated topics include: CAP By-laws, meeting minutes, profiles of CAP projects, relevant acts affecting the CAP's work, working relationships with Small Business Ombudsmen and Small Business Assistance Program staffs, etc. Publication of this manual is expected in late 1998.

## **SOURCE BOOK ON ENVIRONMENTAL AUDITING**

EPA's Environmental Auditing Source Book for Small Business is a compilation of the bibliography, the training list, and a summary matrix of these trainings that will act as a quick reference to the fifteen courses listed. This document can be obtained by calling the EPA SBO's Office at 1-(800) 368-5888 and order item.

## **EPA COMPLIANCE ASSISTANCE TOOLS**

The Office of Compliance has produced a booklet that offers a comprehensive listing of all OC projects that are currently available and/or under development. The projects are organized by industry sector with 20 sectors covered. The tools include: databases, documents, web sites, video, plain-language guides, sector notebooks, etcetera. A contact person is listed for each document to find out more. To get a copy of the document call NCEPI at 1-800 -490-9198 and request EPA #305-K-98-003.

## ENERGY STAR Small Business

**PUTTING ENERGY INTO PROFITS**, EPA's free small business energy efficiency guide is a new 100-page "how-to" book that is winning critical praise from such diverse authorities as former EPA Administrator Douglas M. Costle, renowned energy expert Amory Lovins, and Daniel Kehrer, editor of Independent Business, the magazine published by the National Federation of Independent Business (NFIB).

As Kehrer describes it, "**PUTTING ENERGY INTO PROFITS** is a dynamite new small business guidebook on saving energy - and boosting profits - from the EPA's ENERGY STAR Small Business program. In helpful, step-by-step fashion, this portal to plumper profits proves once again that the best way for business to make money is often by saving it."

For information on how small businesses can get their free copy of **PUTTING ENERGY INTO PROFITS** call toll-free 1-888 STAR YES (1-888-782-7937)

## PERFORMANCE MEASUREMENTS WORKING GROUP NEEDS YOUR HELP!

As a follow-up to the Performance Measurements Working Session at the 1998 State SBO/SBAP National Conference in Arizona, the workgroup will begin to post existing performance measurement tools on the internet. Performance measurement tools and success stories will soon be available for downloading and use. The information will be posted on the Small Business Environmental Home Page ([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)).

This effort needs your help! Please send any performance measurement tools/surveys/success stories to Audrey Zelanko at CTC, 320 William Pitt Way, Pittsburgh, PA 15238. Electronic copies would be the most helpful. You can send disks to the above address, or email attachments to: [zelankoa@ctc.com](mailto:zelankoa@ctc.com) and [audreyz@ccia.com](mailto:audreyz@ccia.com). If electronic copies are not available, you can fax hard copies to: (412) 826-5552 or mail them to the above address. If you have any questions, please call Rose Marie Wilmoth, Air Quality Representative for Small Business, Kentucky Department for Environmental Protection, and Workgroup Leader at: (502) 564-2150, or Audrey Zelanko at: (412) 826-5321, x237. Look for a letter soon from Rose Marie Wilmoth and the Performance Measurements Working Group requesting this information and explaining the planned activities of the workgroup. Thanks in advance for your help!

## EPA INVITES NEW PROJECT XL PROJECTS

On June 23, 1998, EPA published two new Federal Register notices soliciting additional pilot projects under Project XL and suggesting optional themes for potential projects. Project XL, which stands for "eXcellence and Leadership," is a national pilot program that provides a unique opportunity to test innovative ways of achieving better and more cost-effective public health and environmental protection. Under this program, EPA offers flexibility in its regulations, policies, procedures, processes, and guidance, as well as other benefits for the purpose of encouraging private and public sector facilities, states, communities, and other project sponsors to develop "cleaner, cheaper, and smarter" alternatives to the current system. As of June 1998, seven pilot projects are

being implemented and 20 more are in development. Several project sponsors have already achieved a number of significant benefits by participating in XL, including superior environmental protection, substantial cost savings, better stakeholder relationships, increased operational flexibility, and the ability to adapt processes and products more quickly to changes in consumer demand.

This is the first time the Agency has published a number of very detailed themes for which we would like to see alternative approaches developed and tested under Project XL. Both Federal Register notices are available on EPA's Project XL Web site at [www.epa.gov/ProjectXL](http://www.epa.gov/ProjectXL) along with other valuable information. A hard copy of the Federal Register, a brochure on Project XL, and other information materials can also obtain through our fax-on-demand line 202-260-8590, or by calling 202-260-5754.

### 1999 STATE SMALL BUSINESS OMBUDSMAN AND TECHNICAL ASSISTANCE PROGRAM CONFERENCE

The State Small Business Ombudsman and Small Business Technical Assistance Programs, which are required under Section 507 of the 1990 Clean Air Act Amendments to aid small businesses impacted by air quality regulations, will hold their conference in Tampa, Florida early in 1999.

## **EPA POLICIES ASSIST SMALL BUSINESSES WITH ENVIRONMENTAL COMPLIANCE**

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

### **POLICY ON COMPLIANCE INCENTIVES FOR SMALL BUSINESS**

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

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

For more information on this policy, contact Karin Leff, Office of Compliance, at (202) 564-7068.

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

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

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

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

For more information on this policy, contact Brian Riedel at (202) 564-5006.

### **ENFORCEMENT RESPONSE POLICY**

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

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

For more information on this policy, contact Karin Leff at (202) 564-7068 or Elliot Gilberg at (202) 564-2310.

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

In partnership with industry, academic institutions, environmental groups, and other federal agencies, EPA's Office of Compliance has established telecommunications-based or "virtual" national Compliance Assistance Centers for four specific industry sectors. These sectors include printing, metal finishing, automotive services and repair, and agriculture, each of which is heavily populated with small businesses that face substantial federal regulation. Four additional centers -- printed wiring boards, small chemical manufacturers, transportation and local governments -- are also under development.

These Compliance Assistance Centers are designed to provide small businesses with "first-stop" compliance information sources, links to states and local governments readily available information transfer via the Internet, a variety of compliance assistance tools, links between pollution prevention and compliance goals, and information on ways to reduce the costs of compliance. They also serve the assistance provider community by providing forums for exchange of information and process based training.

### **EXISTING CENTERS**

**The National Metal Finishing Resource Center (NMFR)** is the most substantial, comprehensive environmental compliance, technical assistance, and pollution prevention information source available to the metal finishing industry. As an Internet Web Site, NMFR also serves as an information resource and distribution channel for technical assistance programs (TAPs). Services and products include an EPA Regulatory Determinations collection pertaining to metal finishing, performance and cost comparisons across technology options, pollution prevention case studies, and vendor information. The Center is now expanding to cover metal finishing, paints, and coatings. For further information, contact Paul Chalmer (313-995-4911) at the National Center for Manufacturing Science or Scott Throwe (202-564-7013) at EPA. Internet: [www.nmfr.org](http://www.nmfr.org)

**The Printer's National Compliance Assistance Center (PNEAC)** electronically links trade, governmental and university service providers to efficiently provide the most current and complete compliance assistance and pollution prevention information to the printing industry. This information is provided through two list servers (PRINTECH and PRINTREG), a World Wide Web home page, satellite training, and "best-in-class" pollution prevention/compliance information. For further information, contact Gary Miller (217-333-8942) at the Illinois Hazardous Waste Research and Information Center or Ginger Gotliffe (202-564-7072) at EPA. Internet: [www.pneac.org](http://www.pneac.org). 1-888- USPNEAC

**The Automotive Compliance Information Assistance Center (GreenLink™)** provides information on a variety of topics including used oil management, floor drains, underground storage tanks, pollution prevention alternatives, hazardous waste, emergency spill procedures, antifreeze, paint thinners, air conditioning repair. For further information, contact Sherman Titens (913 498-2227) at CCAR or Everett Bishop (202-564-7032) at EPA. Internet://[www.ccar-greenlink.org](http://www.ccar-greenlink.org). 1-888 GRN-LINK

**The National Agriculture Compliance Assistance Center** provides a definitive source of environmental compliance information for the agricultural community. Information topics include pesticides; animal waste management; non-point-source pollution; agricultural worker protection; groundwater, surface water, and drinking water protection; and wetlands protection. For further information, contact Ginah Mortensen (913-551-7207) at EPA. Internet: [www.epa.gov/oeca/ag/aghmpg.html](http://www.epa.gov/oeca/ag/aghmpg.html)

**The Printed Wiring Board Center** provides the industry with easy access to current and comprehensive information on pollution prevention and regulatory compliance assistance, building upon the metal finishing center infrastructure and information systems. For further information, contact Steve Hoover (202-564-7007). [Http:// www.pwbrc.org](http://www.pwbrc.org).

### **NEW CENTERS**

**The Chemical Manufacturers Center** will open this Fall and serve both technical assistance providers and industries needs to keep up-to-date on federal rules and pollution prevention. For further information, contact Emily Chow (202-564-7071).

**The Local Government Environmental Assistance Center** will provide ready access to general compliance information for local government officials through the development of a network that will provide a central location for access to federally-developed, local government compliance assistance information. Contact John Dombrowski (202) 564-7036.

**The Transportation Compliance Assistance Center** is designed to help a wide variety of transportation companies stay on top of the latest environmental requirements and technologies. Already online with a test site on the World Wide Web, ([www.epa.gov/oeca/tcac/tcac.html](http://www.epa.gov/oeca/tcac/tcac.html)). For more information, contact Virginia Lathrop at (202) 564-7057 or Fax number 888-459-0656 or

**Paints and Coatings Center:** This Center is designed to help coatings facilities: Cost effectively achieve compliance with federal, state, and local environmental regulations; Locate key resources related to manufacturing, waste management, and energy users implement innovative pollution prevention strategies that will save them money; Communicate with the industry members on environmental issues; Access industry-specific documents; Assess their environmental performance relative to other facilities. The Center will open this fall.

For general information on all Compliance Assistance Centers, contact Lynn Vendinello (202-564-7066)

## STATE SMALL BUSINESS ASSISTANCE PROGRAMS

### **SMALL BUSINESS SPECIAL NEEDS:**

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

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

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

### **STATE LEAD FOR PROVIDING SMALL BUSINESS ASSISTANCE:**

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

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

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

### **FEDERAL OVERSIGHT AND SUPPORT:**

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

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

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

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

## COMPONENTS OF AN OVERALL STATE ASSISTANCE PROGRAM

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

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

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

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

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## TYPES OF BUSINESSES SUBJECT TO AIR POLLUTION CONTROLS

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

Agricultural Chemical Applicators  
Asphalt Manufacturers  
Asphalt Applicators  
Auto Body Shops  
Bakeries  
Distilleries  
Dry Cleaners  
Foundries

Furniture Manufacturers  
Furniture Repairs  
Gasoline Service Stations  
General Contractors  
Hospitals  
Laboratories  
Lawnmower Repair Shops  
Lumber Mills  
Metal Finishers

Newspapers  
Pest Control Operators  
Photo Finishing Laboratories  
Printing Shops  
Refrigerator/Air Conditioning  
Service and Repair  
Tar Paving Applicators  
Textile Mills  
Wood Finishers

JULY 1998 CLEAN AIR ACT

**SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS**

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
AL	Blake Roper	(334) 213-4308 (N) (800) 533-2336	James Moore	(334) 271-7861 (N) (800) 533-2336
AK	David Wigglesworth	(907) 269-7582 (S) (800) 510-2332	Scott Lytle	(907) 269-7571 (S) (800) 510-2332
AZ			Gregory Workman	(602) 207-4337 (S) (800) 234-5677, x 4337
AZ MARICOPA COUNTY	Richard Polito	(602) 207-4337 (S) (800) 234-5677, x 4337		
AR	Robert Graham	(501) 682-0708		
CA	James Schoning	(916) 323-6791 (S) (800) 272-4572	Peter Venturini	(916) 445-0650
CA (SCAQMD)	La Ronda Bowen	(909) 396-3235 (S)	Lee Lockie	(909) 396-2390 (S)
CO	Cathy Heald	(303) 692-2034 (s) (800) 886-7689	Nick Melliadis	(303) 692-3175 (N) (800) 333-7798
CT	Tracy Babbidge	(860) 424-3382	Glen Daraskevich	(860) 424-3545
DE	George Petitgout	(302) 739-6400		
DC			Olivia Achuko	(202) 645-6093, x 3071
FL	Elsa Bishop	(850) 488-0114 (800) 722-7457 (S)	Tom LeDew	(850) 488-1344 (S) (800) 722-7457
GA	Marvin Lowry	(404) 362-2656	Anita Dorsey-Word	(404) 362-4842
HI	Anthony Ching	(808) 568-4527	Robert Tam	(808) 586-4200
ID	Doug McRoberts	(208) 373-0497	(Vacant)	(208) 373-0298
IL	Don Squires	(217) 785-1625 (S) (888) 372-1996	Mark Enstrom	(217) 524-0169 (S) (800) 252-3998
IA	Linda King	(515) 242-4761 (S) (800) 358-5510	John Konefes	(319) 273-2079 (S) (800) 422-3109
IN	Maggie McShane	(317) 232-8958 (S) (800) 451-6027	Cheri Storms	(317) 233-1041 (S) (800) 451-6027
KS	Janet Neff	(913) 296-0669 (N) (800) 357-6087	Frank Orzulak	(785) 864-3978 (S) (800) 578-8898
KY	Rose Marie Wilmoth	(502) 564-2150 X128 (N) (800) 926-8111	Gregg Copley	(606) 257-1131 (N) (800) 562-2327
LA	Jim Friloux	(S) (800) 259-2890 (N) (504) 765-0735	Vic Tompkins	(504) 765-2453 (S) (800) 259-2890
MA			George Frantz	(617) 727-3260, x631
MD	John Mitchell	(410) 631-3003 (S) (800) 633-6101, x3003		
ME	Ron Dyer	(207) 287-4152 (S) (800) 789-9802	Brian Kavanah	(207) 287-6188 (S) (800) 789-9802
MI	Dana Cole	(517) 335-1847	Dave Fiedler	(517) 373-0607 (N) (800) 662-9278
MN	Charlie Kennedy	(612) 297-8615 (S) (800) 985-4247	Troy Johnson	(612) 296-7767 (S) (800) 657-3938
MO	Brad Ketcher	(573) 751-3222	Byron Shaw, Jr.	(573) 526-5352 (N) (800) 361-4827
MS	Jesse Thompson	(601) 961-5171 (N) (800) 725-6112		

JULY 1998 CLEAN AIR ACT

**SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS**

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
MT	Mark Lambrecht	(406) 444-3075 (N) (800) 433-8773	Warren Norton	(406) 444-5281 (N) (800) 433-8773
NE	Dan Eddinger	(402) 471-3413		
NV	Marcia Manley	(702) 687-4670, x3162 (S) (800) 992-0900, x4670	Janet Goodman	(702) 687-4670, x3164 (S) (800) 992-0900, x4670
NH	Rudolph Cartier	(603) 271-1379	Rudolph Cartier	(603) 271-1379
NJ	John Serkies	(609) 633-7308 (N) (800) 643-6090	Chuck McCarty	(609) 292-3600
NM	Robert Horwitz	(505) 827-9685 (N) (800) 810-7227	Cecilia Williams	(505) 827-0042 (N) (800) 879-3421
NY	Tria Case	(212) 803-2282 (N) (800) 782-8369 X157	Marian Mudar	(518) 457-9229 (S) (800) 780-7227
NC	Edythe McKinney	(919) 733-0823 (800) 829-4841 (N)	Fin Johnson	(919) 733-0824
ND	Jeff Burgess	(701) 328-5153 (800) 755-1625 (S)	Tom Bachman	(701) 328-5188 (S) (800) 755-1625
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OK	Steve Thompson	(405) 271-8056	Alwin Ning	(405) 271-1400
OR	Paul Burnet	(503) 229-5776 (800) 452-4011 (S)	Jill Inahara	(503) 229-6147 (S) (800) 452-4011
PA	Greg Czamecki	(717) 772-8951	Cecily Beall	(215) 656-8709 (N) (800) 722-4343
PR			Francisco Claudio	(809) 767-8071
RI	Roger Green	(401) 277-2771	Pam Annarummo	(401) 22-6822 X 7204 (S) (800) 253-2674
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SD	Joe Nadenicek	(605) 773-3151 (800) 438-3367 (S)	Bryan Gustafson	(605) 773-3351
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**Note:** (S) = State (N) = National



# State Pollution Prevention Technical Assistance Programs

## Region 1

### US EPA Region 1

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## Region 2

### US EPA Region 2

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### US EPA Region 3

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### Delaware DNR

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### Kentucky DEP

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## Tennessee DEC

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## Region 5

### US EPA Region 5

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### Illinois Waste Mgmt

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### Indiana Clean Manufacturing Tech & Safe Materials Institute

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### Minnesota Technology Inc.

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# State Pollution Prevention Technical Assistance Programs

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### US EPA Region 6

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### Louisiana DEQ

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### New Mexico ED

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### Oklahoma DEQ

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### Texas NRCC

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### Gulf Coast Hazardous Substance Research

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### Lower Colorado River Authority

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## Region 7

### US EPA Region 7

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### Iowa DNR

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### Iowa Waste Reduction Center

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### IOWA DED

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### Kansas DHE

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### KSU - P2 Institute

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### Montana P2 Program

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### California EPA

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### California Energy Commission

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### CA Toxic Substance Control

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### UCLA P2 Center

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### Hawaii Department of Health

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Fax: 509/335-0949

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Office Small Business Ombudsman (OSBO)

SUMMER 1998

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**Mail to:**  
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**Or Telephone:**  
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