

SMALL BUSINESS OMBUDSMAN UPDATE

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United States Environmental Protection Agency
Washington, DC 20460

MEMORANDUM

Home Page www.epa.gov/sbo



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 *K.V.B.*
Small Business Ombudsman

TO: Persons Interested in Small Business
Environmental Issues

DATE: July, 2000

SMALL BUSINESS OMBUDSMAN STAFF

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

HELP ME, HELP YOU, NOW!

Our Small Business Ombudsman function is changing. We are soon to be the Small Business Division within the new EPA Office of Policy, Economics and Innovations. In our new role, we will expand to further serve as the Agency-wide focal point to hear from you, serve, and assist small businesses. We are now in the process of revising and updating the Agency's Small Business Strategy...that is to say, we are improving our recognition and addressing of small business issues, problems, and needs, and determining how best to carry out such initiatives across the Agency. As your needs change, so should our Strategy.

Now, you can help me with our new Strategy by identifying problems, issues and assistance deficiencies of which you are aware and advise me, with your suggestions on how we can better serve you. **Do it now.** Call and ask for me on our Toll Free Hotline at 1-800-368-5888, call me directly on (202) 260-1390, e-mail me via brown.karen@epa.gov, or write to me at: Karen V. Brown, Director, Small Business Ombudsman Division (2131), Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

LET ME HEAR FROM YOU, WE NEED YOUR INPUT!

Karen V. Brown
Karen V. Brown

ONE-STOP-RELIEF SMALL BUSINESS OMBUDSMAN FUNCTIONS

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

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

Call (800) 368-5888

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

MAY 1 2000

MEMORANDUM

SUBJECT: Revising EPA's Small Business Strategy

OFFICE OF
THE ADMINISTRATOR

TO: Assistant Administrators
General Counsel
Inspector General
Chief Financial Officer
Associate Administrators
Regional Administrators
Staff Office Directors

In 1984, the Agency unveiled its first Small Business Strategy, entitled *EPA Small Business Initiatives: Strategy for Improved Regulation and Compliance*. The focus of this strategy was to improve both the Agency's regulation of small business entities and their level of compliance with environmental regulations. Now, 16 years later, with small businesses dominating the U.S. economic landscape, it makes sense for us to revisit the 1984 Strategy and update it to highlight policies and approaches that can help us achieve our goals in a way that is relevant to the small business community.

This memo announces our intent to revise the Small Business Strategy and to ask for your interest and cooperation in this important effort. The Administrator and I have asked the Small Business Division in the soon-to-be-finalized Office of Policy, Economics, and Innovation (OPEI) to serve as the Agency's focal point for small business-related activities and, in that capacity, to coordinate the revision of the Small Business Strategy. Rick Farrell, Associate Administrator for OPEI, will soon send a follow-up memo transmitting further details about your involvement in the Strategy revision process.

The Administrator and I would like the revised Strategy to consider several major points of emphasis. First, we must integrate an awareness of small businesses into all of our core functions, paying special attention to the potential impact that our regulatory activities may have on small businesses and, if possible, find new ways to help small businesses meet and even exceed the requirements of our regulations. Second, we must continue to address improvements in our collection and delivery of information and assistance in a way that makes sense for small businesses. Finally, we must, as an Agency, and in conjunction with our co-regulators, improve the coordination of program activities that may potentially impact small businesses.

The small business community is an important customer for EPA and I am excited about acting on this much-needed opportunity to update our strategy to address their needs.

A handwritten signature in black ink, appearing to read "W. Michael McCabe".

W. Michael McCabe
Acting Deputy Administrator

cc: Deputy Assistant Administrators
Deputy Regional Administrators



U.S. EPA Updating Its Small Business Strategy

You probably didn't know that back in 1984, the Environmental Protection Agency issued its first small business strategy, entitled *EPA Small Business Initiatives: Strategy for Improved Regulation and Compliance* (to view a copy of the 1984 strategy, go to www.epa.gov/sbo/strat1984.pdf). While the Agency has worked to address many of the issues highlighted in the strategy over the past 16 years, it recognizes that not all issues have been fully resolved and a number of new ones have emerged. This is why the Agency is now working on an update to its Small Business Strategy. The goals of the revised strategy are threefold: enhance the environmental performance of small business, unify EPA's approach to small business, and seek workable policies and approaches that are most effective in addressing small business environmental issues and needs. The Agency began the revision process earlier this Spring and has held a series of meetings both in-house and with external stakeholders to help identify issues and recommendations. The issues and recommended actions generally can be arranged in four categories: providing the information and assistance that small businesses need to meet or exceed regulations; seeking easier, more efficient ways to regulate/permit small businesses; providing opportunities for non-regulatory, voluntary approaches to "green" small businesses; and addressing a number of internal Agency cross-cutting issues such as enforcement concerns, coordination amongst Agency program offices and regions, and adjustment of program budgets and resources. The Agency anticipates finalizing the revised strategy in August of this year. For more information, please contact **Andy Teplitzky** at U.S. EPA (202) 260-4088 or via e-mail at Teplitzky.Andy@epa.gov.

Survey Of EPA'S Small Business Customers

Last summer, the Agency published *Aiming for Excellence* to document our commitments to encouraging stewardship and accelerating environmental progress. One commitment specified in *Aiming for Excellence* is to assess the value and accessibility of the many hotlines, clearinghouses, and other EPA support functions that are intended to benefit small businesses. To assist us in making this assessment, we are using a survey which will be administered through telephone conversations that should take no longer than eight minutes. We have developed and tested questions and are currently awaiting final survey approval, expected in July. Then we will begin calling you to ask *your* opinion of how we're doing and what works--and what doesn't--for you. We will complete the survey calls and report back on the results later this summer. So if you hear us on the other end of your telephone line, please take a few moments to help us get better at helping you! For more information, please contact: **Eileen McGovern** at: U.S. EPA, (202) 260-5352

"Cataloging" EPA's Products and Services For the Small Businesses

The senior managers in our new home, the Office of Policy, Economics, and Innovation, recognize that the small business community is an important customer for EPA. In the process of integrating the Small Business Ombudsman into the Office of Policy and the Office of Reinvention, Agency leaders have made it clear that EPA must expand its outreach and assistance to small businesses and deal with regulatory issues in a friendly and cooperative basis. In keeping with this concern, we are developing a "catalog" of the products and services that EPA makes available to small businesses. We are currently reviewing all the information sources within EPA and working to ensure that our product is complete and accurate. The catalog will include all Agency efforts, whether targeted specifically for small businesses or to a broader audience that includes them. Staff is working to have the document ready for publication and available for our customers this summer. For further information contact: **Eileen McGovern** at USA EPA (202) 260-5352 or via e-mail at: mcgovern.eileen@epa.gov

SMALL BUSINESS ENVIRONMENTAL HOME PAGE

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

The Small Business Environmental Home Page (Home Page) continues to benefit the small business community and the Section 507 programs. This Home Page was developed and is being maintained by *Concurrent Technologies Corporation* (Pittsburgh Office) under cooperative agreement funding provided by U.S. EPA SBO.

Developed in response to requests from the State's Section 507 programs and the Small Business Community for assistance in centrally distributing and exchanging information about their program activities, the Home Page provides efficient access to EPA, state, and other environmental and pollution prevention information focused on small business.

For those who have not visited the Small Business Environmental Home Page lately, please check it out again! The links and resources on the Home Page are continuously updated. For example, contacts are updated weekly, monthly regulatory updates are provided, state and federal news briefs are posted on the State News–Share and Find! subpage, and the publications searchable database now includes over 3,500 directly linked publications and fact sheets! You can always find out what's been added/revised on the Home Page by clicking on the *What's New* button.

NEW! The Small Business Environmental Web Board is now up and running! The Web Board is a forum for you to share environmental information focused on small business. There are eight conference categories available for you to post your questions, information to be shared, and replies. There is also a chat room available for users who are on line at the same time.

Don't forget the performance measurement tools and success stories searchable database (<http://www.smallbiz-enviroweb.org/perfmeas.asp>) still needs your tools and stories to add! The database enables tools from states and EPA to be reviewed and directly downloaded, revised, and used.

The 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, the National Small Business Financial Assistance (SBFA) Work Group web page, Mid-Atlantic Region Small Business Assistance web page, compliance information (including monthly regulatory updates, environmental reporting calendar and requirements checklist, law summaries, links), EPA and small business assistance program contact lists, links to trade associations and listing of trade association contacts, summaries and links to new small business initiatives and policies, industry sector links, funding help, and links to environmental and other helpful sites.

Users are encouraged to provide information on events, news, contacts, publications/fact sheets, videos, CAP information, performance measurement tools and success stories, and corrected/new links to include on the Home Page, and any comments and suggestions about the Home Page to **Audrey G. Zelanko** (zelanko@smallbiz-enviroweb.org ; 412/577-2649).

WHERE TO CALL FOR MORE INFORMATION AND HELP

EPA SMALL BUSINESS OMBUDSMAN

Toll Free
(800) 368-5888

Local and DC Area
(202) 260-1211

T.D.D.
(202) 260-1258

Fax
(202) 401-2302

smallbiz.ombudsman@epa.gov

Homepage www.epa.gov/sbo

asbestos.ombudsman@epa.gov

EPA Web Pages and Hotlines

Phone Number

- National Center for Environmental Publications 800-490-9198
(www.epa.gov/ncepihom/index.html) 513-489-8190
- Indoor Air Quality Information Clearinghouse 800-438-4318
(www.epa.gov/iaq)
- Radon 800-767-7236
(www.epa.gov/iaq/radon)
- EPA Energy Star 888-782-7937
(www.epa.gov/smallbiz)
- Clean Air Technology Center 919-541-0800 (English)
(www.epa.gov/ttn/catc) 919-541-1800 (Spanish)
- Mobile Sources (Emissions) 734-214-4333
(www.epa.gov/omswwww)
- Emission Measurement Center 919-541-0200
(www.epa.gov/ttn/emc)
- Stratospheric Ozone Information 800-296-1996
(www.epa.gov/ozone)
- Acid Rain (emission trading, auctions, Information) 202-564-9620
(www.epa.gov/acidrain)
- Safe Drinking Water Hotline 800-426-4791
(www.epa.gov/safewater)
- National Small Flows Clearinghouse (WV Univ) 800-624-8301
(www.nsfv.wvu.edu)
- Storm Water Phase II Information 202-260-5816
(www.epa.gov/owm/sw2.htm)
- Water Resource Center 202-260-7786
- Pollution Prevention Information Clearinghouse 202-260-1023
(www.epa.gov/opptintr/library/libppic.htm)
- National Solid & Hazardous Waste Ombudsman 800-262-7937
Washington Metro Area 202-260-9361
- Wetlands Information 800-832-7828
(www.epa.gov/owow/wetlands)
- U.S. EPA RCRA, Superfund & Underground Storage Tanks Hotline 800-424-9346
Washington Metro Area 703-412-9810
(www.epa.gov/epaoswer/hotline) or www.epa.gov/ceppo
- Emergency Planning & Community Right to Know Title III (EPCRA) 800-424-9346
Washington Metro Area 703-412-9877
- Toxic Substance Control Act (TSCA) Information Service 202-554-1404
- Office of Pesticide Program Registration Division (Ombudsman) 703-305-5446
(www.epa.gov/pesticides)
- Bio-Pesticide Staff Assistance 703-308-8098
www.epa.gov/pesticides/biopesticides
- National Pesticide Telecommunications Network 800-858-7378
(<http://ace.orst.edu/info/nptn>)
- EPA Waste Wise/Waste Reduction 800-372-9473
(www.epa.gov/wastewise)
- Office of Environmental Justice 800-962-6215
- Office of Pollution Prevention & Toxics 202-260-1772
(www.epa.gov/opptintr)
- Chemical Emergency Preparedness & Prevention Office 202-260-7938
(CEPPO) Small Business Liaison
(www.epa.gov/ceppo)
- Small Business Innovation Research (SBIR) 800-490-9194
(<http://es.epa.gov/ncerqa/sbir>)
- EPA Inspector General (IG) 202-260-4977
(www.epa.gov/oigearth/index.htm) 800-546-8740

OTHER WEBSITES & HOTLINES

Phone Number

- Small Business Environmental Home Page (412) 577-2649
(www.smallbiz-enviroweb.org)
- Recycling Hotline (800) 253-2687
(www.recycle.net/recycle)
- National Technical Information Service (NTIS) (800) 553-6847
(www.ntis.gov) (703) 605-6000
- National Response Center for reporting oil spills and hazardous
substance releases (800) 424-8802
Washington Metro Area (202) 267-2675
(www.nrc.uscg.mil)
- Department of Energy (DOE)--National Alternative Fuels Hotline (800) 423-1363
(www.afdc.nrel.gov)
- Energy-efficiency & Renewable Energy Clearinghouse (800) 363-3732
(Operated by the DOE)
(www.eren.doe.gov)
- DOT--Transportation of Hazardous Materials. (800) 467-4922
(<http://hazmat.dot.gov>)
- CHEMTREC Chemical Transportation Emergency Line, operated by (800) 262-8200
Chemical Manufacturers Association
(www.cmahq.com/cmaweb/site.nsf/pages/chemtrec)
- Center for Management Courses on ISO 9000/14000 (703) 250-5900
www.ceem.com
- National Lead Technical Information Center (800) 424-5323
(www.epa.gov/lead/nlic.htm)
- Small Business Administration (800) 827-5722
(www.sba.gov)
- Regulatory Fairness Boards (SBA) (888) 734-3247
(www.sba.gov/regfair)
- Occupational Safety & Health Administration (OSHA) (800) 321-6742
(Worker Safety Referral Services)
(www.osha.gov)
- American Lung Association (800) 586-4872
(www.lungusa.org)
- Consumer Product Safety Commission (800) 638-2772
(www.cpsc.gov)
- Radon Auto Emission & Sun Safety(National Safety Council) (800) 557-2366
(www.nsc.org/ehc/indoor/radon.htm)
- INFOTERRA/USA (202) 260-5917
(www.epa.gov/INFOTERRA)
- Government Printing Office (202) 512-1800
(www.gpo.gov/#info)
- National Institute of Occupational Safety and Health (800) 356-4674
(www.cdc.gov/niosh/homepage.html)
- National Environmental Training Center for Small Communities (800) 624-8301
(www.estd.wvu.edu/netc/netcsc_homepage.html)

EPA REGIONAL REGULATORY SMALL BUSINESS LIAISONS

| | | | | |
|--------|----|--------------------------------|-----------------|-------------------------------|
| REGION | 1 | CT, ME, MA, NH, RI, VT | Dwight Peavey | (617) 918-1829 |
| | 2 | NJ, NY, PR, VI | John D. Wilk | (212) 637-3918 |
| | 3 | DE, DC, MD, PA, VA, WV | David Byro | (800) 228-8711/(215) 814-5563 |
| | 4 | AL, FL, GA, KY, MS, NC, SC, TN | Annette V. Hill | (404) 562-8287 |
| | 5 | IL, IN, MI, MN, OH, | Glynis Zywicki | (312) 886-4571 |
| | 6 | AR, LA, NM, OK, TX | David Gray | (800) 887-6063/(214) 665-2200 |
| | 7 | IA, KS, MO, NE | Janette Lambert | (913) 551-7768 |
| | 8 | CO, MT, ND, SD, UT, WY | Rob Laidlaw | (303) 312-7064 |
| | 9 | AZ, CA, HI, NV, GU | Mark Samolis | (415) 744-2331 |
| | 10 | AK, ID, OR, WA | Bill Dunbar | (206) 553-1203 |

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 59. In addition, the Ombudsman's Office maintains an inventory of over 300 EPA and related publications containing useful environmental information for small business. A complete listing of these publications can be obtained by calling the Ombudsman's Office at 1-800-368-5888 or 202-260-1211.

Recent Initiatives to Better Serve You

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

- Hosted seventh National Small Business Ombudsman and Technical Assistance Program Conference in Missoula, MT attended by 44 States, 2 Territories, and the District of Columbia (191 participants), and have set plans through a grant to the state of Texas's National Resource Conservation Commission for an eighth Conference in Austin, Texas during the Spring of 2001.
- Implemented external stakeholder guidance and acted as a principal participant in the Agency's Regulatory Tiering (prioritizing) Process.
- Coordinated individual meetings and follow-up meetings between major small business trade associations and the EPA Deputy Administrator, Assistant Administrators, and Agency Small Business Program Office Representatives on January 27, and June 14, 2000, to discuss small business initiatives and issues.
- Finalized EPA's 1998 Small Business Ombudsman Report to Congress under Section 507 of the 1990 Clean Air Act Amendments.
- Cooperatively participating in managing Small Business Regulatory Enforcement Fairness Act of 1996 small business entity outreach activities in order to implement Act requirements.
- Planning annual Small Business Liaison Conference for EPA Regional Small Business Representatives from August 2-3, 2000, which will also be attended by over a dozen state small business program representatives.
- Upgraded EPA Small Business Ombudsman Home Page on <http://www.epa.gov/sbo>.
- Participated in 40 to 50 EPA Regulatory work groups as formal reviewers to represent Small Business concerns.
- Conducted fifth State Compliance Advisory Panel (CAP) Training in June for CAPs utilizing a newly completed Compliance Advisory Panel Management Manual to assist State CAPs with their Clean Air Act responsibilities.
- Issued revised (improved) Environmental Management Guide for Small Laboratories.
- Upgraded a Source Book on Environmental Auditing for Small Business.
- Developed a new booklet titled: Little Known But Allowable Ways To Deal With Hazardous Waste.
- In the process of implementing Cooperative Agreement projects with 10 states to improve small business technical assistance and outreach and to measure their effectiveness. Conducted two-days specialized training to awardees on March 16-17, 2000.
- Started an initiative to revise EPA's Small Business Strategy.

- Initiated a project to assess EPA current suite of environmental services for small business.

Clean Air Act (CAA)

Implementation Strategy Update

EPA's Office of Air and Radiation has prepared an *Implementation Strategy* publication. It outlines the schedule, by industry, for issuing regulations required by the Clean Air Act. It is included in our Item I-11 package.

Final Integrated Urban Air Toxics Strategy

This Strategy is a framework for addressing air toxics in urban areas. Although existing programs have already achieved substantial emission reductions, more needs to be done to reduce toxics air pollutants, particularly in the urban areas. The Strategy outlines actions to reduce emissions of air toxics and assessment activities to improve EPA's understanding of the health and environmental risks posed by air toxics in urban areas. The Strategy includes a list of 33 air toxics that pose the greatest potential health threat in urban areas, and also provides a list of area sources responsible for a substantial portion of the emissions of these air toxics. For more information about the Strategy, visit EPA's web site at: www.epa.gov/ttn/uatw/112k/urbanpg.html or call EPA's Office of Air Quality, Planning and Standards at 919-541-4487.

Amendment And Changes to The Operating Permit Program Final Rule

In 1992, EPA issued regulations providing for the establishment of comprehensive state air quality permitting systems consistent with the requirements of Title V of the Clean Air Act. The Rule allows States to issue a general permit covering numerous similar small sources, each of which need only submit information covering its eligibility. The Rule was revised and expanded in 1994, including the provision of more flexibility in the revision of permits, with more flexibility provided in 1995. Amendments were published on June 3, 1996, providing non-major source emission exemptions. See 7/1/96 Code of Federal Regulations (CFR), Part 70. On February 14, and May 22, 2000, the Agency extended state operating permit programs interim approvals. For detailed history, see our Item I-25.

A Guide for Small Businesses

A booklet entitled *The Clean Air Act Amendments of 1990: A Guide for Small Businesses* was published in 1992, Item I-36. This guide provides small businesses a broad overview of the Act's complex requirements and the effects they are likely to have, in general, on a small business. The guide provides contacts for

obtaining additional information. Accompanying the booklet is a four-page summary entitled *What A Small Business Should Know About the New Clean Air Act*

Court of Appeals for the District of Columbia Decision on New National Ambient Air Quality Standards Revisions for Particulate Matter and Ozone

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

- In July 1997, EPA issued health-based air quality standards for ozone and particulate matter. In response to challenges filed by industry and others, a 3-judge panel of the Court of Appeals for the District of Columbia Circuit issued a split opinion on May 14, 1999.
- The Court held (2 to 1) that the Act, as applied and absent further clarification, is unconstitutional because it "effects an unconstitutional delegation of legislative power."
- Contrary to the claims made by petitioners and other critics, nothing in the court's opinion undercuts or criticizes the science on which EPA relied.
- The Court rejected petitioners' claims that EPA should take cost into account in setting the air quality standards.
- Contrary to the claims made by petitioners, nothing in the Court's opinion undercuts or criticizes the process EPA used.
- The Court held paradoxically that the Clean Air Act allows EPA to revise the primary ozone standard, but stated that revised ozone standard "cannot be enforced."
- In addressing whether EPA should have considered alleged benefits of ozone as a shield in blocking UVB radiation, the Court held that EPA must consider whether ozone has a beneficial effect, and if so, consider such effects in assessing ozone's net effects on health.
- The Court found "ample support" for EPA's decision to regulate coarse particulate pollution below the 1987 levels, but also found that PM10 was "a poorly matched indicator for coarse particulate pollution" because PM10 includes fine particles.
- The Court rejected petitioners' claim that EPA should have considered any detrimental health effects relating to unemployment that allegedly would be caused by the NAAQS.
- The Court upheld EPA's decision to rely on the regional haze program to mitigate some of the adverse visibility effects caused by PM2.5.
- The opinion remanded the cases to EPA for further consideration.
- The Court left the new ozone standard in place based on its determination that it "cannot be enforced."
- The Court vacated the revised coarse particle (PM10) standards.
- The Court prepared a briefing schedule to determine whether the PM2.5 standards should be vacated or remain in place while the case is remanded to the agency.

Update on Ozone and Particulate Matter Air Quality Standards and Recent Court Decisions

On May 14, 1999, the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion regarding the final national ambient air quality standards for ozone and

particulate matter that EPA issued in July 1997.

On June 28, 1999, the Federal government filed a petition for rehearing key aspects of the case in the U.S. Court of Appeals for the D.C. Circuit.

The court responded to EPA's petition on October 29, 1999.

Rehearing was denied, because the Court's rules require a majority vote of the active judges, rather than of the voting judges. Two judges did not participate for unspecified reasons.

On January 28, 2000, the Department of Justice filed a petition seeking Supreme Court review of the decision

On May 22, 2000, the Supreme Court announced it will hear the appeal this Fall.

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

CAA Medical Waste Incinerator Rule

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

In addition, we have added a recent direct final rule on waste combustors constructed on or before September 20, 1994, clarifying units affected by Federal Plans.

National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules Available for Some Industries

In 1994, a General Provisions Rule was issued to establish a consistent set of requirements for NESHAPs under the air toxics provisions of the Clean Air Act, Item I-20. Since then, EPA has finalized rules which affect many small businesses, including various types of *Halogenated Solvent Cleaning Processes, Item I-21; (See new revised Direct Final Rule w/Amendments), *Chromium Electroplating and Anodizing Operations--revision of compliance deadlines for California: Federal Register (FR) 1/30/97 and area source deferrals FR 8/18/99, Item I-22; *Ethylene Oxide Emissions from Commercial Sterilization and Fumigation Operations, Item I-23 (**IMPORTANT NOTE:** Certain portions of the Rule have been SUSPENDED until December 6, 2000, and December 6, 2001); *Dry Cleaners--rule amended relative to certain transfer machines, Item I-27; Aerospace Manufacturing and Rework--amendments and control techniques guidelines finalized 9/1/98, Proposed amendments, 1/24/00 FR 3642-48, Item 40; Wood Furniture Manufacturing and control techniques, Item I-41; Printing and Publishing, Item I-42 which includes proposed amendments; and Hospital/ Medical/ Infectious Waste Incinerators, Item I-46. Rules have also been finalized for Consumer Products--9/11/98, Item I-43; Automotive Refinish Coatings--9/11/98, Item I-44; and Architectural Coatings--9/11/98, Item I-45. All these rules include a schedule for various product regulation.

The NESHAP for Hazardous Organic Compounds (HON) in production operations, primarily in Synthetic Organic Chemical Manufacturing, was issued in 1994. Amendments and/or revisions have been issued in the Federal Registers, and since then in almost

every year. Several of the amendments exclude some volatile organic compounds and ease implementation plan requirements. Equipment leaks have also been addressed. Item I-24.

IMPORTANT NOTE:

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

CAA List of Source Categories and Schedule for Regulating Hazardous Air Pollutants

On November 18, 1999, EPA published a new revision to the Initial List of Categories of Sources, as required under Section 112 (c)(1) of the Clean Air Act of 1990; and a revised schedule for the Promulgation of Emission Standards for the above categories. Item I-28.

State Motor Vehicle Inspection Maintenance Programs Provided More Flexibility

In 1992, EPA published a Final Rulemaking the subject programs tougher, including a requirement for "test only" stations. Our Office raised strong objections to that rule, because of the adverse impact on many small businesses. In 1995, EPA published a Final Rule allowing the states flexibility in designing their enhanced auto inspection programs. This rule was amended on 9/23/96 and 1/9/98 and a new proposal issued on 8/20/99 will soon be finalized. Item I-29.

Perchloroethylene (PCE) Health Effect Studies

EPA's National Center for Environmental Assessment in The Office of Research and Development (ORD) has started a health assessment to update the Agency's data base on possible health hazards associated with chronic exposure to perchloroethylene. The assessment will characterize hazard and dose-response for cancer and general noncancer toxicity; in addition to conclusions about cancer hazards, if any, a reference concentration (RfC) for inhalation exposure and a reference dose (RfD) for ingestion exposure will be recommended. The assessment began in the Spring of 1999, and completion is expected in calendar year 2001. The Agency's plan is to develop the assessment, with a full peer and public review process, and then provide a data file for insertion into the EPA Integrated Risk Information System (IRIS) which records the Agency-wide viewpoint on health assessment issues.

Stratospheric Ozone Protection CFC Phaseout Rules

An accelerated phase-out of the production of Chlorofluorocarbons (CFC), Halons, Carbon Tetrachloride, Methyl Chloroform, and Hydrochlorofluorocarbons (HCFC) was mandated and internationally endorsed in 1992 with reconsideration of petition criteria and incorporation of Montreal Protocol Decisions: Final rule, 6/1/998 FR 29240-245. Item I-5. A final rule *detailling* the above *phase-out*, with Methyl Bromide added, was issued, Item I-15. Final rules also have been issued which control recovery and recycling of all refrigerants during the servicing of on-road motor vehicle air conditioners, Item I-14; emissions reduction, and use of

certified personnel during servicing and disposal of all *other air conditioning and refrigeration equipment* which use ozone depleting substances., Item I-16. Rules were also issued banning the use of CFCs and HCFCs in non-essential products, 2000 essential-use allowances, 1/6/00 FR 716-28, Item I-17, Labeling of products containing ozone depleting substances and their packaging, Item I-18, and significant new *alternative refrigerants*, last update 4/26/00 FR 24387-392x Item-19.

CAA Field Citation Program And Monetary Award Final Rules

The proposed Field Citations Rule allowing EPA field inspectors to levy immediate, on-the-spot fines is on hold. EPA issued a proposed Monetary Awards Rule outlining eligibility criteria and general program implementation for making awards to citizens upon the conclusion of civil or criminal cases. EPA is presently making awards under its existing statutory authority. A final rule outlining additional eligibility criteria is also on hold. No date has been set for issuance of either final rule. See Item I-12 for both.

Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7)

EPA has taken direct final action to amend the Chemical Accident Prevention Provisions, also known as the Risk Management Program (RMP) regulations, codified in 40 CFR part 68.

This action is set forth in the Federal Register (5/26/99 FR 28695-7041).

The revisions concern the worst-case release scenario analysis for regulated flammable substances in 40 CFR 68.25. EPA is issuing these revisions so that the regulated community can treat regulated flammable substances in the same manner as regulated toxic substances for determining the quantity released when conducting a worst-case release scenario analysis. EPA is taking this direct final action pursuant to a settlement agreement with the American Petroleum Institute (API).

EPA clarified its interpretation of Clean Air Act sections 112(l) and 112(r)(11), as they relate to Department of Transportation (DOT) requirements under the Federal Hazardous Materials Transportation Law under a settlement agreement with the Chlorine Institute (CI), (5/26/99 FR p. 28705). Item I-30.

Chemical Safety Information, Site Security and Fuels Regulatory Act

The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (August 5, 1999) establishes new provisions for reporting and disseminating information under Section 112(r) of the Clean Air Act. The law has two distinct parts that pertain to:

- Flammable fuels; and
- Public Access to OCA (also known as: "worst-case scenarion") data.

Flammable Fuels

Flammable fuels used as fuel or held for sale as fuel at a retain facility are removed from coverage by the RMP program. However, flammable fuels used as a feedstock or held for sale as fuel at a wholesale facility are still covered. A retain facility is a facility "at which more than one-half of the income is obtained from direct sales

to end users or at which more than one half of the fuel sold, by volume, is sold through a cylinder exchange program.

EPA published the Final Rule on the Flammable Fuels on March 13, 2000.

Public Access to OCA Data

The law exempts OCA data from disclosure under the Freedom of Information Act (FOIA) and limits its public availability for at least one year. By August 5, 2000, the federal government is to (1) assess the risks of Internet posting of OCA data and the benefits of public access to that data, and (2) based on that assessment, EPA did publish proposed regulations governing public access to OCA data in the Federal Register on April 22, 2000. A final Rule is now in process. These items are also in Item I-30.

Guidance from EPA on Potential to Emit (PTE)

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

Clean Air Act Compliance Assistance Enforcement Policy for Small Businesses

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

New Source Performance Standards and Emission Guidelines for Several Categories of Industrial Combustion Sources

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

commercial and industrial waste incinerators (solid waste) were proposed on November 30, 1999. (See below). Regulations for the other industrial combustion source categories will be proposed after this date.

Commercial and Industrial Solid Waste Incineration Units; Proposed Standards and Guidelines (40 CFR Part 60, Subparts CCCC and DDDD)

The EPA has proposed air pollution emission limits for incineration units that burn commercial and industrial waste materials. The proposal, which was published in the Federal Register on November 30, 1999 (vol. 64, no. 229, pages 67091-67127, OSBO Item I-46), would require wet scrubbing on most new and existing units. Additionally, there are proposed requirements for operator training and qualification, preparation of a waste management plan, and new unit siting. Nine pollutants are addressed by the proposed rule, including dioxins/furans, lead, and mercury. The public comment period ended on January 31, 2000, and promulgation of the final rule is expected by November 15, 2000.

National Radon Proficiency Program

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

Clean Water Act (CWA)

Wetlands Helpline

The EPA Wetlands Helpline is operated by SC&A, Inc. under contract to EPA. The Helpline is a toll-free telephone service and e-mail service staffed by contractors who respond to requests for information about wetlands regulations, legislation and policy pursuant to Section 404 of the Clean Water Act, wetlands values and functions, and wetlands agricultural issues. The Helpline provides EPA-approved information and documents about EPA programs, and the wetlands programs of other Federal, State and non-governmental organizations. The Helpline information on wetlands protection efforts and wetlands values includes an extensive contacts list to direct callers to regulatory agencies or to other appropriate referrals for information. You can reach the Helpline by calling 1-800-832-7828 or by sending an email to wetlands.hotline@epa.gov. Wetlands information is also on the Internet at www.epa.gov/owow/wetlands.

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: centralized waste treatment, feedlots (swine, poultry, beef, and dairy cattle), iron and steel, construction and development, metal products and machinery, oil and gas extraction (focused on synthetic-based drilling fluids), coal mining, meat products, and aquatic animal production (often called aquaculture).

For two of the rules under development--feedlots and metal products and machinery--EPA convened a Small Business Advocacy

Review Panel in December of 1999. Both Panels completed their reviews earlier this year and sent their report, with recommendations for the upcoming proposed rules, to EPA's Administrator.

Since the last edition of the newsletter, EPA completed two effluent guidelines actions. First, EPA proposed effluent guidelines for coal mining in April. The Administrator certified that the coal mining proposal would not have a significant impact on a substantial number of small entities. The comment period for the Coal Mining proposal will close on July 10, 2000. EPA also completed the effluent guidelines for Transportation Equipment Cleaning, when the Administrator signed the final rule in June. The final rule for Transportation Equipment Cleaning excludes some low-flow facilities from needing to comply with the national regulations. That exclusion, along with other changes since proposal, led to less costly and less burdensome requirements than had been proposed; EPA projects much lower impacts for small businesses in this industry.

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

Confined Animal Feeding Operations (CAFOs): Revisions to Effluent Guidelines And NPDES Permit Regulations

EPA is revising the 1974 regulations for Confined Animal Feeding Operations (CAFOs) as part of its settlement agreement with the Natural Resources Defense Council. The revisions cover three areas, which have been combined in a single rulemaking:

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

These revisions are needed because of the changes in the industry over the past 25 years, including: concentration of animals in fewer, larger operations; vertical integration within the industry; and changes in the relationship between herd size and available land (e.g. more manure than can be properly applied to available land). EPA is considering a number of changes to update the regulations to reflect current industry characteristics and practices, and to make the rules simpler and easier to understand. Changes under consideration include: covering dry poultry operations, permit requirements to develop Comprehensive Nutrient Management Plans for the proper application of manure, and increased public involvement in general permits for CAFOs.

EPA conducted a SBREFA panel for these regulations, and will factor the findings into its options selection process later this year. EPA plans to propose all three rules for public comment in December 2000.

Reissuance of the NPDES Industrial Storm Water General Permit (Multi-sector General Permit)

The current and (in nearly all instances) only general permit available to industrial storm water dischargers is the Multi-Sector General Permit (MSGP). This permit was originally published in the Federal Register in 1995 and was subsequently modified in 1998. As with all NPDES permits, the maximum length of time the MSGP is effective is five years, which occurs in September, 2000. EPA has revised the original / modified MSGP and published the draft permit (known as the MSGP-2000) in the Federal Register on March 30, 2000. The comment period closed on May 30. The Agency expects to reissue the permit by September 30. The draft permit is posted on the internet at www.epa.gov/owm/sw web site.

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

Revision of Pretreatment Requirements

On July 22, 1999, EPA published a proposed rule to streamline the General Pretreatment Regulations (40 CFR Part 403) in the Federal Register [64 FR 39563]. The purpose of the proposed rulemaking is to reduce the burden to publicly-owned treatment works (POTWs) and industrial users. The proposed revisions would allow POTWs: more flexibility in regulating low pH wastes, the option to establish either mass or concentration based limits, to better tailor oversight of and sampling by significant industrial users, and to allow the granting of removal credits for certain pollutants. The proposed rulemaking also clarifies how management practices and general permits can best be used, provide for use of electronic reporting, and address other important program issues. EPA worked with stakeholders (State approval authorities, trade associations, industrial users, environmental organizations and individual POTWs) prior to drafting the proposal by asking for their review and comment on brief discussions of the issues. The public comment period on the proposed rulemaking closed on November 19, 1999. EPA received 216 comments from a variety of interested stakeholders. EPA is currently reviewing and preparing a response to comments for inclusion in the preamble to the final rulemaking. EPA anticipates promulgation of a final rule in early 2001.

Establishment of Electronic Reporting for NPDES Permittees

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

submitting forms to USEPA electronically. The proposal is planned for winter 2000.

Safe Drinking Water Act (SDWA)

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

Drinking Water State Revolving Fund

The reauthorized SDWA of 1996 included the establishment of a Drinking Water State Revolving Loan Fund (DWSRF). States receive capitalization grants which they use to fund eligible water system drinking water infrastructure projects needed to address problems in public health and improvements needed to comply with drinking water standards. Under the DWSRF, States are required to provide a minimum of 15% of available funds to small systems serving fewer than 10,000 persons. Also, under the DWSRF set-aside programs, States are allowed to take up to 2% of their DWSRF allotment to provide technical assistance to small systems. Through other set-aside categories, States can also provide technical assistance to water systems in the areas of capacity development, operator training, and source water protection. To date, 800 loans for \$1.6 billion have been made to water systems for eligible projects. Of these 800 loans, 75% went to small water systems. Drinking Water State Revolving Fund information is on the internet at www.epa.gov/ogwdw/dwsrf.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.

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

Over the past year, states submitted to EPA programs to ensure that any new system commencing operation after October 1, 1999

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

Capacity Development for Tribal Systems

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

Other Technical Assistance for Small Water Systems

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

Source Water Protection

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

Consumer Confidence Reports

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

Class V Underground Injection Control (UIC) Control Wells

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

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

Upcoming Drinking Water Rules Affecting Small Water Systems

In the Federal Register on May 10, 2000 (vol. 65, no. 91, pages 30194-30274), EPA proposed rules to protect consumers of public drinking water supplies from certain high-risk contaminants. EPA is required under the Safe Drinking Water Act to promulgate the Ground Water Rule (GWR) to require disinfection "as necessary" for drinking water systems using ground water. Drinking water systems using surface water have been required to disinfect since 1989. The GWR establishes a multi-barrier strategy designed to identify high-risk water systems, and will require corrective action only where contamination or significant deficiencies have been identified. Thus, only a subset of the ground water systems will be required to disinfect.

The Long Term Surface Water Treatment Rule will establish protections against *Cryptosporidium* and other microbial contaminants for water systems using surface water sources. In the Federal Register on April 10, 2000 (vol. 65, no. 69, pages 19046-19150) EPA proposed this rule. Finally, EPA proposed (in the Federal Register on June 22, 2000, vol. 65, no. 121, pages 38888-38890) the Arsenic rule, to tighten standards against arsenic in drinking water. A March 1999 National Academy of Sciences report concluded that the current drinking water standard of 50 ppm be lowered as soon as possible based on the risks of lung, bladder and other internal cancers. Further information on these rules can be found at www.epa.gov/safewater/standards.html, or by calling the Safe Drinking Water Hotline at 1-800-426-4791.

Pesticide—Federal Insecticide, Fungicide & Rodenticide Act (FIFRA) Agricultural Pesticide Worker Protection Standards (WPS) Update

The Code of Federal Regulations, 40 CFR, Parts 156 and 170 are set to protect pesticide workers. These rules and regulations have been revised as late as 6/26/96. A Proposed Rule Change covering glove requirements was published in September, 1997. A Final Rule amendment is anticipated in mid 2000.

EPA has available many items to assist in compliance with the Worker Protection Standards, including bilingual training manuals for pesticide applicators, videos and leaflets for pesticide handlers, a pesticide safety poster for workers, a slide presentation covering the "Standard," a heat stress guide, and other items. A copy of the publication "*Worker Protection Standard: Materials Developed by EPA, States, and Other Organizations*," which describes Worker Protection Standard materials and how to obtain them, may be obtained from the EPA Certification and Worker Protection Branch (<http://www.epa.gov/pesticides/safety/>), (7506-C) U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, or by calling 1-703-305-7666. These WPS materials addressing pesticide safety and training may also be obtained through EPA Regional Offices (<http://www.epa.gov/epahome/locate2.htm>), States Agencies (<http://ace.ace.orst.edu/info/nptn/-state1.htm>) the Cooperative Extension Service (<http://www.reeusda.gov/>), the Government Printing Office, and private agricultural supply businesses.

The EPA Office of Pesticide Programs recently began a comprehensive review of the WPS rule and its implementation. The first in a series of work shop meetings was held in Autsin, TX in June 2000. The WPS stakeholders are welcome to participate in the assessments. For further information and to be notified of future meetings, contact the Certification and Worker Protection Branch referenced above.

Restricted Use Criteria for Pesticides In Ground Water Policy Statement

The agency plans to publish a policy statement in the Federal Register by the Fall of 2000, which will establish criteria for determining whether a pesticide should be considered for restricted use due to its potential to reach ground water. Pesticide products classified for restricted use may be purchased and used only by certified pesticide applicators or individuals under their supervision. This policy does not directly change the classification of any pesticide products. EPA will propose restricted use classification for specific pesticide products only after further evaluation of products which meet the criteria.

This policy will lay some of the ground work for the Ground Water Pesticide Management Plan Rule and will be published prior to promulgation of the rule.

Ground Water and Pesticide Management Plan

This regulation would establish Pesticide Management Plans (PMPs) as a new regulatory requirement. When issued, the rule will prohibit use of certain pesticides unless they are managed in accordance with an EPA approved State or tribal plan. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities.

The Policy Statement on Restricted Use Criteria for Pesticides in Ground Water (noted in our "Update elsewhere") will lay some of the ground work for this regulation.

Final action on this rule is anticipated in the Fall of this year.

Hazardous Waste Management Resource Conservation & Recovery Act (RCRA)

Revised Standards for Hazardous Waste Combustion Facilities

Under the Clean Air Act (CAA) Amendment of 1990, EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors (HWCs) (i.e., incinerators, cement kilns, boilers, and some types of smelting furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment.

Consequently, the Agency established new emissions standards for HWCs, for cement kilns, Light Weight Aggregate Kilns (LWAKs), and incinerators under joint CAA and RCRA authority.

Final action on cement kilns, LWAKs, and incinerators (Phase I) has been completed (Sept. 30, 1999 FR p 52828) and included in Item C-92.

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

Mercury-containing And Rechargeable Battery Management Act: Codification of Waste Management Provisions

The purpose of this would be to codify into the Code of Federal Regulations certain provisions of the Mercury-Containing and Rechargeable Battery Management Act the impact the May 11, 1995 Universal Waste Rule (40 CFR Part 273). The Act was signed by the President on May 13, 1996.

Action on this specific rulemaking has now been suspended, but will be revisited once resources are available.

RCRA Reporting And Recordkeeping Burden Reduction

To meet the goals of the Paperwork Reduction Act of 1995, the Office of Solid Waste (OSW) plans to reduce its Subtitle C reporting and recordkeeping burden on the regulated community, states, and the public. On June 18, 1999, OSW published for review and comment a Notice of Data Availability (NODA) with EPA's burden reduction ideas, and their associated burden

reduction estimates. This notice may be found at the web site www.epa.gov/epaoswer/hazwaste/data/burdenduction. After reviewing the comments OSW received on the NODA, OSW will publish a proposed rule to implement as many of these ideas as warranted.

The EPA Office of Solid Waste (OSW) is committed to reducing its paperwork burden by 40%, the goal established by the Paperwork Reduction Act, and has already reduced its paperwork burden substantially (by 1.6 million hours or 18%) through such reductions as eliminating regulatory requirements for the Land Disposal Restriction: Program and ending the requirement for states to prepare Capacity Assurance Plans.

There are ongoing burden reduction efforts in OSW, such as streamlining the Hazardous Waste Manifest, development of a standardized permitting system, and a major overhaul of the Biennial Report and the Hazardous Waste Notification system.

The Office of Solid Waste has undertaken the Burden Reduction Initiative, a major project that will further reduce paperwork burden. Some of the ideas the initiative is working on are:

- (1) OSW requires 334 notices and reports from facilities to show compliance with its regulations. Approximately 100 of these notices and reports that may be streamlined or eliminated;
- (2) Changing regulations to specifically allow facilities to electronically report and record all documents required is being considered;
- (3) Streamlining facility self-inspection requirements; and
- (4) Reducing requirements of the Land Disposal Restrictions Program, which regulates the disposal of hazardous wastes.

Now it is planned to issue a proposed rule by December 2000.

Solvent-contaminated Shop Towels And Wipes

EPA's Office of Solid Waste is considering a rulemaking that would change the regulations affecting solvent-contaminated shop towels, wipes, and rags. Currently, a disposable wipe or rag may be regulated as a hazardous waste if that wipe or rag comes in contact with a solvent that, when spent, is a listed hazardous waste or exhibits a characteristic of hazardous waste.

Regulatory requirements for hazardous waste found in 40 CFR 261-265, 268 and 270 apply to these wastes. Reusable towels are provided a conditional exemption from regulation as hazardous waste under most state programs. As a condition of the exemption, however, the towels may not contain any free liquids when they are sent offsite to a laundering facility. Otherwise, there are few regulations applicable to reusable shop towels.

Current rulemaking effort is directed to both clarifying and streamlining requirements for disposable and reusable solvent-contaminated shop towels, wipes and rags, such as record-keeping and reporting, manifesting, etc., so long as specified conditions are met; i.e., "no free liquids," and transported off-site in closed containers.

Standardized Permit For RCRA Hazardous Waste Management Facilities

This rulemaking will allow a type of general permit, called a standardized permit, for facilities that generate waste on-site in tanks, containers, and containment buildings. Under the standardized permit, facility owners and operators would certify compliance with generic design and operating conditions set on a national basis. The permitting agency would review the certifications submitted by the facility owners or operators. The permitting agency would also be

able to impose additional site specific terms and conditions for corrective action or other purposes, as called for by RCRA. Ensuring compliance with the standardized permit's terms and conditions would occur during inspection of the facility after the permit has been issued.

A Notice of Proposed Rulemaking (NPMR) is anticipated for the Fall of this year (2000).

Hazardous Waste Recycling Regulations

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

Modifications to the Definitions of Solid Waste and Regulations of Hazardous Waste Recycling

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

Glass-to-glass Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations

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

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

This action is planned in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to The Environmental Protection Agency (EPA). CSI is a consensus-based process for developing cleaner, cheaper, smarter environmental improvements. The Council includes representatives of industry; environmental groups; community groups; environmental justice groups; labor; and, Federal, State, local, and tribal governments. The recommendation involves minimizing RCRA requirements for glass-to-glass

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

A Notice of Proposed Rulemaking (NPRM) is anticipated to be published in October 2000.

Hazardous Waste Management: Spent Lamps Rulemaking Status

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

Identification And Listing of Hazardous Waste; Inorganic Chemical Industry Wastes; And Designation And Reportable Quantities

EPA, under an Environmental Defense Fund settlement agreement, will amend, if necessary, the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to reduce hazards to human health and the environment for inorganic chemical industry wastes. The wastes covered under this listing determination include: sodium dichromate production wastes, wastes from the dry process for manufacturing phosphoric acid, phosphorus trichloride production wastes, phosphorus pentasulfide production wastes, wastes from the production of sodium phosphate from wet process phosphoric acid, sodium chlorate production wastes, antimony oxide production wastes, cadmium pigments production wastes, barium carbonate production wastes, potassium dichromate production wastes, phenyl mercuric acetate production wastes, boric acid production wastes, inorganic hydrogen cyanide production wastes, and titanium dioxide production wastes (except for chloride process waste solids). This action is proposed under the authority of section 3001(e)(2) of RCRA which directs EPA to make a hazardous waste listing determination for inorganic chemical wastes. After an extensive study of the waste streams of the above chemical industry processes, including characterization of the wastes generated and a risk assessment evaluating plausible mismanagement scenarios, EPA will propose which of the above wastes, if any, should be listed as a hazardous waste under 40 CFR part 261.

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

Reinventing the Land Disposal Restrictions Program

The Land Disposal Restrictions (LDR) program was established to minimize threats posed by the land disposal of untreated hazardous wastes. The program has been in place for a number of years and now regulates all but the most recently listed hazardous wastes. The Agency is now examining the LDR program, exploring past accomplishments, current issues, and future possibilities. The goals of the examination are to make the LDR program more cost-effective,

clearer, more enforceable, and, more flexible while continuing to be environmentally protective. The Agency will develop an advance Notice of Proposed Rulemaking (ANPRM) to present initial thinking and the results of some activities taken as part of the ongoing LDR Reinvention Project so that the public will have an opportunity to comment. The ANPRM was published June 19, 2000 (FR 6/19/00 pp. 37932-56).

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

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

EPA is currently conducting mercury treatability tests with ORD, University of Cincinnati and DOE to obtain the data needed in order to revise the current mercury LDR treatment standards.

Until these tests have been completed, a date for publishing a Notice of Proposed Rulemaking (NPRM) can not be set. In the meantime, more information on the NPRM may be obtained from the RCRA Hotline at 1-800 424-9346 (DC area at 703-412-9810). The notice is also available from the World Wide Web site address www.epa.gov/fedrgstr.

Uniform Hazardous Waste Manifest Update

Further Rulemaking actions under consideration which address management of hazardous wastes include a revision of the Uniform Hazardous Waste Manifest to reduce the paperwork burden associated with the manifest, consistent with the current Agency objectives for burden reduction. Currently, many states collect manifests, and they may require additional information to be supplied on the manifest in the optional blocks provided on the form. This can become burdensome when waste must be transported to several different states and each state has slightly different requirements or requires its own form. Also, some states require paying a fee to obtain their manifest. The Agency seeks to reduce the burden of the manifest by streamlining the form by prescribing one universal form, and, where feasible, by utilizing automated information technologies which facilitate the electronic completion, signing, transmission, and storage of manifest data. A notice of proposed rulemaking is scheduled for about September, 2000.

Hazardous Waste Identification Rule (HWIR)

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

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

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

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

Hazardous Waste Storage and Disposal Regulation Related to Low Level Mixed Waste

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

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

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

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

ended February 17, 2000.

Small Quantity Generator Handbook

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

Used Oil Management Standards

On May 6, 1998, EPA issued a Direct Final Rule (5/6/98 FR pp 24963-9) which included eight amendments clarifying various parts of the used oil management standards and provisions of the hazardous waste regulations concerning used oil. EPA also issued a notice of proposed rulemaking on May 6, 1998 (63 FR 25006), in which the Agency proposed and solicited public comment on the same eight amendments. EPA received relevant adverse comments on three of the amendments in this rulemaking: the amendments to 40 CFR 261.5(j) (mixtures of conditionally exempt small quantity generator waste and used oil) 40 CFR 279.10(I) (applicability of the used oil management standards to used oil contaminated with polychlorinated biphenyls (PCBs), and 40 CFR 279.74(b) (record-keeping requirements for marketers of used oil that meets the used oil fuel specification). Accordingly, on July 14, 1998 (7/14/1998 FR pp 37780-3), the Agency withdrew these three amendments and reinstated the regulatory text that existed prior to the May 6, 1998 Direct Final Rule. These Federal Register Notices are included in the OSBO Item C-36. EPA will promulgate a final rule in the near future (pending review and approval by EPA's office of general counsel) finalizing the three amendments, as appropriate, and addressing the comments received. The five amendments that did not receive relevant adverse comment became effective on July 6, 1998 as provided in the May 6, 1998 Direct Final Rule.

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

Above-ground Storage Tanks (Ast)/spill Prevention Control and Counter-measures Update

The EPA has promulgated the Oil Pollution Prevention rules under Title 40 CFR Part 112 included in Item C-77 requiring that facilities prevent oil spills and ensure preparedness in the event of spills. This rulemaking is commonly known as the Spill Prevention Control and Countermeasure (SPCC) regulation. The rulemaking deals with spill prevention. The SPCC program concerns regulation of non-transportation related facilities with above-ground storage

capacity in excess of 1,320 gallons or 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. An amendment to the Facility Response Plan requirements has been published as a Final Rule (FR 6/30/00 pp. 40775-817) which is also included in Item C-77.

Superfund Comprehensive Environmental Response, Compensation & Liability Act (CERCLA)

CERCLA Lender Liability Guidance

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

Emergency Planning, and Community Right-to-know Act (EPCRA)

Supporting the State Local Emergency Planning Committees (LEPC)

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

EPA issued Proposed Rule 6/8/98 FR pp. 3269-317 designed to simplify reporting under Sections 311-312 of the "Emergency Planning and Community Right-to-Know Act" (EPCRA). This proposed rule is also included in Item K-30. In this Proposed rule, EPA has proposed several changes:

- Higher reporting thresholds for gasoline and diesel fuel at retail gasoline stations. Retail gas stations that store gasoline and diesel fuel entirely underground and are in compliance with underground storage tank (UST) regulations would be subject to the following thresholds under section 311-312. 75,000 gallons for all grades of gasoline combined and 100,000 gallons for diesel fuel. EPA estimates that the vast majority of retail gas stations will have less than these quantities.
- Greater reporting flexibility and elimination of routine reporting requirements for: rock salt, sand, gravel, and other materials. Facilities that store or handle rock salt, sand, and gravel no longer would report these substances under sections 311-312, regardless of how much was onsite.
- Clarify reporting of mixtures and change the interpretation of the existing hazardous chemical exemption for solids under Section 311.
- Solicited comments on the changes as noted above, and also asked for comment on several issues that would give State and Local Governments more flexibility to implement the existing requirements of EPCRA sections 311-312.
- Partnership programs for streamlined submission of and joint access to section 311 and 312 information;
- Electronic submittal of information;
- Reporting of ONLY changes in information, rather than submitting a new inventory each year;
- Allowing RCRA UST reports to fulfill EPCRA Section 312 requirements.

This notice proposes to rewrite the existing regulations under Sections 302-312 of EPCRA in a "Plain Language" format, and incorporates the requirements addressed in the Final rule (5/7/96 FR pp. 20473-90). Comment is also being sought on the use of the "Plain English" in this rule.

The texts of the proposed rule are available also in electronic format at: <http://www.epa.gov/ceppo/>, EPA's Chemical Emergency Preparedness and Prevention Office Home Page. EPA issued a final rule February 11, 1999 (Relief for retail gas stations) that eliminated reporting on gasoline and diesel fuel stored entirely underground in tanks, fully in compliance with Underground Storage Tank (UST) Regulations at retail gas stations with thresholds of:

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

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

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

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

Toxics Release Inventory (TRI) (Update)

The EPCRA Section 313 program is also referred to as the Toxics Release Inventory or TRI. Under Section 313, facilities are required to report releases and other waste management of specifically listed chemicals. They also are required to support transfers of toxic chemicals for waste management to off-site locations. Facilities that meet all three of the following criteria are subject to EPCRA Section 313 release and other waste management reporting: (1) have 10 or more full-time employees or the equivalent; (2) are in a covered SIC Code (including SIC codes 10

(except 1011, 1081, and 1094), 12 (except 1241), 20-39, 4911, 4931, 4939 (4911, 4931, 4939 limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4953 (limited to facilities regulated under RCRA Subtitle C, 42 U.S.C. section 6921 *et seq.*), 5169, 5171, and 7389 (limited to facilities primarily engaged in solvents recovery services on a contract or fee basis)); and (3) exceed any one threshold for manufacturing (including importing), processing, or otherwise using a toxic chemical listed in 40 CFR Section 372.65. See also the Final Rule, 5/1/97 FR pp. 23833-92, included in K-29.

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

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

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

Lead and Lead Compounds -- On August 3, 1999 (64 FR 42222) EPA published a proposed rule that would lower the reporting thresholds for lead and lead compounds. EPA believes that lead and lead compounds are persistent, bioaccumulative toxic (PBT) chemicals that warrant lower reporting thresholds than those currently established under EPCRA section 313. The proposal includes a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds. (Also included in K-29).

Pollution Prevention Act – The Agency plans to issue a proposed rule in the Summer of 2000 to define terms and clarify reporting requirements to assure that data reported pursuant to the Pollution Prevention Act (PPA) are accurate and consistent. Section 8 of the

TRI Form R currently contains the majority of Pollution Prevention Act reporting elements which primarily include quantities of toxic chemicals managed as waste.

Toxics Release Inventory (TRI) Public Data Release

EPA released the 1998 TRI Data in May 2000. TRI summary information and data access is available via the web at www.epa.gov/tri/tri98. The TRI98 website provides fast and easy access to the data overview and relevant TRI information (including tables, charts, and maps). The TRI data can be accessed through a new tool, the TRI Explorer, as well as through other tools described on this page. In July 2000, EPA will be issuing the more detailed 1998 TRI Public Data Release Report and State Fact Sheets which are usually released with the data. These documents will be available on the TRI website or calling the EPCRA Hotline in July 2000 (see contact information below). The 1998 TRI Public Data Release Report, and Data Summary will be included in OSBO Item K-64 as they become available.

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

(Copies of these documents may be obtained by calling the Emergency Planning and Community Right-to-Know Act (EPCRA) Hotline at (800) 535-0202 (in the Washington, DC area call (703)412-9877). Information is also found at the Web site <http://www.epa.gov/tri>

Toxic Substance Control Act (TSCA)

Asbestos Worker Protection Rule Amendments; Proposed

EPA is proposing to amend the Asbestos Abatement Projects, Worker Protection Rule (WPR), by incorporating certain revisions that were made to the Occupational Safety and Health Administration (OSHA) asbestos workplace standards issued since EPA's WPR was promulgated in 1987 to the extent that OSHA revisions are consistent with applicable EPA statutes. The proposal generally extends the coverage provided under the OSHA Asbestos Standard for Construction to State and local government employees who are not covered by OSHA or EPA approved State plans. FR 4/27/00 pp. 24806-248-31. Item E-19

Lead; TSCA Section 403; Identification of Dangerous Levels of Lead

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

Lead-based Paint (LBP); Fees for Accreditation and Certification Activities

The Toxic Substances Control Act (TSCA), Section 402(a), mandates implementing a fee schedule for the accreditation as

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

Lead: Management and Disposal of Lead-based Paint Debris

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

General

National Environmental Laboratory Accreditation Conference (NELAC)

In 1990, after receiving complaints from the laboratory community regarding the burden of multiple accreditations due to lack of a nationally recognized environmental laboratory accreditation program, former Deputy Administrator Hank Habicht established an internal work group to consider the feasibility and advisability of such a program. The work group concluded that EPA should consult with representatives of all stakeholders. As a result, the National Environmental Laboratory Accreditation Conference (NELAC) was established by the current administration to redress the following problems:

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

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

At the 5th NELAC annual meeting (June 28 - July 1, 1999) a dozen state programs were recognized by EPA as being fully compliant with the standards for accrediting authorities. Those states will begin accepting applications from the laboratories immediately. It is expected that the first group of laboratories will be accredited by January 2001. Further information is available on the website at www.epa.gov/ttn/nelac.

EPA and States to Improve Facility Information

EPA and the States are working to improve the way regulated facilities are identified in environmental databases. One goal of this effort is to reduce duplicate reporting of facility identification information from companies, thereby reducing the reporting burden on the regulated community.

The first phase of this process was to establish a standard set of data elements for facility identification. These data elements include the facility name, address, locational data, business classification and contact information. The second phase was to make existing facility identification data available on the Internet through the EPA's Envirofacts Warehouse (<http://www.epa.gov/enviro/>). Using this

application, a company can search EPA's databases to find all occurrences of the company and related facility information.

During this phase, EPA is working with States to improve the accuracy of the facility identification data.

The third phase, which is now underway, is to develop a single master record with accurate facility identification information for each facility. Once this is accomplished, EPA will identify where similar data are collected in separate regulatory information collections and, where possible, eliminate the duplicated reporting. For further information, companies are urged to visit the Internet site identified above.

Sector Facility Indexing Project Sector Facility Data Put on The Internet

Information gathered under EPA's Sector Facility Indexing Project (SFIP) on the environmental performance of hundreds of facilities in five major industries is now available through the Internet.

The industrial sectors currently covered are automobile assembly, pulp manufacturing, petroleum refining, iron and steel production, and the primary smelting and refining of aluminum, copper, lead and zinc (nonferrous metals).

The new database covers approximately 650 facilities with the five sectors, and for the first time collects in one place information the facilities must provide under a number of federal environmental statutes. The data includes information on past inspections and enforcement actions, the size of the facilities and their annual releases of chemicals into the environment, and demographic data about communities near the facilities.

The database has multiple uses, facilities can benchmark their data against that of other similar facilities, or simply monitor their own regulatory performance. The database gives environmental and community groups easier access to information they can use to learn about the environmental performance of individual facilities. Government agencies can use the information as a planning tool.

EPA stakeholders, including environmental and community organizations, have commented on the project. Each facility included in the pilot project received a copy of its compliance and enforcement data and was given an opportunity to submit comments. State agencies also received the information for review, since a large portion of the data is provided to EPA by state governments. EPA modified the data as appropriate, but found most of the data to be accurate. The agency has developed a comment process so that all users can continue to provide feedback.

The database is available at Internet address <http://www.epa.gov/oeca/sfi>. Since it has been available, the website has been used extensively for research and is considered a valuable tool. In keeping with SFIP's policy to incorporate information as it becomes available, the data included within the project have been updated 6 times since the project's release.

The Agency has completed a formal evaluation of SFIP's initial year of availability. Obtaining feedback from all stakeholders (government, facilities, trade association, environmental groups), the evaluation has shown SFIP to be successfully meeting its goals of providing greater public access to accurate compliance and facility-level information as well as improving multimedia facility profiling and sector based analysis. The evaluation also identified widespread interest for an expansion of SFIP. This, after taking into consideration the comments received, the Agency will be expanding SFIP to include a subset of Federal facilities. The Agency's goal is to complete the expansion by year's end. The evaluation report is electronically available on the project's website. We have included more information on the Sector Facility Indexing Project in the OSBO Item A-12.

Environmental Technology Verification Program

The Environmental Technology Verification Program (ETV) was started by the U.S. Environmental Protection Agency (EPA) in October 1995 to address the need for credible environmental technology performance data to help businesses and communities better utilize the available environmental technology choices. ETV verifies the performance of commercial-ready, private sector technologies. Over 897 stakeholders, serving on 18 different groups, play a major role in the design and operation of the program. The goals and operating principles of ETV are described within the ETV strategy. Information on the ETV program may be accessed at the ETV web site: www.epa.gov/etv.

The ETV program also has a listserv, ETVoice, which sends a brief monthly message to anyone interested in the ETV program highlighting new and updated information on the web site. You may subscribe to ETVoice through the web site.

As of May 2000, 67 air, water, monitoring, and pollution prevention technologies have been verified, 105 technologies are in the testing process, and an additional 108 applications are pending for the testing process.

The ETV Program Director is Penelope Hansen who may be reached at hansen.penelope@epa.gov, or at 202-564-3211

Environmental Management Systems (EMS) Implementation Guide

Recognizing the potential difficulties faced by small and medium sized 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 International (NSF) to design and review the Guide and hundreds of organizations throughout the world are presently using it. The Guide provides a step-by-step approach for putting an EMS in place and gives a number of examples from companies that have already done so. Contact person is Jim Horne, (202) 260-5802. INTERNET: <http://www.epa.gov/owm/iso2.html>. The Guide also provides tips for putting in place an effective approach for managing an organization's compliance with regulatory requirements and using pollution prevention techniques to enhance the environmental management system. For copies of the Guide, call 1- (800) 368-5888, Item B-12.

EPA Reviews Public Participation Policies

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

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

The first item in the Action Plan calls for EPA to assess and establish agency-wide principles for stakeholder involvement. This effort is a direct link to a July 1999 Report entitled, "Aiming for Excellence - Actions to Encourage Stewardship and Accelerate Environmental Progress, Report of the EPA Innovations Task Force," which pledges the Agency to evaluate and update EPA's public participation requirements. To address these joint concerns, EPA

convened a workgroup that is scheduled to give a report to the Administrator by January 31, 2000, which will contain an inventory of EPA regulations and policies regarding public participation and an initial assessment of how well these regulations and policies ensure public participation in decision making. To fulfil this commitment, the workgroup is seeking public comment on two issues:

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

2. How can we further engage the public in the effort to revise the 1981 Policy and other EPA regulations and policies which may need to be updated in regard to public participation? What are the suggested elements of a strategy to further engage the public in updating requirements and filling gaps in EPA's regulations and policies concerning public participation? These questions were recently posed in a federal register notice with a 30 day public comment period that ended December 30, 1999. As stated in the original notice, EPA is still seeking input on these questions and will use your comments as the Agency moves further in updating the 1981 policy and other stakeholder involvement regulations and policies. For a copy of the federal register notice, go to EPA's stakeholder website at www.epa.gov/stakeholder. To provide comments, contact Deborah Dalton at EPA by fax at 202 260-5478 or submit comments through the stakeholder website. Keep an out on the website for a posting of all comments received on this issue.

Revised Small Lab Environmental Management Guide

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

Consolidation of Good Laboratory Practice Standards (GLPS) Regulations Currently Under TSCA And FIFRA Into One Rule

On November 29, 1983, EPA published Good Laboratory Practice Standards (GLPS) regulations intended to help ensure data integrity for studies required to support marketing and research permits under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). These rules were last amended on August 17, 1989. GLPS data integrity measures can be applied to a wide variety of scientific studies. Although the TSCA and FIFRA GLPS contain identical provisions, they were published as separate rules to account for statutory and program differences between TSCA and FIFRA, such as differences in records retention requirements. EPA believes it will be able to address the differences between TSCA and FIFRA, such as differences in records retention requirements. EPA believes it will

be able to address the differences of those programs without duplicating the entire GLP standard in two places.

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

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

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 developed a multi-media Resource Guide for Small Business Assistance Providers. This Guide provides a quick and convenient reference tool for locating environmental assistance materials (regulatory and non-regulatory) that have been developed mostly by the states, and some by EPA. The Guide was prepared in cooperation with all the states and is primarily for assistance providers to be used as reference document. The information included is extremely useful in helping locate readily available materials from other states in an effort to not "reinvent the wheel."

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

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

Upgraded Source Book on Environmental Auditing for Small Business

EPA's Environmental Auditing Source Book for Small Business is now an upgraded compilation of the bibliography references, training information, and a summary matrix of auditing tools for quick reference. This book also contains information on environmental auditor standards and qualifications. See B-14. Also available is the Small Business Environmental Assistance Site Visit Manual prepared by the Iowa Waste Reduction Center, University of Northern Iowa, see B-17. Both of these documents can be obtained by calling the EPA SBO's Office at 1-(800) 368-5888.

New Booklet - Little Known But Allowable Ways to Deal With Hazardous Waste

The EPA has identified a number of allowable ways that small businesses can minimize their hazardous waste on site. This document provides information on five of these methods:

Domestic Sewage Exclusion;

Elementary Neutralization;
Recycling;
Treatment in Accumulation Containers, and
Burning in Small Boilers and Industrial furnaces

This Guide provides information and answers the question of whether any of these methods might work for you. The Guide contains two principal sections. The introduction provides background information on the purpose of the Guide, a brief overview of the EPA Hazardous Waste Program as it applies to small businesses, and a summary of the five EPA allowed hazardous waste minimization methods identified above.

The second section is a state-by-state review of these allowable ways to minimize hazardous waste. The section provides summary information for each state including their definition of hazardous waste, allowances for each of the five EPA allowed waste minimization methods, and information on special state hazardous waste management program considerations. This document can be obtained by calling EPA SBO's Office at 1-(800) 368-5888

EPA Compliance Assistance Tools

The Office of Compliance (OC) has produced a booklet, Item B-8, that offers a comprehensive listing of all OC projects that are currently available and/or under development. The projects are organized by industry sector, with 20 sectors covered. The tools include: databases, documents, web sites, video, plain-language guides, sector notebooks, etcetera. A contact person is listed for each document to acquire more information. To get a copy of the document, call 1-800-368-5888.

Performance Measurement Tools And Success Stories Still Needed!

The performance measurement tools and success stories database still has over 65 performance measurement tools and success stories available for direct downloading, revision, and use from the Small Business Environmental Home Page at the following address: www.epa.gov/sbo

WE STILL NEED YOUR HELP TO IMPROVE THIS RESOURCE! Please send any performance measurement tools/surveys/success stories to Audrey Zelanko at CTC, 320 William Pitt Way, Pittsburgh, PA 15238. Electronic copies in word perfect or word formats would be the most helpful. You can send disks to the above address, or email attachments to: zelankoa@ctc.com, audreyz@ccia.com, and bosilovich@ctc.com. If electronic copies are not available, you can fax hard copies to: (412) 826-6810 or mail them to the above address. If you have any questions, please call Audrey Zelanko at: (412) 577-2649
THANKS in advance for your help!

New Jersey Chemical Industry Project

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

The Effluent Trading Team has prepared a report titled *Sharing the Load: Effluent Trading for Indirect Dischargers*, EPA 231-R-98-003, May 1998, on trading local pretreatment limits among indirect dischargers. The Materials Recycling Report, titled

Promoting Chemical Recycling. Resource Conservation in Chemical Manufacturing, EPA-231-R-99-001, May, 1999, describes five typical batch chemical process scenarios that present opportunities to recycle materials.

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

Plain Language summaries of 20 New Jersey environmental regulations;

Detailed applicability flowcharts for six regulations that show if and how the regulations apply to a facility;

Summaries of New Jersey compliance assistance programs; and information on how to obtain additional resources, such as training materials and regulatory guides.

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

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

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

2001 STATE SMALL BUSINESS OMBUDSMAN AND TECHNICAL ASSISTANCE PROGRAM CONFERENCE SCHEDULED FOR AUSTIN, TEXAS

The State Small Business Ombudsman and Small Business Technical Assistance Programs, which are required under Section 507 of the 1990 Clean Air Act Amendments to aid small businesses impacted by air quality regulations, will hold their annual conference in Austin, Texas in the Spring of 2001.

Specialized training classes will be offered before the conference.

For speeches and other presentation materials from the 2000 conference, held on June 20-22, 2000, in Missoula, Montana, they can be downloaded from the Internet via a direct link at <http://www.epa.gov/ttn/sbap/conf00a.html>

"WHAT OUR CUSTOMERS MEAN TO US"

"Customers are the most important people in our business.

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

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

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

"Customers are part of our business, not outsiders.

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

"Customers bring us their wants; we fulfill them.

"Customers are not to be argued with.

"Customers deserve courteous attention.

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

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

"All these guidelines are saying the same thing:

Concentrate on the customer. You can't make many catches if you take your eyes off the ball."

Six Key Aspects of the SBREFA Legislation

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

- **Regulatory Compliance Simplification:** Federal regulatory agencies must develop compliance guides written in plain English to help small businesses understand how to comply with regulations that may have a significant effect on them. Agencies must also develop a program for providing small entities with informed guidance on complying with applicable laws and regulations.
- **Equal Access To Justice Amendments:** Under certain circumstances, small businesses can recover attorney's fees and court costs in a court or administrative hearing, even when they lose.
- **Congressional Review:** Congress has provided itself with a process by which it can review and, if necessary, disapprove regulations with which it takes issue.
- **Regulatory Enforcement Reform of Penalties:** Each regulatory agency must establish a policy to reduce and, where appropriate, even waive civil penalties for minor violations under certain circumstances.
- **Small Business Advocacy Review Panels:** For proposed rules subject to the Regulatory Flexibility Act, EPA must solicit input from the small businesses that will be subject to the rules and make these findings public. This process is aided by SBA's Office of Advocacy and the Office of Management and Budget.
- **Oversight of Regulatory Enforcement:** Aida Alvarez, the SBA Administrator, appointed Gail McDonald, as the Small Business and Agriculture Regulatory Enforcement Fairness Ombudsman on February 1, 2000. She also appointed the members of 10 regional Regulatory Fairness Boards to assist the National Ombudsman in receiving small businesses' comments about enforcement activities of federal regulatory agencies. The five (5) Fairness Board members appointed in each region are small business owners and operators.

Brief Explanations of the National Ombudsman and Regional Fairness Boards

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

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

Regulatory Enforcement Ombudsman

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

10 Regional Fairness Boards

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

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

SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS

Regions/Members July,2000

| | | | | |
|--|--|--|---|---|
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* Chair

** Vice Chair

Regulatory Flexibility Act (RFA)
Small Business Regulatory Enforcement Fairness Act (SBREFA)
Tom Kelly
Small Business Advocacy Chair

Under the RFA as amended by SBREFA, EPA must convene a Small Business Advocacy Review Panel for certain regulations prior to their proposal. EPA's Small Business Advocacy Chair assembles each Panel to include representatives from the Small Business Administration, the Office of Management and Budget, and the EPA office responsible for the rule. The Panel prepares a report to the Administrator of EPA with recommendations on ways to reduce the potential impact of the rule on small entities (whether businesses or governments). The Panel report is part of the rulemaking record that accompanies the proposed rule.

Small Business Advocacy Review Panels are no longer novelties.

EPA convened its 21st Panel on April 25, 2000. This year alone we completed 7 Panels, with many more on the horizon. The completed Panels reviewed rulemakings on lead-based paint renovation and remodeling, heavy-duty engine and diesel fuel sulfur standards, effluent guidelines for metal products and machinery, emission standards for composite plastics fabrication, treatment standards for microbial contamination of drinking water, and control of disinfection by-products.

They are producing meaningful change...

In the four years since the passage of SBREFA, EPA has made significant changes to regulations under development. EPA has considered over 140 Panel recommendations to address the particular concerns of regulated small entities. Some these changes include:

- The Class V Underground Injection rule, which allows many small businesses to continue use of their wells under permit (as opposed to a contemplated ban) and allows funeral homes to continue use of their wells, pending further study;
- The proposed rule addressing the Sulfur Content of Gasoline, which provides an extended period (four to six years) for small refineries to comply with rule requirements, without damage to the fuel supply.
- The Panel for the Industrial Laundries Effluent Guideline, which re-evaluated the risks posed by the many small businesses likely to be regulated. The Panel recommended the Agency take comment on a "no-regulation" option. EPA eventually withdrew the regulatory proposal, while the industry introduced a voluntary pollution-prevention program.

...And we're seeing a larger effect.

Since Panels apply only to those rules that impose a significant economic impact on a substantial number of small entities, what about rules that have lesser effects, or cover relatively few small businesses? One effect of the Panel process has been to demonstrate emphatically that regulations can be both environmentally effective and reasonably considerate of the resource and competitive constraints characterizing small entities. EPA's involvement of small businesses and governments in all rules that affect them has never been higher or more responsive.

Soon you can follow our progress on-line.

Shortly EPA will launch an RFA/SBREFA website. This site (www.epa.gov/sbrefa) should be active by August and will give you direct access to Panel reports, Small Entity Compliance Guides, and other pertinent documents. We look forward to your feedback on it, so please check it out! Contact: SBREFA Team Leader **Stuart Miles-McLean** (202) 564-6581

Stats on EPA Innovation Over the Past Decade

Cleaner, Cheaper, Smarter, Results -

- ▶ Superfund cleanups nearly **20%** cheaper and faster. **\$1.5 billion** saved in remedy selection.
- ▶ **300** Brownfields sites, with nearly **\$2 billion** in public/private investment.
- ▶ Emissions causing acid rain reduced by **30%** more than law requires. Eastern US rainfall now **25%** less acidic - New England starting to recover. Cost of program **75%** lower than predicted.
- ▶ National sulfur dioxide emissions down by **4 million** tons annually.
- ▶ Nitrogen oxide emissions down **20%** lower than law requires, and **50%** lower than 1990 levels.
- ▶ **50** States, **6** Territories, **80** Tribes completed comprehensive watershed assessments - First coordinated overview of Water Quality priorities.
- ▶ **675** companies voluntarily identified potential violations at **2700** facilities.

Partnerships -

- ▶ **> 7000** businesses participate in voluntary partnerships with EPA. Partners conserved **1.8 billion** gallons of water, eliminated **7.8 million** tons of solid waste, and prevented air pollution equivalent to taking **13 million** cars off the road each year. Saved **\$3.3 billion**.
- ▶ Project XL has **25** projects underway, **25** more being developed.
- ▶ **35** States signed on to National Envir. Perf. Partnership System agreements.
- ▶ **45** States consolidated grants from EPA.

Stronger Public Role -

- ▶ Stakeholders involved in almost all decisions:
 - Worked with industry to develop standards for air emission from **174** categories of industrial facilities.
 - Stakeholders helped design XL Projects.
 - Community concerns considered in settling enforcement cases.
 - ▶ Greater access to better environmental information
 - Through TRI, improved environmental performance from 1988 through 1997:
 - air releases down 55%
 - water releases down 63%
 - Underground waste injection down 22%
 - Onsite disposal down 26% (with only 1% increase of offsite disposal).
 - **>70 million** hits a month on EPA's website (which includes Spanish language sites)
 - Consumer info on drinking water quality, lead paint hazards in homes.
 - Citizens in **85** metro areas can get current info on local enviro. quality.
- For further information contact **Cheryl Hawkins** at: (202) 564-6677

Update on the Office of Environmental Information

Last fall, EPA Administrator Carol Browner announced the creation of the new Office of Environmental Information (OEI), which would be responsible for information management, policy and technology. OEI would be charged with meeting the demand for high-quality information by improving the way EPA collects, manages, analyzes, and provides access to environmental information to the public. Creating the office was a collaborative process involving a wide range of input from stakeholders and partners.

The US General Accounting Office reported that “one of the office’s most pressing challenges will be to develop a plan that identifies clear priorities for the office and the resources it will need to successfully lead the Agency’s efforts to make significant improvements in information management.” The first step toward the development of the Agency’s Information Plan has been the recent creation of the *FY 2000 OEI Action Plan*, which summarizes the key projects being initiated or advanced during this calendar year.

One of the most significant OEI accomplishments since its creation has been to initiate the development of a new Agency priority, the Environmental Information Exchange Network. The network is a partnership with the States to develop and implement a national plan for the purpose of integrating and exchanging environmental information with one another, and EPA.

Many improvements in the way EPA collects and manages its environmental data are also underway including the development of specific data standards which outline agreed upon formats and procedural rules for exchanging information. A new Facility Registry System has been launched creating a centrally managed repository of information on facilities that are subject to environmental regulation or of environmental interest. This system will reduce long-term reporting burdens on providers of information, help to reduce errors in facility records, and provide greater ability to conduct cross-media analyses. OEI is also developing the infrastructure for a Central Data Exchange, a single point-of-entry for environmental data submitted to the Agency. The exchange will allow receipt of data in multiple electronic and paper formats.

OEI also has been exploring ways to improve the Agency’s ability to provide the public with high quality information to enhance their environmental decision making through the development of a Public Access Strategy. The Agency’s web page has been redesigned to make it easier to find information, and for the first time this year, the TRI annual data (1998) was released via the web and through Envirofacts. Reports can now be generated from the TRI database on-line with the recent release of the TRI Explorer tool.

In addition, the Agency under OEI’s leadership, has made significant enhancements in the security of our information and computing infrastructure to keep pace with intrusion threats that come with greater use of the Internet.

To learn more about OEI’s activities or to receive a copy of its FY 2000 Action Plan, visit their web site at <http://www.epa.gov/oei>. For further information contact: **Outreach Coordinator, Don Flattery**, (202) 260-7070

Performance Track Recognizes Environmental Excellence

EPA launched the National Environmental Performance Track June 26th in Washington D.C. The National Environmental Performance Track is designed to motivate and reward top environmental performance. The first level of the Performance Track—the National Environmental Achievement Track—is open to companies and facilities of all types, sizes, and complexity, public or private, manufacturing or service-oriented. Multi-facility corporations are encouraged to develop company-wide policies supporting participation. Applications for the Achievement Track are now being accepted and those whose applications are approved by September 1 will be part of a distinguished Charter Group.

Through a systematic approach to managing environmental responsibilities, taking extra steps to reduce and prevent pollution, and being good corporate neighbors, many companies today are modeling the way to environmental excellence. At the same time, they are saving money and improving productivity. The Performance Track defines what it means to be a top environmental performer and provides incentives to motivate further improvements.

The National Environmental Performance Track creates a system that recognizes performance at two levels: Environmental Achievement and Environmental Stewardship. Many companies today have witnessed the business value of continuous environmental improvement and of communicating progress to their stakeholders. As top environmental performers, participants earn access to a unique package of incentives that reward and support continued environmental improvement. These include:

Recognition

Use of the Performance Track logo Visibility in EPA publications, Web sites, and events Special recognition for Charter Participants

Access to "State-of-the-Art" Information

Best practices database Peer exchange networking opportunities Informational briefings with senior EPA officials

Streamlined Monitoring and Reporting

Streamlined reporting and record keeping under the Clean Air Act* Reductions in discharge monitoring and reporting under the Clean Water Act Streamlined monitoring, reporting and procedural requirements for Publicly-Owned Treatment Works* Consolidated environmental reporting*

Streamlined Administrative Procedures

Increased flexibility in installation of Best Available Control Technology (BACT) under the Clean Air Act Reduced loan rates, extended pay-back periods and other advantageous terms under Clean Water Act loan programs Allow Publicly-Owned Treatment works to report certain compliance information on the Internet* Expedited review of new reduced risk pesticides

For more information about the National Environmental Performance Track, visit www.epa.gov/performancectrack or call 1-888-339-PTRK.

* Indicates it is part of a set of changes EPA will propose to make in its regulations to accommodate Performance Track Facilities

State Small Business Assistance Program (SBAP)

Success Stories

(from the 1999 state reports)

In **Missouri**, the On-site Assessment Team is visiting many facilities across the state, and their services have been well received. The Team provides each facility with a comprehensive, easy to understand report describing areas that need improvement, areas that are in compliance, and pollution prevention tips and opportunities. The regulatory programs have commented that when the Technical Assistance program helps a facility complete a permit application or other document, the application or document takes much less time to review and process. In Team evaluation surveys, many facilities indicated the assistance was very helpful and that they achieved compliance partly due to the information provided through these efforts.

In **Ohio**, ninety nine percent of our site visit customers said they would contact us again for help. In 1999, the SBAP staff traveled 29,073 miles in providing on-site assistance to 144 companies located in 44 of 88 OH counties.

Pennsylvania introduced its Pollution Prevention Assistance Account, a low-interest loan program available to small businesses that want to undertake pollution prevention and energy efficiency projects. The state also started the Pollution Prevention/Energy Efficiency Site Assessment Grant Program, which provides up to \$5,000 to small businesses that want to hire a private consultant to conduct P2/E2 assessments

In August 1999, the **Virginia** SBAP and the State Advisory Board on Air Pollution launched the Virginia EnviroMENTOR Program on a pilot basis. This program provides volunteer mentors to assist small businesses achieve compliance or institute pollution prevention activities. This initiative was modeled after the original Texas EnviroMENTOR program, which also provided guidance in starting the Virginia program.

Gulf Wire Corporation, New Orleans, **Louisiana**, was the recipient of the first pollution prevention award for a small business. The company reduced its use of trichloroethylene, used to clean the welding wire it produces, by 20 percent.

Missouri's on-site assessment team advised an aluminum smelting facility to recycle their pallets and cardboard. The team located an appropriate recycling facility to take the materials, which resulted in a savings of approximately \$2000 per month in disposal costs.

Ohio's SBAP worked to reduce the permit fees for a customer. After many conversations, phone calls, e-mails, and meetings between the district and HQ staff, misunderstandings about the size and emission potential of the permitted sources were resolved. As a result, the permit fee was reduced from \$4000 to \$300!

Neighbors of a woodworking facility in central **Pennsylvania** complained about dust from the operation, and a DEP inspector told the facility to correct the problem. ENVIROHELP staff conducted a site visit and informed the facility that the air pollution control device was overloaded and recommended installing a second device such as a fabric filter. ENVIROHELP also provided information about financing available through DEP. Ultimately, the company used one of the financing options to purchase a fabric filter.

A business in northeastern **Pennsylvania** was given three weeks by DEP to complete two "requests for determination" forms. The business enlisted ENVIROHELP to calculate emissions from their cardboard bailer and various printing inks. ENVIROHELP explained the information, calculations, and documentation necessary to estimate emissions from the inks and identified whether any other air pollution control requirements applied. ENVIROHELP reviewed their "request for determination" forms, which were submitted to DEP on time.

In **Texas**, the Small Business Local Government Assistance (SBLGA) spurred the development of the "de minimis" concept, referring to a cut-off level for air emissions, below which businesses would be exempt from all air authorization requirements. The de minimis concept has been incorporated into Senate Bill 766, which will completely overhaul air pollution authorization in TX. The SBLGA has successfully developed a list of more than 40 de minimis facilities and has been an integral part of building a structure of six de minimis categories and additional subsets of chemicals based on use rates. **Texas** also implemented a Compliance Commitment Partnership program, in which businesses that receive site visits and agree to implement all recommendations made by the consultant receive a one year reprieve from routine inspections. This program serves as an incentive for businesses to voluntarily increase compliance and environmental awareness.

Wisconsin SBAP staff provided compliance assistance to a wood frame manufacturer. The company was frustrated with the WI air regulations and permitting requirements and was contemplating a move to another state. Thanks to the assistance efforts, the business saved over \$1000 in consultant fees, and the company remained in the state retaining over 75 jobs.

The **Wisconsin** SBAP brought a permitting issue to the attention of the WI DNR, which resulted in the agency drafting a permitting exemption for auto body shops. The way current regulations are written, very small sources of air pollution were unable to fall under a permitting exemption. Although most body shops are well below the permitting threshold, they still need to apply for an air permit. The SBAP initiated a meeting and several site tours of body shops so the DNR rule writers could get a better idea of the emissions from these small sources. As a result, the agency agreed to a variance to the permitting regulations to exempt small auto body shops. For more information contact **Angel Martin-Diaz**, (412) 577-2643

10 INNOVATIVE STATE PROJECTS SELECTED TO ENHANCE EFFECTIVENESS OF SMALL BUSINESS ASSISTANCE

In October 1999, EPA's Office of Small Business Ombudsman announced ten demonstration projects funded under a Small Business Assistance Cooperative Agreement Program. These projects are designed to improve state programs environmental assistance to small businesses with an emphasis on estimating the emissions reductions achieved, as well as other benefits. These awards, for up to a two-year period, ranged from \$60,000 to \$100,000.

The awards reflect EPA's commitment to innovation in state assistance networks that help businesses prevent pollution and comply with the law. The projects chosen for funding service a wide range of small business sectors and offer the potential for demonstrating innovations that have far-reaching benefits to state assistance programs.

In March, 2000, the ten State project managers met in Washington, DC, with EPA's Office of Small Business Ombudsman for a 2-day work session. The group developed an approach to measuring projects and compared and aligned the ten efforts to assure commonality over the life of the Cooperative Agreements. It was concluded that the ten projects, taken together, have the potential to demonstrate three major program capabilities:

- the capability to approach 100% regulatory compliance in a targeted industry sector
- the capability to create partnerships that extend the reach and impact of state compliance assistance programs
- the capability to deploy powerful program assets, such as outreach channels, information systems, smart business models, one-stop shopping and referral, ... that can reach and engage small businesses

Results from the March 2000 project planning session were presented at the June 2000 EPA/State SBO/SBAP National Conference held in Missoula, Montana.

The 10 demonstration projects are:

- **California:** South Coast Air Quality Management District. The project is testing a multi-state, public-private partnership approach to assist small businesses in reducing air emissions. The test is focusing on the water heater and boiler manufacturing industry.
- **Colorado:** Department of Public Health and the Environment. Project is developing a network of partners to expand the reach of its small business assistance program. It is integrating resources of several assistance providers, and, integrating assistance tools tailored to specific customer needs.
- **Kansas:** State University Pollution Prevention Institute. Project is testing an approach to assure cost effective, one-on-one assistance to small businesses. Retired engineers will provide direct assistance in three industries: dry cleaners, automotive repair/auto body and metal finishing.
- **Maine:** Department of Environmental Protection. The project is testing a strategy to reduce pollution by changing business practices in a targeted sector. One-on-one assistance is designed to help businesses switch to optimum, clean technologies. The test focuses on auto repair and auto body shops.
- **Minnesota:** Pollution Control Agency. Project is creating partnerships to provide on-going assistance to an entire industry. Compliance assistance is being provided to the reinforced plastics and boat manufacturing industries.
- **Montana:** Department of Environmental Quality. Project will develop and test marketing methods to stimulate requests for assistance from the small business community and to increase business and public awareness.
- **New Jersey:** Department of Environmental Protection. Project will build leverage to expand the reach and impact of a small compliance assistance program. The leverage will come through partnerships with other assistance providers using high impact materials. Partners are mobilized for direct outreach to small businesses.
- **New York:** Environmental Facilities Corp. Project will demonstrate how well organized, focused assistance programs can move an industry sector toward full compliance. The demonstration proposes to move 2,700 gasoline stations into compliance with leak test requirements.
- **South Carolina:** Department of Health and Environmental Control. Project will reach out to small auto repair shops and salvage yards that are often beyond the reach of the regulatory sector. Partnerships will be used to reach businesses with specific materials and training.
- **Wyoming:** Department of Environmental Quality. The project is testing a business involvement approach. Businesses will participate up-front in the introduction of new regulatory standards and develop collaborations for optimum business solutions to their compliance. Formal process includes review of proposed new standards and state information system capability to locate small business customers for direct compliance assistance.

There will be periodic updates on the progress of these projects over the two-year period. After the projects are completed in middle of the year 2001, results will be reported to the U.S. Congress under a Congressional mandate and, published and distributed to the small business community and other interested groups. For more information contact: **Bob Rose**, at (202) 260-1133 or, by e-mail at rose.bob@epa.gov.

STATE SHOWCASE OF SUPERIOR ASSISTANCE TOOLS FOR SMALL BUSINESSES

MICHIGAN MANUFACTURERS' GUIDE TO ENVIRONMENTAL AND SAFETY AND HEALTH REGULATIONS

The Michigan Departments of Environmental Quality (DEQ) and Consumer and Industry Services (CIS) offer assistance to Michigan manufacturers facing the challenges of daily business regulations. The two Departments have designed a first-of-its-kind users guide. Packed full of easy-to-read discussions about state and federal environmental rules, the "Michigan Manufacturers' Guide to Environmental and Safety and Health Regulations" also summarizes the MIOSHA programs that affect manufacturers of all sizes. The book begins with a self-assessment checklist to steer a manufacturer through the regulations that affect their business.

Each chapter of the book is produced by a department program specialist. Along with easy-to-read overviews of relevant regulations, telephone numbers, web sites, and additional publications lists are included in each of the 32 chapters.

We realize how complex and voluminous government regulations are. We also understand the huge responsibility manufacturers face to keep the environment clean, their workers safe, and their business profitable. The "Michigan Manufacturers' Guide to Environmental and Safety and Health Regulations" can help a manufacturer meet this purpose.

The guidebook, complete with binder and 40 tabs, is available for \$25 or it can be viewed and printed from the following Web site (www.deq.state.mi.us/ead/pub/caap/manufguide/). This Web site also contains the order form if interested in purchasing a copy. If you have any questions or comments about the guidebook, please contact Dave Fiedler, Michigan Department of Environmental Quality, Environmental Assistance Division at (517) 373-0607 or e-mail (fiedlerd@state.mi.us).

For Further Information contact: **David Fiedler** at (517) 373-0607

FLORIDA'S SBAP DRY CLEANERS CALENDAR SUCCESS

In 1996, Florida Department of Environmental Protection held statewide compliance assistance workshops to increase awareness of upcoming PERC regulations. These workshops, and the following year's hands-on compliance training, indicated a pressing need to improve record keeping and reporting. This led to development of dry cleaner compliance calendars that enabled businesses to easily track inspections and record PERC usage directly on their calendars. They could then tear off the information sheet each month to meet compliance requirements. Results were dramatic. From 1996 to FY 98-99, record keeping and reporting compliance improved from 31 to 77 percent, a 148 percent increase. Further improvement in compliance is expected with the roll out of a Spanish compliance calendar in 2001, targeted towards South Florida's substantial Spanish speaking population

A downloadable version of the calendar was posted on Florida's SBAP web page in 1999 and subsequently on the EPA SBO website as well. Based on informal feedback, we understand that 14 states have adopted or are in the process of adopting the calendar for use in their programs to date. We are in the process of developing a formal survey to assess the degree of replication in order to fully measure the calendar's success.

Given the success of the calendar approach for the dry cleaning industry, we are currently in the process of developing a comparable calendar for the surface coating industry and are also considering this approach for several other industries.

For further information contact: **Elsa Bishop**, (850) 414-8399.

NEW DOCUMENTS AVAILABLE FROM EPA!

Three new documents that provide information to small businesses and laboratories about environmental management, auditing, and hazardous waste management are available from EPA. The documents are *“Environmental Management Guide for Small Laboratories,”* *“Little Known But Allowable Ways to Manage Hazardous Waste,”* and *“The Small Business Source Book on Environmental Auditing.”*

“Environmental Management Guide for Small Laboratories, The Second Edition”

When is a waste a waste? What exactly is a satellite accumulation area? Is sink disposal of hazardous waste allowed? Is an air permit required for laboratory ventilation devices? How is pollution prevention incorporated into everyday laboratory practices? To assist small labs in answering these and many more questions, EPA offers the second edition of the successful and popular “Environmental Management Guide for Small Laboratories” (Guide).

The Guide helps users manage unique environmental considerations common to labs and provides practical guidance on solving problems associated with compliance and the implementation of best management practices.

Special Issues about Labs

Most labs are small independent businesses or small entities affiliated with a larger organization. In these labs, environmental management is most likely a shared responsibility or administered by part-time staff or through collateral duty. The updated Guide will be geared toward providing lab staff with current and concise information on regulations and management practices as well as pollution prevention (P2) and waste

minimization. Labs present unique environmental risks because there are numerous substances used, there is high variability in operations, there is a high likelihood of creating a new substance, and there is a high degree of independence among the individual labs. Labs further face the challenge of adopting environmental regulations that are geared toward manufacturing and industrial facilities. OSHA estimates that there are approximately 35,000 labs in the U.S.

What Changes were Made?

The original Guide, published in 1998, addressed many unique issues and challenges labs face from existing environmental regulations. The success of the original Guide prompted EPA to produce a second edition that contained updated information and improvements. The result is a Guide which:

- More uniformly addresses environmental issues.
- Provides a bridge to regulatory programs not managed by the EPA (e.g., OSHA, Department of Transportation (DOT), Nuclear Regulatory Commission (NRC)).
- Expands and integrates P2 and waste

minimization opportunities.

- Adds a fifth chapter titled “Little Known But Allowable Ways to Manage Hazardous Waste.”
- Incorporates additional information including Environmental Training, Biologically Active Substances and Wastes, Radioactive Sources, Special Wastes (universal waste, used oil, and battery management), Hazardous Materials Handling and Storage, and Sustainable Practices (green purchasing, energy and water conservation).

Guide Organization

- The body of the Guide consists of sections covering 15 key environmental management issues.
- Each section is organized to provide information on regulatory considerations (an overview of Federal regulations), management issues (developing procedures and plans and establishing programs), and P2.
- Management suggestions and real-life examples are presented in each section, which concludes with a checklist that is ideal for self-auditing.
- The final chapter of the Guide contains the *“Little Known but Allowable Ways to manage Hazardous Waste”* document.

“Little Known But Allowable Ways to Manage Hazardous Waste”

“Little Known But Allowable Ways to Manage Hazardous Waste” provides information on allowable alternatives to the traditional and costly methods of hazardous waste disposal off-site.

What are the Five Methods of On-site Disposal or Treatment?

The Clean Water Act allows for certain types of hazardous waste to be disposed of down the drain under the domestic sewage exclusion (DSE), and the Resource Conservation and Recovery Act provides for on-site generator treatment without a permit through elementary neutralization, recycling, treatment in accumulation containers, and small-quantity on-site burning.

Organization

- The document describes the five methods and identifies which states allow each.
- The document also provides information on where and how to get the state hazardous waste regulations and current and tested contacts for further assistance.

“The Small Business Source Book on Environmental Auditing”

“The Small Business Source Book on Environmental Auditing” (Source Book) provides information on environmental auditing resources relevant to small businesses. Large businesses have long recognized the value of auditing

as a tool that helps minimize liability, avoids compliance costs associated with new projects, and identifies opportunities for improved operating practices. However, small businesses have been slower to accept auditing as a valuable business practice. The Source Book should be useful to small business owners, representatives, and assistance providers to learn about auditing practices and the value of auditing by directing them to the most relevant sources of information and training.

What is Environmental Auditing?

EPA defines environmental auditing as a periodic, objective, and documented assessment of an organization’s operations compared to audit criteria. Audit criteria may be compliance requirements such as regulations, or may be management practices that benefit the environment. In either case, an audit provides information on the operational status of an organization compared to management’s environmental performance expectations.

Why Conduct an Audit?

It is useful to think of an audit as a diagnostic exam and operations tune-up. Afterwards, the business should run more smoothly. By conducting the exam, a business gains a better understanding of where its

operations stand compared to audit criteria and indicates what areas need to be addressed to improve performance. Like other tune-ups, an audit should be conducted periodically. Also, for those not sufficiently trained, the services of an expert may be needed.

Source Book Organization

- The Source Book has five chapters addressing General Resources; Auditing Standards and Guidance; Audit Criteria; Audit Tools; and Audit Training Courses.
- The information within each chapter is organized by source type: Book, Checklist, Manual, Web Site, Software, Standard, Training, and Reference Web Site.
- Each source is described and then graded on a scale of 1-3 with 1 being most relevant to small business.

The “*Environmental Management Guide for Small Laboratories*,” “*Little Known But Allowable Ways to Manage Hazardous Waste*,” and “*The Small Business Source Book on Environmental Auditing*” are available from the U.S. EPA Small Business Division, Ariel Rios Building, MC 2131, 1200 Pennsylvania Avenue NW, Washington, DC 20460; the toll free hotline, 1-800-368-5888, or the Small Business Division web site { [HYPERLINK "http://www.epa.gov/sbo"](http://www.epa.gov/sbo) }. Ask or look for documents EPA 233-B-00-001, EPA 233-B-00-002, and EPA 233-B-00-003 respectively.

What's New With the Risk Management Program

Carole L. Cameron

EPA's Chemical Emergency Preparedness and Prevention Office

compiled June 10, 2000

Regulatory Developments

On April 27, EPA and the Department of Justice proposed a rulemaking that deals with public access to Off-site Consequence Analysis (OCA) information that was submitted to EPA under the Clean Air Act Section 112(r) by June 21, 1999. The 1999 Chemical Safety Information, Site Security and Fuels Regulatory Relief Act required the government to assess both the chemical risk reduction benefits of allowing public access to OCA information and the increased risk of terrorist and other criminal activity from posting the information on the Internet. Based on these assessments, conducted by EPA and DOJ respectively, the proposed rule would allow public access to the OCA portions of the RMPs in ways that minimize the likelihood of chemical accidents as well as the increased risk of terrorist and criminal activity associated with Internet posting. A public hearing was held May 9. Comments on the proposed rule are due June 8. A final rule is expected to be published by Aug. 5. To see a copy of the proposal, visit the CEPPPO website at <http://www.epa.gov/ceppo/pubs/OCArule.pdf>. Copies of the assessments can be downloaded at <http://www.epa.gov/ceppo/whatnew.html>. A fact sheet that summarizes the proposed rule can be found at <http://www.epa.gov/ceppo/pubs/sisruleFACT.pdf>.

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

Chemical Safety Alerts

A recent chemical safety alert on **anhydrous ammonia theft** discusses the potential hazards of anhydrous ammonia releases caused by theft, steps businesses can take to prevent theft and how to minimize health and safety risks associated with accidental releases. This alert should be read by individuals who operate and maintain agricultural retail operations, facilities with ammonia refrigeration systems and farmers who apply anhydrous ammonia as a fertilizer.

The National Institute for Occupational Safety and Health (NIOSH), EPA, and the Ethylene Oxide Sterilization Association (EOSA) request assistance in preventing explosions at industrial **ethylene oxide** (EtO) sterilization facilities and EtO repacking plants. EtO is a flammable gas. During sterilization procedures, EtO can easily form explosive mixtures when it is vented to certain types of emission control devices such as catalytic oxidizers.

Between 1994 and 1998, EtO was involved in 10 explosions. One of these explosions caused 1 death and 59 injuries among workers. All of these incidents caused damage to the plants, most of which used catalytic oxidizers to control EtO emissions. The alert recommends ways to prevent these explosions.

Waste fuel/oxidizer reaction hazards are addressed in a case study regarding lessons learned from a March 26, 1997, accident at Chief Supply Corporation in Haskell, Oklahoma. The accident killed one worker and injured two others. The immediate cause of the accident was most likely a violent reaction of oxidizers that were put into a mixer with flammable liquid solvents. The potential for such an incident exists whenever strong oxidizers are mixed with oxidizable and combustible organic substances.

All of the alerts can be found at <http://www.epa.gov/ceppo/ap-chsa.htm>

Public Meeting Update

The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act required facilities that submitted an RMP for a Program 2 or Program 3 process to announce and hold a public meeting by Feb. 1, 2000, to discuss their Risk Management Program, including the off-site consequence analysis sections (sections 2 through 5 of the RMP). Small business stationary sources could opt to publicly post a summary of their OCA information. Facilities that submitted an RMP for a Program 1 process are exempt from this requirement. To date, the FBI has received approximately 12,000 notices. Certifications were due by June 5, 2000, to the FBI noting that a meeting has been held or a summary has been posted.

A list of facilities that have notified FBI of their compliance is located at
<http://www.epa.gov/ceppo/meetings/>

RMP Guidance Materials Updated

The "General Guidance for Risk Management Programs" and the Industry Sector RMP Guidance documents for Ammonia Refrigeration, Warehouses, Chemical Distributors, and Wastewater Treatment Plants have recently been revised to reflect changes in the program required by the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act. The updated guidance material can be accessed at <http://www.epa.gov/ceppo/p-tech.htm>.

Keep In the Loop!

Now, you can receive weekly updates through our new listserv to keep you posted on the latest news about chemical accidental prevention and regulatory developments. We provide hotlinks to new documents and cover a wide range of topics to give you a complete picture of what is happening in the chemical safety arena.

To register now:

1. Send an e-mail to: listserv@unixmail.rtpnc.epa.gov (no quotation marks).
2. Leave the subject area blank.
3. In the body of the message, write "SUBSCRIBE EPA-CEPP ", no quotation marks. An example is: subscribe epa-cepp John Smith.
4. Send the e-mail with no further text in the body of the message.
5. Wait for the listserv confirmation of a completed subscription request.

Once you receive confirmation, usually within 24 hours, your listserv mail should be activated. Retain the confirmation e-mail for future reference. Contact: **Carole L. Cameron**, (202) 260-7938

THE HIGH PRODUCTION VOLUME CHALLENGE PROGRAM AND

SMALL BUSINESSES

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

HPV Challenge Program Update:

June, 2000

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

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

Rising to the Challenge:

Since the HPV Challenge Program was announced in late 1998, over 430 companies, working either independently or through 155 consortia, have publicly committed to make screening level health and environmental hazard data publicly available by the year 2005 on approximately 2,100 chemicals. Commitments to the HPV Challenge Program have come from companies and consortia of all sizes around the world. There have even been commitments from companies that were not asked to participate, while others have volunteered chemicals that were not on the original list. The Agency has now updated both the HPV Challenge Program Chemical List and the 1994 List of HPV Additions to reflect responses that had been received through the close of business on May 26, 2000. This most recent update captured all the commitments that had been received by the close of the voluntary sign-up period on December 1, 1999. (Company and consortium letters that have been received since December 1, 1999, reflect clarifications to previously submitted commitments, rather than new commitments.) As of the present time, no new commitments have been received. (A list of the currently sponsored HPV Challenge Program Chemicals can be found at <http://www.epa.gov/chemrtk/spnchems.htm>, where there is also a link to the summary report of companies and consortia, as well.)

Why Are Companies Participating?:

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

Who is Participating?:

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

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

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

Key Dates and Timeline:

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

Although the period to sign up to sponsor HPV chemicals has ended, the actual program implementation and its generation of the necessary testing information will continue through 2004 with all data to be available by 2005. Through both voluntary and regulatory means, EPA will assure that testing and data collection will meet the goals set by the Vice President.

Next Steps:

Companies and consortia are now submitting the first test plans and robust summaries of the existing data that they are uncovering. All information regarding these submissions is available on the ChemRTK website. Stakeholders are encouraged to participate in the public review process and may comment on the completeness and adequacy of these submissions by way of the "submit comments" button on the ChemRTK website.

Open Stakeholder Meetings:

While new rounds of stakeholder meetings have not yet been scheduled, it is all but certain that future meetings will be scheduled as the program matures from its solicitation to its implementation phases.

How can you find out more about this Program?

For more information on the Program and to learn of new developments as they occur, you may visit our Web Site at www.epa.gov/chemrtk.

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

You may submit comments on our Web Site (www.epa.gov/chemrtk), as noted above, or you may contact the Office of Pollution Prevention and Toxics's Small Business Liaison -- **Frank Neumann** at (202) 260-1772 or at neumann.frank@epa.gov.

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

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

Policy Office Builds Small Business Sector Programs

Office of Policy, Economics and Innovation / Sector Strategies Division



Since 1993, EPA has been working in partnership with industry sectors to find new ways to improve environmental performance while easing the burdens of regulation. The Office of Policy, Economics and Innovation (OPEI) directs cross-media sector programs in which government and other stakeholders team with businesses to learn about factors that influence environmental management decisions (*drivers-barriers analysis*) and then test ways to improve performance. OPEI helps put them into operation if they bring cleaner, cheaper results.

After success using this approach with the **metal finishing** industry, OPEI is now building new programs with other small business sectors: **meat processing, metal casting, specialty-batch chemicals, ship building and repair, and travel & tourism**. OPEI also is leading development of a 5-year sector strategy for EPA. Following are just a few highlights of progress in all these areas.

TRAVEL & TOURISM: VOLUNTARY ENVIRONMENTAL IMPROVEMENTS PLANNED AT SKI AREAS

On June 14, EPA joined with the National Ski Areas Association in a partnership to assist the industry's efforts to exceed environmental compliance requirements. The voluntary initiative establishes a set of principles for a broad range of improvements in areas such as smart growth, air quality and waste management. To support the ski industry, EPA will provide technical assistance, using partnership programs such as the Water Alliance for Voluntary Efficiency, WasteWise, Energy Star, Smart Growth, and demonstration projects for environmental management systems and transportation improvements. Other federal agencies and non-profits are partners in the effort. For more information, see: { [HYPERLINK http://www.epa.gov/ispd/travtour.htm](http://www.epa.gov/ispd/travtour.htm) }

CASTING INDUSTRY BEGINS PERFORMANCE IMPROVEMENT PROJECTS

The metal casting industry recently decided to undertake four projects with EPA and states to address performance drivers and barriers. An air permitting *New Source Review Guidance Manual* will be prepared to help metal casters and regulators speed up the permit process and improve compliance. A *Beneficial Uses of Foundry Sand* project will help states decide safe uses for non-hazardous spent sand and open markets for the material. Various *Environmental Assistance* initiatives will improve compliance and "beyond compliance" behavior. A *Casting Industry Stewardship Performance Track* program will

provide incentives for exceptional environmental performance. EPA expects that use of these products and services will bring significant environmental improvements in metal casting—particularly air emissions reductions and waste minimization.

BUILDING ENVIRONMENTAL STEWARDSHIP IN THE MEAT PROCESSING INDUSTRY

Meat industry leaders have joined with EPA, USDA, and states to identify opportunities for improving environmental performance and act on them. Stakeholders have proposed a five-point Meat Processing Environmental Stewardship Program: a *Performance Track* similar to the one being developed by the casting industry (see above); a sector-specific *Environmental Management System*; expanded *compliance assistance*; *External Stewardship* initiatives for processors to work with suppliers and communities; and *environmental research and technology* development. Stakeholders will define the program over the coming months.

METAL FINISHING: OPERATING PROGRAMS UNDERWAY

OPEI's Sector Strategies Division leads the National Metal Finishing Strategic Goals Program (SGP), a first-of-its-kind, sector-wide environmental stewardship program. Participating companies voluntarily strive to achieve good compliance, resource conservation, and emission reductions. Government regulators at all levels provide assistance and remove barriers to better performance, rewarding firms that show progress. As of June, over 425 companies, 21 states, and 75 local governments are partners with EPA in the SGP. Over 100 of these stakeholders took part in the 2nd annual SGP summit meeting in Chicago, sharing success stories, tackling common problems, and reviewing data on progress made to date.

SHAPING EPA'S SECTORS STRATEGY

OPEI/SSD is developing a five-year Agency sectors strategy. Slated for release this fall, the strategy will serve as guidebook to develop, implement, and measure progress in sector work across EPA. It is being created in concert with the multi-stakeholder National Advisory Council for Environmental Policy and Technology (NACEPT) and EPA program and regional offices. Sector work within EPA is now being assessed: what work is underway in what parts of the Agency, and how different projects are selected, managed, implemented and measured. The strategy will contain a *vision* for the future of sectors, the *current state of sectors*, and *framework, implementation and measurement* sections.

FOR MORE INFORMATION

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

DfE: Environmental Health and Safety Consultant to Small Businesses

The Challenge

The EPA's Design for Environment (DfE) Program evaluates technology alternatives based on human health and environmental risks, as well as performance and cost. DfE specializes in partnering with small business-dominated industries, such as auto refinishing and printing, to help them incorporate these concerns into their daily business practices. Small businesses usually do not have environmental, health and safety (EHS) personnel or financial resources to address these matters. Therefore, DfE serves as a facilitator by providing resources and consultation to them and their industry representatives.

DfE's Auto Refinish Project

The DfE Auto Refinish Project works with auto refinishers to identify and adopt safer, cleaner, and more efficient technologies and practices. From an EHS perspective, the primary concern in auto refinishing is worker exposure to harmful chemicals during the painting process, such as isocyanates, solvents, and paint additives. Chemical releases to the surrounding community are alarming as well, especially when schools or residents are within close vicinity to the shops. DfE provides industrial hygiene consultation to identify health and safety improvements that will reduce chemical exposures and releases, while improving efficiency and decreasing costs.

DfE has developed expertise in best practices, as well as overcoming barriers to their use, through collaboration with auto refinishing shops. DfE is partnered with the Pennsylvania Small Business Development Center to encourage the adoption of these best practices and equipment. For example, DfE is working with shops in the Philadelphia area to increase the use of HVLP (High Volume Low Pressure) spray guns which increase transfer efficiency and reduce paint overspray and waste. HVLP guns decrease chemical exposure to workers and the local community. In addition, less money is spent on the purchase of paint and waste disposal. DfE has also partnered with CCAR® (Coordinating Committee for Auto Repair) to develop a virtual autobody shop website (online at www.ccar-greenlink.org). DfE's knowledge of the EHS aspects of auto refinishing is an invaluable resource for any autobody shop desiring to increase worker health and safety in practical, affordable ways.

DfE's EMS: Screen Printing

The DfE/EMS, an enhancement of the ISO 14000 approach, is designed as a sector-specific tool for companies to make informed decisions based on EHS information. DfE is currently working on an EMS pilot project with the screen printing industry. Small businesses dominate this industry, with fifteen employees at the average shop. DfE helps educate printers so that they can develop stronger roles in managing EHS matters in their businesses. The EMS focuses on reducing wasted ink and minimizing VOC emissions, solid waste, and polluted wastewater so printers can run their shops more efficiently. Marcia Kinter of the Screenprinting & Graphic Imaging Association International (SGIA) describes the EMS as "a way of integrating environmental issues into your normal business decision-making activities."

Overall, the DfE/EMS is a useful tool for any industry aspiring to manage EHS issues more effectively. DfE encourages the use of EMS in other industry sectors. DfE has found that linking up with trade associations, especially ones demonstrating commitment to environmental leadership, is an effective way to bring EMS to an industry. If you believe your trade association may be a good DfE/EMS partner, please contact us.

The Bottom Line

As these examples demonstrate, DfE plays an important role in improving business practices by analyzing current technologies and providing educational materials and training to small businesses. The result thus far has been healthier, more profitable businesses. For more information about DfE, or to obtain copies of DfE materials, please visit our website at www.epa.gov/dfe. If you have an interest in a future DfE project, please call us at 202-260-1678.

INNOVATIONS IN COMPLIANCE ASSISTANCE

It has been one year since the Environmental Protection Agency (EPA) released the “Aiming for Excellence” Report. This Report, in part, committed EPA to take a number of actions to enhance our compliance assistance efforts. In an earlier SBO newsletter we published a detailed description of each project along with a request for your participation to help in their development. This article will discuss the remarkable work undertaken during the past year to meet our compliance assistance commitments.

Compliance Assistance Advisory Committee

In the Fall of 1999, EPA’s National Advisory Council on Environmental Policy and Technology (NACEPT) created a new standing committee - the Compliance Assistance Advisory Committee (CAAC). The CAAC’s twenty-two members include representatives from small and large businesses, trade associations, community and environmental groups, and state and local governments. This group provides a continuing forum for the Agency to receive valuable advice on compliance assistance activities. During their short tenure the CAAC helped the Agency identify cross-cutting issues, plan for the Agency’s Compliance Assistance Forum, develop a Compliance Assistance Activity Plan, create a user-friendly virtual Clearinghouse and provide recommendations for future compliance efforts. Details of these efforts are addressed below.

Forum 2000

On March 1st and 2nd, EPA sponsored Forum-2000, Building Compliance Assistance Partnerships, (Forum) in Atlanta, GA. Nearly 300 federal, state, local, and tribal government officials as well as community and industry compliance assistance providers attended. The Forum provided opportunities for compliance assistance providers to network, identify key issues, share solutions and success stories. It also provided an opportunity for stakeholders to provide input on EPA’s first Annual Compliance Assistance Activity Plan and Clearinghouse. Many topics were covered including opportunities to use compliance assistance for: going beyond compliance with regulatory requirements; integrating compliance with other tools such as inspections and enforcement; and enhancing compliance at small- and large-sized facilities. Participant feedback was so positive that EPA is considering a second Forum this winter. As with Forum-2000, we hope to work with small businesses to develop the next Forum.

EPA Annual Compliance Assistance Activity Plan

In March of 2000, EPA completed a draft of the first Annual Compliance Assistance Activity Plan (Plan). The goal of the Plan is to coordinate the key compliance assistance activities across the Agency to ensure resource efficiency. The Plan lays out the Agency’s priorities and the type of compliance assistance to address those priorities. In turn, stakeholders can use the information in the Plan to help focus their resources without duplicating EPA’s efforts and to identify opportunities for partnerships.

To draft a Plan for FY 2001 and to begin thinking about subsequent Plans, EPA solicited stakeholder feedback through the Forum 2000, the *Federal Register* and other meetings held by various EPA offices including our Small Business Office. We received valuable comments from the small business community and other stakeholders that were reviewed by both the Agency and the CAAC.

The CAAC drafted consensus recommendations on the Plan which are expected to be finalized and submitted to EPA's Administrator this July. The recommendations will be available on the Compliance Assistance Project web site at www.seattle.battelle.org/epa-icaa.

EPA is reviewing the comments to help enhance the FY 2001 Plan and subsequent Plans. Our goals are to 1) identify an approach for working with stakeholders throughout the year to identify your compliance assistance needs and opportunities for partnerships; 2) provide timely recommendations for identifying Agency priorities to ensure Agency resources are targeted to the most significant problems; and 3) collaborate across the Agency's offices to use the expertise and resources necessary.

Compliance Assistance Clearinghouse

In response to the need for having a central repository of compliance assistance information and resources, EPA is developing a Compliance Assistance Clearinghouse (Clearinghouse). The Clearinghouse is intended to be the gateway for easy access to compliance assistance materials by providing links to EPA, state and other compliance assistance providers' web sites. It is also intended to help build a closer network and stronger community for those who provide compliance assistance. The three main components of the Clearinghouse to help achieve these goals are: 1) a providers directory to facilitate referrals and finding experts 2) a user-friendly navigation system that allows users to quickly locate compliance assistance tools and information and 3) a communications forum to foster exchange of new ideas and information.

During the development of the Clearinghouse EPA received input from the Forum 2000, the CAAC, and from various organizations such as the Small Business Assistance Providers and the Pollution Prevention Technical Assistant Providers. The Clearinghouse is scheduled to be operational in September 2000.

Our objective is to ensure that the users can access information from all compliance assistance providers quickly through the Clearinghouse. This requires direct links to relevant information on your web sites. Therefore, the full participation of compliance assistance providers is key to the success of the Clearinghouse. You can provide us links to your web site by using the "add-a-link" feature in the Clearinghouse test site at www.seattle.battelle.org/clearinghouse.

Future Direction

EPA looks forward to continuing to strengthen our partnership with small businesses and other stakeholders. We need your involvement to assure that the small business community needs are heard as we continue to improve the environment through compliance assistance. For additional information on these projects or how to participate contact: **Gina Bushong** at 202-564-2242.

EPA Issues Five More Audit Protocols for Three Statutes; Four More Under Development

EPA recently issued five more voluntary environmental compliance audit protocol manuals as part of an on-going effort to produce a set of 13 multi-media document to assist the regulated community, including small businesses, in conducting environmental audits. The five audit protocols EPA issued in May 2000 include coverage of the Resource Conservation and Recovery Act (RCRA), The Safe Drinking Water Act (SDWA), and the Toxic Substance Control Act (TSCA). The RCRA protocols issued in May include, RCRA regulated storage tanks (above and underground storage tanks), universal waste and used oil under RCRA, and RCRA Subtitle D waste. EPA also issued audit protocols for PCBs, asbestos and lead-based paint regulated under TSCA, and, public water systems regulated under the Safe Drinking Water Act.

To date EPA has produced a total of nine audit protocol documents including the first four produced last year (hazardous waste generators under RCRA, RCRA treatment storage and disposal facilities, EPCRA and CERCLA).

EPA developed these protocols in support of several EPA policies and programs, such as EPA's Small Business Policy which is designed to promote environmental compliance by providing compliance assistance and incentives like penalty waivers to eligible facilities with 100 or fewer employees. In addition, the protocols were designed to encourage businesses and organizations to perform environmental audits and disclose violations in accordance with EPA's Audit Policy. The audit protocols are intended to help provide guidance to regulated entities conducting environmental compliance audits and to ensure that audits are conducted in a thorough and comprehensive manner.

Each protocol offers guidance on key requirements, defines regulatory terms, and provides an overview of the federal laws affecting a particular environmental management area. It also includes a checklist containing detailed procedures for conducting a review of facility conditions. The checklists actually outline performance objectives for the auditor and offer a line of inquiry when evaluating a facility for compliance.

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

Protocol for Conducting Environmental Compliance Audits of Hazardous Waste Generators under the Resource Conservation and Recovery Act (EPA Document No., EPA-305-B-98-005)

Protocol for Conducting Environmental Compliance Audits of Treatment Storage and Disposal Facilities under the Resource Conservation and Recovery Act (EPA Document No., EPA-305-B-98-006)

Protocol for Conducting Environmental Compliance Audits Under the Emergency Planning and Community Right-to-Know Act (EPA Document No., EPA-305-B-98-007)

Protocol for Conducting Environmental Compliance Audits Under the Comprehensive Environmental Response, Compensation and Liability Act (EPA Document No., EPA-305-B-98-009).

Protocol for Conducting Environmental Compliance Audits of Facilities Regulated under Subtitle D of RCRA (EPA Document No., EPA-300-B-00-001)

Protocol for Conducting Environmental Compliance Audits of Used Oil and Universal Waste Generators under the Resource Conservation and Recovery Act (EPA Document No., EPA-300-B-00-002)

Protocol for Conducting Environmental Compliance Audits of Storage Tanks under the Resource Conservation and Recovery Act (EPA Document No., EPA-300-B-00-006)

Protocol for Conducting Environmental Compliance Audits of Facilities with PCBs, Asbestos, and Lead-based Paint Regulated under TSCA (EPA Document No., EPA-300-B-00-004)

Protocol for Conducting Environmental Compliance Audits of Public Water Systems under the Safe Drinking Water Act (EPA Document No., EPA-300-B-00-005)

EPA expects to issue four more audit protocols to the public by December 2000 including: Management of Pesticides; Clean Air Act; Clean Water Act; and TSCA.

You can obtain hard copies of the protocols by contacting EPA's National Service Center for Environmental Publications (NSCEP) at 1-800-490-9198. When ordering copies from NSCEP, please reference the title and the document number of the protocol(s) you've selected. The protocols can also be obtained electronically via EPA's Web site: www.epa.gov/oeca/ccsmd/profile.html. For further information on the protocols, contact **Richard Satterfield** (202) 564- 2456.



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 March 29, 2001, and will close on May 24, 2001. The solicitation will be posted on the National Center for Environmental Research WEBSITE at:

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

Please note that the last Phase I solicitation, which closed on May 25, 2000, is still on the WEBSITE for informational purposes only. The solicitation includes a description of the program and descriptions of typical topic areas. The solicitation also is available by fax. If you need a fax copy of last year's solicitation or if you have any questions, please call the EPA SBIR Helpline at:

1-800-490-9194



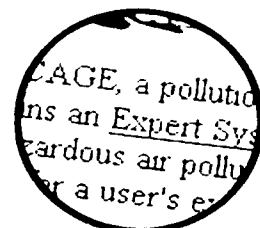
CAGE

Coating Alternatives Guide

CAGE is a free Internet pollution prevention tool designed to aid coaters of metal and plastic substrates. CAGE identifies low-emitting coating alternatives as potential drop-in replacements for current processes.

Expert System

Based on users' answers to questions, CAGE provides a relative ranking of coating choices. Each technology is hyperlinked to summarized information like process considerations, application methods, and case studies.

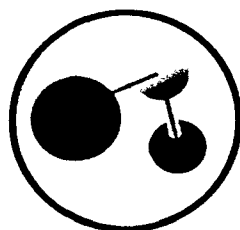
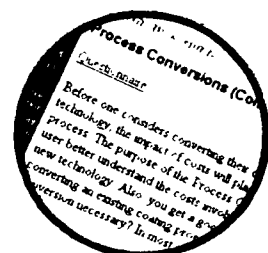


Coatings Alternatives

CAGE compiles information on over 25 different, generic coating chemistries including solvent-borne, water-reducible, and solvent-free coatings (e.g., powders, radiation-curable). On-line information is summarized from various coatings journals, trade publications, engineering manuals, and expert advice.

Process Conversions

Users can estimate the costs involved when switching from their current coating process to a new coating technology. Applied material, equipment, energy, and labor costs are some of the costs included in the conversion cost tool.



Product Guide (Coming Soon!)

CAGE will provide lists of low-emitting paint formulations. Users can search for coating chemistries by VOC content, producer's name, and type of coating. For more information, users can hyperlink directly to a manufacturer's contact name and number.

Audience

CAGE's intended audience includes small- and medium-sized businesses that coat metal and plastic parts, state technical assistance offices, and anyone seeking information on coatings.



<http://cage.rti.org>



Access the Compliance Assistance Centers at www.assistancecenters.net

CCAR-GreenLink®

Helps the automotive service and repair community identify flexible, common sense ways to comply with environmental requirements. www.ccar-greenlink.org



ChemAlliance

Provides innovative Web site features to direct chemical manufacturers to information resources and plain-language compliance assistance material. www.chemalliance.org



Local Government Environmental Assistance Network (LGEAN)

Serves as a "first-stop-shop" by providing environmental management, planning, and regulatory information for local government officials, managers, and staff. www.lgean.org



National Agriculture Compliance Assistance Center (Ag Center)

Serves as the "first stop" for information about environmental requirements that affect the agriculture community. www.epa.gov/oeca/ag
(This is a government run center)



National Metal Finishing Resource Center (NMFRC)

Provides comprehensive environmental compliance, technical assistance, and pollution prevention information to the metal finishing industry. www.nmfrc.org



The U.S. Environmental Protection Agency has sponsored partnerships with industry, academic institutions, environmental groups, and other federal and state agencies to establish Compliance Assistance Centers for ten industry and government sectors.

If you own a small business in one of these sectors, these resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply.

Paints and Coatings Resource Center

Provides regulatory compliance and pollution prevention information to organic coating facilities, industry vendors and suppliers, and others. www.paintcenter.org



Printed Wiring Board Resource Center

Provides regulatory compliance and pollution prevention information to printed wiring board manufacturers, industry vendors and suppliers, and others. www.pwbrc.org



Printers' National Environmental Assistance Center (PNEAC)

Provides compliance and pollution prevention fact sheets, case studies, and training, as well as two e-mail discussion groups on technical and regulatory issues. www.pneac.org



Transportation Environmental Resource Center (TERC)

Provides compliance assistance information for each mode of transportation - air, shipping and barging, rail, and trucking. www.transource.org



Fed Site

Serves as the "first stop" for information about environmental laws and regulations that affect Federal departments and agencies. www.epa.gov/oeca/fedfac/cfa
(This is a government run center)



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

What do the Centers Provide?

Each Center can help small businesses in specific sectors by providing relevant federal environmental regulations in plain language. Visit the Centers to obtain:

- Updates on industry-specific regulatory developments
- Sector-specific regulatory explanations
- Compliance tools
- Process-specific training
- A place to ask questions and get answers
- Databases on technologies and techniques
- Pollution prevention tips and ideas
- Links to other assistance providers, vendors, & suppliers
- Contact points for responses to specific compliance questions and answers

Are the Centers being used?

Businesses, local governments, and assistance providers are using the Centers to get answers to their compliance questions.

In 1999, the Centers experienced over 260,000 visits. And we see that use of

the Centers is increasing steadily. At the time of this printing, the Centers are visited over 890 times a day by businesses, farmers, local governments, federal facilities, and technical assistance providers.

“I am made aware of topics that I normally would not be notified for several months.”

“Identified requirements that I was unaware of and information on different means to comply”

Do the Centers help businesses and local governments better understand applicable environmental requirements?

Survey data demonstrates that Center users find the Centers very useful -- and use improves environmental performance! Based on eight voluntary Internet surveys, over 70% of the company and local government respondents said they took one or more positive action (e.g., changing the handling of waste, obtaining a permit, changing a production process, contacting a regulatory agency) as a result of Center use and over 50% of these companies and local governments felt they had a cost savings resulting from these actions when applicable. Furthermore, over 58%

of company and local government respondents stated that they realized one or more environmental improvements as a result of using a Center (e.g. reduced air emissions, conserved water).

The Centers are being used -- and use is on the rise. And through use, the Centers are helping the regulated community address environmental problems, save money through actions taken, and make environmental improvements.

Visit the Centers as a “first stop” for sector-specific compliance assistance support.

EPA POLICIES ASSIST SMALL BUSINESSES WITH ENVIRONMENTAL COMPLIANCE

EPA's Office of Enforcement and Compliance Assistance (OECA) has recently revised the following policies to respond to the environmental compliance needs of small business: *Policy on Compliance Incentives for Small Business*; and the *Final Policy on Environmental Self-Auditing and Self-Disclosure*. The *Enforcement Response Policy* was not modified. 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

SMALL BUSINESS COMPLIANCE POLICY

EPA issued the revised *Small Businesses Compliance Policy*, effective May 11, 2000, to provide small businesses with incentives to participate in compliance assistance activities and programs, or conduct environmental audits. This policy supersedes the June 1996 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 reduce civil penalties provided the small business satisfies all of the following four criteria:

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

Please see the actual Policy for more specifics on the criteria and on violations that are ineligible. Information about using the Policy, questions and answers, and the types of violations that have been disclosed will be posted and periodically updated on the website. For more specific information on this policy, contact **Ginger Gotliffe**, Office of Compliance, at (202) 564-7072 or visit <http://www.epa.gov/oeca/smbusi.html>

POLICY ON ENVIRONMENTAL SELF-POLICING

EPA issued the revised Final Policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" in the Federal Register on April 11, 2000 (65 Fed. Reg. 19,617). Commonly referred to as the EPA Audit Policy, it provides regulated entities of all sizes with incentives to voluntarily discover, disclose, and correct violations of environmental laws and requirements. Under the Audit Policy:

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

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

Issuance of the revised Policy followed a two-year evaluation of the 1995 Audit Policy. Key revisions include lengthening the period for prompt disclosure from 10 to 21 days, clarifying that the Audit Policy is available in the multiple-facility context, and clarifying how the prompt disclosure and repeat violation conditions apply in the acquisitions context.

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

ENFORCEMENT RESPONSE POLICY

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

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

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

For copies of these policies, call (800) 368-5888 and ask for Item 13.

EPA'S REVISED AUDIT POLICY - Effective May 11, 2000

General Information

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

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

Web Site: www.epa.gov/oeca/auditpol.html

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

Incentives Available Under the Audit Policy

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

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

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

To Make a Disclosure Under the Audit Policy

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

Disclosures of criminal violations should be made to the appropriate EPA criminal investigation division, to EPA Headquarters, or to the U.S. Department of Justice. For more information, contact Michael

Penders at 202-564-2526. **Conditions of the Audit Policy** – Entities that satisfy the following conditions are eligible for Audit Policy benefits. (Note: entities that fail to meet the first condition – systematic discovery – are eligible for 75% penalty mitigation and for no recommendation for criminal recommendation).

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

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

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

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

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

Prevent recurrence of the violation.

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

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

Cooperation by the disclosing entity is required.

EPA's Small Business Compliance Policy

Background and Purpose

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

Effective Date and Citation

- This Policy is effective May 11, 2000 and supersedes the June 1996 version. It was published in the Federal Register on April 11, 2000, 65 FR 19630.

Who Qualifies to Use this Policy

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

How to Qualify for Penalty Elimination or Reduction

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

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

- *In the rare instance where the small business has obtained a significant economic benefit from the violation(s) (i.e., economic advantage over its competitors), EPA will waive 100% of the gravity component of the civil penalty, but may seek the full amount of any economic benefit associated with the violations. As of March 2000, EPA has never sought to collect economic benefit since this Policy was originally issued in 1996.

Applicability to States

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

For More Information contact Ginger Gotliffe at 202-564-7072 or visit <http://www.epa.gov/oeca/smbusi.html>

Information about using the Policy, questions and answers, the types of violations that have been disclosed and any disclosures that have prompted EPA to collect economic benefit will be posted and periodically updated on the website.

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

EPA Regional Contacts

| | Policy Contacts | | Small Business Liaison | |
|------------|---|--|------------------------|--------------|
| Region 1: | Joel Blumstein Sam Silverman | 617-918-1771 617-918-1731 | Dwight Peavey | 617-918-1829 |
| Region 2: | Daniel Kraft John Wilk | 732-321-6669 212-637-3918 | John Wilk | 212-637-3918 |
| Region 3: | Janet Viniski Lydia Isales | 215-814-2999 215-814-2648 | David Byro | 215-814-5563 |
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STATE SMALL BUSINESS ASSISTANCE PROGRAMS

SMALL BUSINESS SPECIAL NEEDS:

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

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

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

STATE LEAD FOR PROVIDING SMALL BUSINESS ASSISTANCE:

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

THE ACT’S DEFINITION OF A SMALL BUSINESS:

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

FEDERAL OVERSIGHT AND SUPPORT:

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

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

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

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

COMPONENTS OF AN OVERALL STATE ASSISTANCE PROGRAM

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

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

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

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

TYPES OF BUSINESSES SUBJECT TO AIR POLLUTION CONTROLS

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

Agricultural Chemical Applicators
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 Finisners

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

JULY 2000 CLEAN AIR ACT

SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS

| STATE | OMBUDSMAN | PHONE | TECH. ASST. DIR. | PHONE |
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| AZ MARICOPA COUNTY | | | Richard Polito | (602) 506-5102 |
| AR | | | Joe Bob Garner | (501)682-0866 |
| CA | Kathleen Tschogl | (916) 323-6791 (S) (800) 272-4572 | Peter Venturini | (916) 445-0650 (S) (800) 272-4572 |
| CA South Coast AQMD | La Ronda Bowen | (909) 396-3235 (S)(800)388-2121 | Larry Kolczak | (909) 396-3215 (S)(800)388-2121 |
| CO | Cathy Heald | (303) 692-2034 (S) (800) 886-7689 | Nick Melliadis | (303) 692-3175 (N) (800) 333-7798 |
| CT | Tracy Babbidge | (860) 424-3382 (S) (800) 760-7036 | | |
| DE | To be Announced | (302) 739-6400 | | |
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| FL | Elsa Bishop | (850) 414-8399 (S) 800-722-7457 | Elsa Bishop | (850) 414-8399 (S) 800-722-7457 |
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| ID | Sally Tarowsky | (208) 373-0472 | | |
| IL | Don Squires | (217) 785-1625 (S) (888) 372-1996 | Roslyn Jackson | (217) 524-0169 (S) (800) 252-3998 |
| IA | Linda King | (N) (515) 242-4761 (S) (800) 358-5510 | John Konefes | (319) 273-8905 (S) (800) 422-3109 |
| IN | Erika Seydel-Cheney | (317) 232-8598 (S) (800) 451-6027 | Cheri Storms | (317) 233-1041 (S) (800) 451-6027 |
| KS | Janet Neff | (785) 296-0669 (N) (800) 357-6087 | Jean Waters | (785) 532-4698 (N) (800) 578-8898 |
| KY | Rose Marie Wilmoth | (502) 564-2150 X128 (N) (800) 926-8111 | Gregory Copley | (606) 257-1131 (N) (800) 562-2327 |
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| MA | | | Rick Reibstein | (617) 727-3260 X688 |
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| NC | Edythe McKinney | (919) 733-0823 (N) (800) 829-4841 | Tony Pendola | (919) 733-0824 (N) 800-829-4841 |
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| NM | Robert Horwitz | (505) 827-9685 (N) (800) 810-7227 | Cecilia Williams | (505) 827-0042 (N) (800) 810-7227 |
| NV | Marcia Manley | (775) 687-4670, x3162 (S) (800) 992-0900 | Janet Goodman | (775) 687-4670, x3164 (S) (800) 992-0900 X4670 |
| NY | Tria Case | (212) 803-2280 (N) (800) 782-8369 | Marian. Mudar, Ph.d | (518) 457-9135 (S) (800) 780-7227 |
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| OR | Paul Burnet | (503) 229-5776 (800) 452-4011 (S) | Jill Inahara | (503) 229-6147 (S) (800) 452-4011 |
| PA | Greg Czarnecki | (717) 772-8951 | Cecily Beall | (215) 656-8709 (N) (800) 722-4743 |
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Office of Small and Disadvantaged Business Utilization

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

Direct Procurement Program

DESCRIPTION

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

ACTIVITIES

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

OUTREACH CENTER - In its commitment to assure that small and disadvantaged businesses have equal access to business opportunities with the EPA, the OSDBU has established the outreach center in concert with Howard University's Small Business Development Center. The services of the Outreach Center are designed to enable developing, emerging and startup firms to strengthen their competitive position in the EPA market place. Hours of operations are 9:00 am - 5:00 pm, please call for an one-on-one business counseling session on (202) 564-4584.

Assistance to Minority and Women-Owned Business Program

Under Agency Financial Assistance Programs

(Grants and Cooperative Agreements)

DESCRIPTION

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

ACTIVITIES

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

MBE/WBE COORDINATORS

| <u>REGION</u> | <u>COORDINATOR</u> | <u>STATES</u> | <u>TELEPHONE</u> |
|----------------------|---------------------------|--------------------------------|-------------------------|
| I | Sharon Molden | CT, ME, RI, MA, NH, VT | (617) 918-1062 |
| II | Otto Salamon | NJ, NY, PR, VI | (212) 637-3417 |
| III | Romona McQueen | DE, DC, MD, PA, VA, WV | (215) 814-5155 |
| IV | Rafael Santamaria | AL, FL, GA, KY, MS, NC, SC, TN | (404) 562-8110 |
| | Matt Robbins | | (404) 562-8371 |
| V | Robert Richardson | IL, IN, MI, MN, OH, WI | (312) 353-5677 |
| VI | Debora Bradford | AR, LA, NM, OK, TX | (214) 665-7406 |
| VII | Anthony Lamaster | IA, KS, MO, NE | (913) 551-7228 |
| VIII | Maurice Velasquez | CO, MT, ND, SD, UT, WY | (303) 312-6862 |
| IX | Joe Ochab | AZ, CA, HI, NV, AS, GU | (415) 744-1628 |
| X | Michael Letourneau | AK, ID, OR, WA | (206) 553-1187 |
| Cincinnati | Norman White | | (513) 487-2024 |
| Headquarters | Lupe Saldana | | (202) 564-5353 |

OSDBU STAFF

| | | | | | |
|----------------|-----------------------------|----------------|-----------------|------------------------|----------------|
| Jeanette Brown | Director | (202) 564-4100 | Denean Jones | Info. Mgmt. Specialist | (202) 564-4142 |
| David Sutton | Deputy Director | (202) 564-4100 | Tammy Thomas | Program Specialist | (202) 564-4298 |
| Mark Gordon | Attorney Advisor | (202) 260-8886 | Elnora Thompson | Clerk-Typist | (202) 564-4139 |
| Elaine Rice | National Program Officer | (202) 564-4141 | Thelma Harvey | SEE Employee | (202) 564-4138 |
| Trina Porter | Soc. Bus. Program Officer | (202) 564-4322 | Theresa Stewart | SEE Employee | (202) 564-2314 |
| Mryna Mooney | Soc. Bus. Prog. Ofc./Tribal | (202) 564-4386 | Frank Carpenter | Contractor | (202) 564-4584 |

OSDBU has a site on the Internet of general information and publications for small businesses interested in doing with EPA. Our WEB address is: <http://www.epa.gov/OSDBU>

REQUEST FOR PUBLICATIONS

Office Small Business Ombudsman (OSBO)

SUMMER 2000

| | | |
|--|----------------------|------------------|
| EPA USE ONLY | Small Business _____ | Asbestos _____ |
| INQ. NO.: _____ | DATE: _____ | FILLED BY: _____ |
| Inquiry Source: [Hotline: Phone _____ Machine _____] Fax: _____ U.S. Mail: _____ Other _____ | | |
| [Add: _____ Init: _____ Date: _____] [Change: _____ Init: _____ Date: _____] [Delete: _____ Init: _____ Date: _____] | | |

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

Organization: _____

Address: _____ Date: _____

City: _____ State: _____ Zip: _____

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

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

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

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

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

| | | | | | | | | | | | | | | |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| A- 1 | B-11 | C-24 | C-53 | C-77 | D- 4 | E- 7 | E-31 | F- 1 | G-11 | I- 8 | I-30 | J-12 | K-23 | K-47 |
| A- 2 | B-12 | C-25 | C-54 | C-78 | D- 5 | E- 8 | E-32 | F- 2 | G-12 | I- 9 | I-31 | J-13 | K-24 | K-48 |
| A- 3 | B-13 | C-26 | C-55 | C-79 | D- 6 | E- 9 | E-33 | F- 3 | G-13 | I-10 | I-35 | | K-25 | K-49 |
| A- 4 | B-14 | C-27 | C-56 | C-80 | D- 7 | E-10 | E-34 | F- 4 | G-14 | I-11 | I-36 | K- 1 | K-28 | K-50 |
| A- 5 | B-15 | C-28 | C-57 | C-81 | D- 8 | E-11 | E-40 | F- 5 | | I-12 | I-37 | K- 2 | K-29 | K-51 |
| A- 6 | B-16 | C-29 | C-58 | C-82 | D- 9 | E-12 | E-41 | F- 6 | H- 1 | I-13 | I-38 | K- 3 | K-30 | K-52 |
| A- 7 | B-17 | C-30 | | C-83 | | E-13 | E-42 | F- 7 | H- 2 | I-14 | I-40 | K- 4 | K-31 | K-53 |
| A- 8 | B-18 | C-31 | C-60 | C-84 | D-12 | E-14 | E-43 | F- 9 | H- 3 | I-15 | I-41 | K- 5 | K-32 | K-54 |
| A- 9 | C- 1 | C-32 | C-61 | | D-13 | E-15 | E-44 | F-10 | H- 4 | I-16 | I-42 | K- 6 | K-33 | K-55 |
| A-10 | C- 8 | C-33 | C-62 | C-87 | D-14 | | E-45 | F-11 | H- 5 | I-17 | I-43 | K- 8 | K-34 | K-56 |
| A-11 | C- 9 | C-34 | C-63 | C-88 | D-15 | E-19 | E-46 | F-12 | H- 6 | I-18 | I-44 | K- 9 | K-35 | K-57 |
| A-12 | C-10 | C-35 | C-64 | C-89 | D-16 | E-20 | E-47 | F-14 | H- 7 | I-19 | I-45 | K-10 | K-36 | K-58 |
| A-13 | C-11 | C-36 | C-65 | C-90 | D-17 | E-21 | E-48 | F-15 | H- 8 | I-20 | I-46 | K-11 | | |
| | C-12 | C-37 | C-66 | | | | E-49 | F-16 | H- 9 | I-21 | J- 1 | K-12 | K-37 | K-59 |
| A-15 | C-13 | C-38 | C-67 | C-91 | D-18 | E-22 | E-50 | F-17 | H-10 | I-22 | J- 2 | K-13 | K-38 | K-60 |
| A-16 | C-14 | C-39 | C-68 | C-92 | D-19 | E-23 | E-51 | G- 1 | | I-23 | J- 3 | K-14 | K-39 | K-61 |
| | C-15 | C-41 | C-69 | C-93 | D-20 | E-24 | | G- 2 | I- 1 | I-24 | J- 4 | K-15 | K-40 | K-62 |
| B- 1 | C-16 | C-42 | C-70 | C-94 | E- 1 | E-25 | E-53 | G- 3 | I- 2 | I-25 | J- 6 | K-16 | K-41 | K-63 |
| B- 2 | C-17 | C-43 | C-71 | D- 1 | E- 2 | E-26 | E-54 | G- 4 | I- 3 | I-26 | J- 7 | K-19 | K-42 | K-64 |
| B- 3 | C-18 | C-44 | C-73 | D- 2 | E- 3 | E-27 | E-55 | G- 5 | I- 4 | I-27 | J- 8 | K-20 | K-43 | K-65 |
| B- 4 | | C-45 | C-74 | D- 3 | E- 4 | E-28 | E-56 | G- 6 | I- 5 | I-28 | J- 9 | K-21 | K-44 | |
| B- 5 | C-19 | C-47 | C-75 | | E- 5 | E-29 | E-57 | G- 7 | I- 6 | I-29 | J-10 | K-22 | K-45 | |
| B- 6 | C-20 | C-50 | C-76 | | E- 6 | E-30 | | G- 9 | I- 7 | | J-11 | | K-46 | |
| B- 7 | C-21 | C-51 | | | | | | G-10 | | | | | | |
| B- 8 | C-22 | C-52 | | | | | | | | | | | | |
| B-10 | C-23 | | | | | | | | | | | | | |

Mail to:
 Karen V. Brown, Small Business Ombudsman
 US Environmental Protection Agency
 Ariel Rios Building, 1200 Pennsylvania Ave, NW (2131)
 Washington, D.C. 20460

Or Telephone:
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 In the D.C. area, (202) 260-1211,
 or Telefax (202) 401-2302
 Email: smallbiz.ombudsman@epa.gov
asbestos.ombudsman@epa.gov

Remarks/Other Materials Requested: _____



United States
Environmental Protection Agency
(2131)
Washington, DC 20460

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