

# SMALL BUSINESS OMBUDSMAN UPDATE NEWSLETTER

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



## MEMORANDUM

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

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

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

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

**DATE:** January, 1998

### NOTICE: WE HAVE MOVED!!

New location, new offices, new phone numbers for local calls, and new address, but the same old dedicated service!

The Small Business Ombudsman's Office has been relocated to 401 M Street, S.W. (In the EPA's Headquarters Complex at Waterside Mall) Washington, D.C.

We needed more space and easier accessibility to better serve you, our clients. Waterside Mall is accessible from the Metro Green Line.

When disembarking from the Metro at the Waterfront Station, enter the building at the Environmental Protection Agency Mall entrance door next to the Dry Cleaner and Shoe Repair Shop. Take the elevator to the 3rd floor, and tell the guard that you want to visit the Small Business Ombudsman, Suite 3423. The guard will call this office for verification. Upon verification, someone will meet you and escort you to this office.

Our Toll Free confidential Hotline Telephone Number remains the same, (800) 368-5888. However, we do have a new local number (202) 260-0490. Our new TDD phone number is (202) 260-1258 and our new Fax number is (202) 401-2302. Please record these telephone numbers in your phone book for future use. If you have problems reaching our office, call me personally at (202) 260-1390—I will get the problem corrected. Our new mailing address is: The Small Business Ombudsman, U.S. Environmental Protection Agency, 401 M Street, Mail Code 2131, Washington, DC 20460.

Be assured, nothing has changed except our address and local telephone numbers. The same dedicated, professional staff is here and ready to serve you—to serve you even better. I look forward to hearing from you.

Sincerely,

*Karen V. Brown*  
Karen V. Brown

### ASSOCIATE OMBUDSMAN

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

### SENIOR ENVIRONMENTAL EMPLOYEES

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

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

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

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

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### SMALL BUSINESS OMBUDSMAN FUNCTIONS

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

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

## SBREFA UPDATE

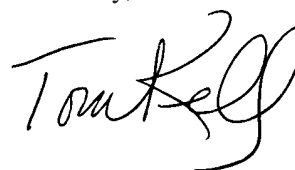
Under the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, EPA has stepped up its long-term commitment to involve small entities in environmental rulemaking. One of our biggest challenges is figuring out practical ways to involve affected small entities directly with the Agency, that is, working with small business owners and operators, or mayors and town managers, and not merely their interest group representatives. While we value these Washington-based representatives — and by their location and very profession they are more accessible to the Agency — their views are at least one level removed from the shop floor or Main Street. Clearly it is better, whenever possible, to involve the affected parties themselves to get real-world views. That's why I want to share with you a special effort we are making to reach out to small communities, who are protected like small businesses under the provisions of SBREFA and the Regulatory Flexibility Act. If small communities are not aware of the implications of environmental regulations, they are unable to play a vital role in crafting those rules at the outset. To help bring small communities to the table in the early stages of regulatory development, EPA is launching the Small Communities Outreach Project for the Environment (SCOPE).

The principles behind the SCOPE are to track the content and potential impact of rules by meeting directly with officials from small communities. By conveying the information needed about rules and soliciting small communities' input, EPA hopes to make small local governments partners in the regulatory process. SCOPE will serve as a conduit for small communities, relaying their ideas and concerns to the EPA programs and rule writers. The ultimate benefit from SCOPE will be regulations which will both improve the overall quality of life and will better serve public goals with minimal adverse impact on local economies. Another goal is to demonstrate and refine a process of outreach to small communities that can be more widely used by EPA, and by the regulated community as well.

The approach EPA will use in SCOPE will be that of reaching small communities directly to advise them of the regulatory process and the issues they face, and to hear their views directly. The agency will also work with an advisory panel of associations with an interest in the well-being of small communities in order to benefit from their expertise. SCOPE will run first as a pilot project using a proposed set of rules called the Industrial Combustion Coordinated Rulemaking (ICCR). Under the ICCR, several work groups are developing information collection plans to collect information needed for regulatory development. ICCR will use these data to develop recommendations for a unified set of federal air regulations that will maximize environmental and public health benefits. Recommendations must be developed in time for EPA to propose standards in late 1999 and promulgate them by November 2000. EPA's Region IV is the venue for the pilot.

Our ultimate goal will be to broaden the SCOPE and make the project a permanent tool for the agency to use on a national scale. In all cases, the key SCOPE objective is to minimize the costs and related burdens of environmental regulations on the small communities most profoundly affected. Working together with the SCOPE network, EPA hopes to improve the quality of information disseminated to small communities and to bring innovative ideas for improving environmental regulations to the public the agency serves. We welcome any suggestions you might have for more effectively and immediately involving small business owners and operators as directly as possible in our rulemaking activities, just as we are working to engage small community officials.

Sincerely,



Tom Kelly  
Small Business Advocacy Chairperson

## Six Key Aspects of the SBREFA Legislation

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

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

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

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

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

#### Regulatory Enforcement Ombudsman

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

#### 10 Regional Fairness Boards

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

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

**SBA REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS**

**Regions/Members**

1	TO BE APPOINTED	Dr. Vinh Cam P.O. Box 31134 Greenwich, CT 06831 (203) 532-1252	Larry E. Morse Docu-Print Inc. 10 Boyd Avenue E. Providence, RI 02914 (401) 435-2500	Judith Obermayer Obermayer Assoc. 239 Chestnut St. W. Newton, MA 02165 (617) 244-8990	Ronald Williams Min. Bus. Dev. Ctr. 194 Capen St. Hartford, CT 06120 (203) 727-1181
2	Rose Bussiculo Epicor, Inc. 1414 E. Linden Ave. Linden, NJ 07036 (908) 925-0800	Sandra Lee H. Lee & Sons 31 Pell St. New York, NY 10013 (212) 962-6656	E. Peter Ruddy Pell Window Store 2580 Walden Ave. Buffalo, NY 14225 (716) 681-2000	Phyllis Hill Slater Hill Slater, Inc. 45 N. Station Plaza Great Neck, NY 11021 (516) 773-7779	TO BE APPOINTED
3	TO BE APPOINTED	Dennis Garret Qualiticare Logis. Baltimore, MD (410) 633-0002	Shawn M. Marcell Prima Facie, Inc. 1006 W. 8th Ave. #A King of Prussia, PA 19406 (610) 397-1700	Ann P. Maust, Ph.D. Research Dims. Inc. 1108 E. Main St. #1000 Richmond, VA 23219 (804) 643-1082	Victor N. Tucci Hlth./Safety, Inc. 280 William Pitt Way Pittsburgh, PA 15238 (412) 826-5599
4	John Burgess Southeastern Prod. 615 Worley Road Greenville, SC 29608 (864) 233-9023	Robert G. Clark Clark Comm. Corp. 250 E. Short St. Lexington, KY 40507 (606) 233-7623	Rita P. Mitchell Mitchell Fin., Inc. 718 Thompson Lane Nashville, TN 37204 (615) 327-8043	TO BE APPOINTED	Larry Shaw Shaw Food Svs. Co. 1009 Hay St. Fayetteville, NC 28305 (910) 323-5303
5	TO BE APPOINTED	John Hexter Hexter & Assoc. 2199 Shelburne Road Cleveland, OH 44122 (216) 442-5500	Hazel King H.A. King Assoc. 311 W. Superior St. Chicago, IL 60610 (312) 664-7412	Thelma Ablan Stevenson Associates 680 Lake Shore Drive Chicago, IL 60611 (312) 335-0067	Pamela Aguirre Mexican Industries, Inc. 1801 Howard St. Detroit, MI 48216 (313) 963-6114
6	Diane D. Denish The Target Group 1303 San Pedro, N.E. Albuquerque, NM 87110 (505) 266-4004	Bernard Francis, Jr. Mayor Donaldsonville, LA 70346 (504) 473-6447	Al Gonzales AGE Refin. Inc. 4455 Alpha Rd., Bldg. 2 Dallas, TX 75244 (972) 458-7333	Larry Mocha Air Power Sys. 8178 E. 44th St. Tulsa, OK 74145 (918) 374-9427	Woli Caradine Caradine & Co. 2200 S. Main Street Little Rock, AR 77206 (501) 374-9427
7	J. Scott George Am. DH&V Ctr. Mt. Vernon, MO (800) 354-1904	Alonzo Harrison HDB Const. Inc. 729 Wear Ave. Topeka, KS 66607 (913) 232-5444	Stella J. Olson Stat. Transcrip. Svs. 440 N. 4th St. St. Louis, MO 63101 (314) 436-0029	TO BE APPOINTED	Joanne Stockdale Iowa Die Casting 702 E. Railroad St. Lake Park, IA 51347 (712) 832-3661
8	Elaine Demery Nelson/Coulson Inc. 2121 S. Oneida St. Denver, CO 80224 (303) 753-6100	Albert C. Gonzales Gonzales Consulting 303 E. 17th Ave. Denver, CO 80203 (303) 861-0400	Michael Martinez Martinez Attys. 4479 Gordon Lane Murray, UT 84107 (801) 261-8169	Linda Nelson Glasgow Stockyards Fort Peck Highway Nashua, MT 59230 (406) 228-9306	Warren Toltz Dependable Cleaners 1701 S. Broadway St. Denver, CO 80210 (303) 777-2673
9	Mary Ann Mitchell CC-OPS, Inc. 600 Corporate Point Culver City, CA 90230 (301) 417-5170	Tim More Lahaina Cafe 505 Front Street Lahaina, HI 96761 (808) 667-2998	Kathy C. Nopoli SC Truck Wreckers 795 Comstock St. Santa Clara, CA 95054 (408) 727-6655	TO BE APPOINTED	C.K. Tseng Northbridge Travel 9700 Reseda Blvd. Northbridge, CA 91324 (818) 886-2000
10	Paula P. Easley Easley Assoc. 2134 Crataegus Ave. Anchorage, AK 99508 (907) 274-6800	TO BE APPOINTED	Gretchen Mathers Gretchen's Course 2415 Airport Way So. Seattle, WA 98134 (206) 623-8194	Clyde Stryker Spirit Comm. 20493 SW Avery Court Tualatin, OR 97062 (503) 612-0600	Jim Thompson Electronic Co. 833 W. Diamond St. Boise, ID 83686 (208) 376-0707

# SPOTLIGHT ON THE RISK MANAGEMENT PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

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

The Risk Management Program is the outgrowth and expansion of successful federal and industry standards that established practices for prevention and mitigation of incidents involving toxic chemicals. Facilities that voluntarily adopted industry standards for accident prevention (such as programs created by the Chemical Manufacturers Association, the American Petroleum Institute, and the Center

for Chemical Process Safety) or have complied with OSHA's Process Safety Management program have found that the benefits far outweigh the initial costs incurred for development accident prevention programs. Facilities have seen:

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

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

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

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

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

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

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

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

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

Julie Vanden Bosch Phone: (202) 260-7952

Chemical Emergency Preparedness and Prevention Office

Mailcode 5104

U.S. Environmental Protection Agency

401 M Street SW

Washington D.C. 20460

### **Future Articles**

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

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

## SMALL BUSINESS ENVIRONMENTAL HOME PAGE

The Small Business Environmental Home Page (formerly the Small Business Home Page) on the internet continues to benefit the small business community and the Clean Air Act Section 507 small business assistance programs. This web page is being developed and maintained by the *Concurrent Technologies Corporation*—Pittsburgh Office under grant and cooperative agreement funding provided by EPA SBO.

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

Currently underway is the development of a companion US EPA SBO Home Page to be located on the EPA server. This page will include EPA SBO-specific information, such as details about the EPA SBO program, SBO Update Newsletters, EPA SBO's List of Available EPA Publications, and Frequently Asked Questions (and answers). The EPA SBO Home Page will link directly to the Small Business Environmental Home Page.

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

- A publications searchable database is now on line with over 500 directly linked publications and fact sheets!
- The upcoming events searchable database is on line and a "send us your event" form is available for easy inclusion of your events!
- Key Compliance Advisory Panel (CAP) contacts and meeting information have been added!
- An environmental reporting requirements checklist has been added (on the Regulatory Calendar subpage)!
- The links to trade associations and lists of trade association contacts and state small business assistance program contacts have been updated!
- Links to state newsletters have been added and a place to share and find state news is available!

**\*\*Coming soon** is a **new video database** to help you locate where you can find the videos you need for health and safety training, environmental information, and small business assistance!!

In addition to the newer features of the home page described above, the Small Business Environmental Home Page continues to include: links to state environmental agencies and small business assistance program web sites, downloadable SBTCP 1995 Report to Congress, SBO Update Newsletters, compliance information (including monthly regulatory updates, environmental reporting calendar, law summaries, links), contact lists, summaries and links to new EPA initiatives and policies, links and resources for pollution prevention and ISO 14000, industry sector links, funding help, and links to environmental and other helpful sites. Also included is a reference page to find out what's new on the site and a mechanism to search the home page. The Small Business Environmental Home Page will link back to the upcoming EPA SBO Home Page as well.

Information is organized in a user-friendly manner. Users are encouraged to provide information on events, state news, contacts, publications/fact sheets, CAP information, and corrected/new links to include on the home page, and any comments and suggestions about the home page to Audrey Zelanko (zelankoa@ctc.com; 412/826-5321, x237). Users will have the ability to contact and request information from the EPA SBO by email when the EPA SBO Home Page is on line. The Small Business Environmental Home Page is located at the following URL:

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

## WHERE TO CALL FOR INFORMATION AND HELP

### SMALL BUSINESS OMBUDSMAN

Toll Free (800) 368-5888	Local and DC Area (202) 260-0490	T.D.D. (202) 260-1258	FAX (202) 401-2302
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#### OTHER EPA HOTLINES

- National Center for Environmental Publications and Information ..... (800) 490-9198 (513) 489-8190
- Watershed Info. Resource System ..... (800) 726-5253
- Indoor Air Quality Information Clearinghouse ..... (800) 438-4318
- EPA Green Star (Energy) ..... (888) 782-7937
- Air Control Tech. Assistance Center ..... (919) 541-0800
- Mobile Source Emissions ..... (313) 668-4333
- Emission Measurement and Monitoring ..... (919) 541-0200
- Stratospheric Ozone Protection (CFC's) ..... (800) 296-1996
- Electric Magnetic Fields ..... (800) 363-2383
- Acid Rain (emissions trading, auctions, general information) ..... (202) 233-9620
- Safe Drinking Water (public water supply, technical and regulatory issues) ..... (800) 426-4791
- Waste Water/Small Flows Clearinghouse ..... (800) 624-8301
- Storm Water: Office of Water Resource Center ..... (202) 260-7786
- Wetlands Information ..... (800) 832-7828
- Pollution Prevention Clearinghouse ..... (202) 260-1023
- RCRA (Haz. Waste) Ombudsman ..... (800) 262-7937
- Solid and Hazardous Waste (RCRA), Superfund (CERCLA), and Underground Storage Tanks ..... (800) 424-9346 (703) 412-9810
- Emergency Planning & Community Right to Know ..... (800) 535-0202
- SARA Title III (EPCRA) ..... (703) 412-9877
- Toxic Substances Control Act (TSCA) & Asbestos Information/Referral ..... (202) 554-1404
- Office of Pesticide Program Registration Div. (Ombudsman) ..... (703) 305-5446
- Public Information Center ..... (202) 260-5922
- Brownfields (Linda Garezynski) ..... (202) 260-4039
- National Pesticide Telecommunications Network ..... (800) 858-7378
- Antimicrobial Ombudsman ..... (703) 308-6214
- Bio-Pesticides Staff Assistance ..... (703) 308-8098

- Small Business Innovative Research Program (SBIR) ..... (919) 541-5293
- Website: <http://es.inel.gov/business>
- Office of Environmental Justice ..... (800) 962-6215

#### OTHER HOTLINES OR OTHER HELP LINES

- Recycling Hotline ..... (800) 253-2687
- National Technical Information Service (NTIS) ..... (800) 553-6847 (703) 605-6000
- National Response Center (NRC, Operated by the U.S. Coast Guard for reporting oil spills and hazardous substance releases ..... (800) 424-8802 (202) 267-2675
- Energy-efficiency & Renewable Energy Clearing House (Operated by the Dept. of Energy for inquiries on energy related matters) ..... (800) 363-3732
- Department of Energy--National Alternative Fuels Hotline ..... (800) 423-1363
- DOT--Transportation of Hazardous Materials ..... (U. S.) (800) 467-4922
- CHEMTREC Center Non-Emergency Services (operated by the Chemical Manufacturers Association--Health & Safety ..... (800) 262-8200
- Environmental Health Clearing House (RTP) ..... (800) 643-4794
- Info on ISO 9000/14000 ..... (703) 250-5900
- National Lead Information Center (General Information) ..... (800) 532-3394 (Technical Assistance) ..... (800) 424-5323
- Small Business Administration ..... (800) 827-5722
- Occupational Safety & Health Administration (Worker Safety) ..... (800) 321-6742
- Consumer Product Safety Commission ..... (800) 638-2772
- Government Printing Office ..... (202) 512-1800
- Radon (National Safety Council) ..... (800) 767-7236
- INFOTERRA/USA (EPA Ofc) ..... (202) 260-5917

### REGIONAL SMALL BUSINESS LIAISONS

REGION 1	CT, ME, MA, NH, RI, VT	Dwight Peavey	(617) 565-3230
2	NJ, NY, PR, VI	Otto Salamon	(212) 637-3417
3	DE, DC, MD, PA, VA, WV	David Byro	(800) 228-8711 / (215) 566-5563
4	AL, FL, GA, KY, MS, NC, SC, TN	Annette Hill	(404) 562-8287
5	IL, IN, MI, MN, OH, WI	Glynnis Zywicki	(312) 886-4571
6	AR, LA, NM, OK, TX	Patty Senna	(800) 887-6063 / (214) 665-2200
7	IA, KS, MO, NE	Charles Hensley	(913) 551-7519
8	CO, MT, ND, SD, UT, WY	Vaughn Whatley	(303) 312-6603
9	AZ, CA, HI, NV, AS, GU	Joe Ochab	(415) 744-1628
10	AK, ID, OR, WA	Mary Matthews	(206) 553-4269



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

## MORE RECENT ACTIVITIES TO BETTER SERVE YOU

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

- Hosted fourth National Small Business Ombudsman and Technical Assistance Program Conference in Charleston, S.C., attended by 43 States and 2 Territories (167 participants), and have set plans for a fifth Conference in March 1998, in Scottsdale, Arizona. Developed external stakeholder guidance and acted as a principal participant in the Agency's Eighth Regulatory Tiering (prioritizing) Process.
- Served as principal role player in the development of a new EPA policy offering compliance incentives to small businesses in all media (waste, water, toxics, etc.).
- Coordinated individual meetings and follow-up meetings between major small business trade associations and the EPA Deputy Administrator and Assistant Administrators to discuss small business issues.
- Developed small business regulatory impact studies for several small business trade associations and in the process of preparing "look-back" regulatory impact study justification.
- Participant as key player in the joint Small Business Administration and Office of Management and Budget SBREFA Panel Process.
- Worked in cooperation with the University of Tennessee's Industrial Services Center and the EPA Office of Air Quality Planning and Standards, on a Fifth National Satellite Tele-conference.
- Finalized EPA's 1996 Small Business Ombudsman Report to Congress under Section 507 of the 1990 Clean Air Act Amendments and are in the processing of receiving state reports for the development of the 1997 report.
- Cooperatively managing Small Business Regulatory Enforcement Fairness Act of 1996 small business entity outreach activities in order to implement Act requirements.
- Conducted Small Business Liaison Conference for EPA Regional Small Business Representatives in August 1997.
- In the process of completing an EPA Small Business Ombudsman Internet Home Page.
- Compliance Advisory Panel Training and Networking Meeting, September 21, 1997, Scottsdale, Arizona.

## NATIONAL ENVIRONMENTAL LABORATORY ACCREDITATION CONFERENCE (NELAC)

The National Environmental Laboratory Accreditation Conference (NELAC) is a voluntary association of state and

federal agencies with the common objective to establish uniform laboratory accreditation standards. In support of the objective, states and federal agencies will adopt standards and serve as accrediting authorities. A multi-governmental team would serve to evaluate and approve the state and federal accrediting authorities, to ensure reciprocity of laboratory accreditations granted. Considerable progress has been made toward objective fulfillment. Current information on this program may be obtained from the Internet Site, <http://www.rtpnc.epa.gov/html/nelac/nelac.htm#NL02>.

## FACILITY IDENTIFIERS INITIATIVE

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

Since, the individual states have their own programs for protection of the environment, this initiative must also be aware of those elements required under state programs. For this reason, the EPA will be working with those parts of state governments responsible for administering both the programs delegated to the states (which may include those under the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Clean Air Act Amendments (CAAA) and those conducted under state statutes). A preliminary notice concerning this initiative appeared in the Federal Register (FR) on October 7, 1996 pp. 52587-600, and it is included in Item A-12. The Ombudsman's office will keep you informed concerning future progress on this study. Contacts are now underway with various concerned state agencies.

## Clean Air Act

### IMPLEMENTATION STRATEGY UPDATE

EPA's Office of Air and Radiation has prepared a new 1997 Implementation Strategy publication. It outlines the schedule, by industry, for issuing regulations required by the Clean Air Act. It is included in our Item I-11 package.

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

In 1992, EPA issued regulations providing for the establishment of comprehensive state air quality permitting systems consistent with the requirements of Title V of the Clean Air Act. The Rule allows States to issue a general

permit covering numerous similar small sources, each of which need only submit information covering its eligibility. The Rule was revised and expanded in 1994, including the provision of more flexibility in the revision of permits, with more flexibility provided in 1995. Amendments were published on June 3, 1996, providing non-major source emission exemptions. See 7/1/96 Code of Federal Regulations (CFR), Part 70. For detailed history, see our Item I-25.

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

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

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

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

There was considerable input from stakeholders during the comment period which ended 2/18/97. Also, there was a series of meetings since that date between small business trade associations and senior EPA Air Program managers. As anticipated, plans for control strategies to meet the new standards would be due in 2000 for PM and in 2002 for Ozone. Deadlines for achieving full compliance would occur several years later for each. We will continue to keep you updated.

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

This final rule applies to incinerators that are used to burn hospital waste and/or medical/infectious waste (MWI). The rule encompasses incineration at hospitals, other health care type facilities, and commercial waste disposal incinerators that burn these wastes. For both new and existing

sources, the regulation provides incinerator operators with a number of compliance options, i.e., pollution control technologies to meet the new air emission standards depending on the size of the MWI. We have worked closely with small community hospitals to provide them with the most affordable way to meet the new requirements. Rural incineration facilities are required to meet less stringent emission limits, but must still make changes, Item I-46.

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

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

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

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

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

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

## **STATE MOTOR VEHICLE INSPECTION/ MAINTENANCE PROGRAMS PROVIDED MORE FLEXIBILITY**

In 1992, EPA published a Final Rule making the subject programs tougher, including a requirement for "test only"

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

## **PERCHLOROETHYLENE (PCE) HEALTH EFFECT STUDIES**

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

## **PERCHLOROETHYLENE (PCE) SUBSTITUTES**

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

## **STRATOSPHERIC OZONE PROTECTION CFC PHASEOUT RULES**

An accelerated phase-out of the production of Chlorofluorocarbons (CFC), Halons, Carbon Tetrachloride, Methyl Chloroform, and Hydrochlorofluorocarbons (HCFC) was mandated and internationally endorsed in 1992, Item I-5. A Final rule detailing the above phase-out, with Methyl Bromide added, was issued, Item I-15. Final rules also have been issued which control recovery and recycling of all refrigerants during the servicing of on-road motor vehicle air conditioners, Item I-14, emissions reduction, and use of certified personnel during servicing and disposal of all other air conditioning and refrigeration equipment which use ozone depleting substances, Item I-16. Rules were also issued banning the use of CFCs and HCFCs in non-essential products, Item I-17, Labeling of products containing ozone depleting substances and their packaging, Item I-18, and significant new alternative refrigerants, Item I-19. On the last rule, the list of acceptable substitutes was expanded on 9/5/96, and restrictions or prohibitions were imposed on 10/16/96.

## **CAA FIELD CITATION PROGRAM AND MONETARY AWARD FINAL RULES**

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

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

On May 22, 1997, EPA published an amendment to the List Rule governing substances and their thresholds

triggering compliance with the Risk Management Program by changing the concentration qualifier for hydrochloric acid solutions to 37%, under a settlement agreement between General Electric and EPA. These items are included in OSBO Item I-30. Under a separate settlement agreement between EPA and the American Petroleum Institute (API) and the Institute of Makers of Explosives (IME), EPA proposed amendments to the List Rule (April 15, 1996, 61 FR 16598) on other issues such as delisting explosives and clarifying transportation exemption under the definition of stationary source. EPA finalized this amendment notice, which was signed by the Administrator on 12/18/97. This rule was published in the Federal Register on 1/6/98, pp. 639-645.

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

In 1995, EPA issued guidance relative to the definition of PTE under the Clean Air Act. PTE is important because of its relation to the need for a State Operating Permit under Title V. This Office has advocated for the consideration of small businesses relative to clarity, realistic definitional parameters, and alternatives. On 8/29/96, EPA issued an extension of the 1995 "transaction" policy and a clarification of methods for calculating PTEs in Batch Chemical Manufacturing. Extensive Stakeholder involvement is presently underway in an effort to reduce or eliminate emitting burdens on small entities. Low-emitting source PTE prohibitory guidance or a rule is under development, Item I-31.

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

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

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

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

The Agency (EPA) has established a federal advisory committee under the Federal Advisory Committee Act (FACA), entitled the Industrial Combustion Coordinated Rulemaking (ICCR), to develop recommendations for EPA on these regulations. The goal of ICCR is to develop recommendations for EPA on regulations that will maximize environmental and public health benefits in a flexible framework at a reasonable cost of compliance, within the

constraints of the Clean Air Act. The ICCR documents are available from the Internet at [www.epa.gov/ttn](http://www.epa.gov/ttn) (excepting Monday up to 1:00 p.m. Eastern time) under the icon ICCR.

## Clean Water Act

### NEW EFFLUENT GUIDELINES FOR SEVERAL INDUSTRY SECTORS

Effluent guidelines are regulations for industrial dischargers to surface waters and to publicly-owned treatment systems. During 1997, EPA's Office of Water worked on effluent guidelines for the following industries: industrial laundries, landfills; industrial waste combustors, transportation equipment cleaning; centralized waste treatment; metal products and machinery; pharmaceutical manufacturing; pulp and paper; and iron and steel. Work on effluent guidelines for three new industries began in late 1997, coal mining/remining, oil and gas, and confined animal feeding operations (swine and poultry). Small business advocacy review panels were convened for three of the rules: industrial laundries (proposed December 17, 1997), transportation equipment cleaning, and centralized waste treatment. The industrial laundries proposal included an exclusion for facilities that process less than a specified weight (pounds per year) of industrial items. As a result of panel recommendation, EPA solicited comment on alternative exclusions to relieve small business burden without jeopardizing environmental benefit. Proposals for transportation equipment cleaning and centralized waste treatment are expected in 1998, and the Agency will consider recommendations made by the Small Business Panels.

In advance of signature on the final pulp and paper rule and the proposals for landfills and industrial waste combustors (all scheduled for publication in early 1998), the Agency analyzed the potential economic impacts on small businesses and concluded that the rules would not result in a significant impact on a substantial number of small entities.

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

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

The November 16, 1990, storm water regulations presented three permit application options for storm water discharges associated with industrial activity. The first option is to submit an individual application consisting of Forms 1 and 2F. The second option was to have participated in a group application. This option is no longer available as the deadlines have passed. Using the group application information, EPA developed the industry-specific Multi-Sector General Permit to provide NPDES permit coverage to any facility that meets the stipulated eligibility requirements, regardless of participation in the group application process. This storm water permit was published September 29, 1995 in FR Vol. 60, No. 189, and provides coverage for 29 different industrial sectors under one permit and is part of the EPA's

program to give permittees flexibility and incentives to pursue effective storm water controls tailored to their local situation. The third option is to file a Notice of Intent (NOI) to be covered under a general permit. For more information on any of these options or to request an NOI Form (Form 1 or 2F), please call the Office of Water Resource Center (202) 260-7786. All storm water discharges associated with industrial activity that discharged point sources of storm water on or before October 1, 1992, must have had permit coverage by October 1, 1993. Controls are implemented by way of the storm water pollution prevention plan, a flexible, site-specific document.

The next phase of the storm water program, phase II, is currently under development. EPA chartered a committee under the Federal Advisory Committee Act (FACA) to help frame the policy issues integral to protecting water quality from storm water discharges. The FACA committee has met on numerous occasions since September 1995 and has helped develop options for a phase II storm water program. EPA developed proposed phase II regulations with input from the FACA committee. The proposed regulations were signed on December 15, 1997, and appeared in the Federal Register on January 9, 1998. The comment period for the proposed rule will end on April 9, 1998. EPA has scheduled public meetings and public hearings on the proposed rule in six cities. Interested parties may obtain more information on the proposed rule by calling (202) 260-5816 or sending e-mail requests to "sw2@epamail.epa.gov." For the name and phone number of the Storm Water primary contact for your State and the EPA Regional contact, phone us at (800) 368-5888 and request Item G-9, "Overview of the Storm Water Program."

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

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

## REVISION OF PRETREATMENT REQUIREMENTS

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

## Safe Drinking Water Act

The newly reauthorized Safe Drinking Water Act (SDWA) has several provisions that will benefit small water systems. EPA is seeking input from small water systems and other stakeholders as it develops the regulations, guidances, and assistance documents needed to help states and water suppliers implement these provisions. EPA has formed several working groups through the National Drinking Water Advisory Council (NDWAC) that will provide input and recommendations on EPA activities in SDWA implementation. Each of these working groups has representatives of small water systems. All of these meetings are open to the public, and small businesses are invited to participate. Meeting information can be found on the Office of Ground Water and Drinking Water's Internet website at [www.epa.gov/OGWDW/cal1031.html](http://www.epa.gov/OGWDW/cal1031.html).

## SMALL SYSTEM CAPACITY DEVELOPMENT

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

Based on specific recommendations made by the NDWAC, EPA has developed the following draft guidance and information products including: 1) guidance for states on ensuring new water system capacity; 2) guidance for states on capacity development strategy preparation; 3) guidance for states on assessment of capacity for purposes of Drinking Water State Revolving Fund (DWSRF) decisions; 4) information for states on options they can consider in developing their capacity development strategies; 5) information for states on options for assessing the technical, financial, and managerial capacity of systems seeking DWSRF assistance; 6) information for the public to better enable them to participate with states in the development of state capacity development strategies; and 7) information

for states to assist them in developing affordability criteria. The Agency will seek public comments on these draft products.

## DRINKING WATER STATE REVOLVING FUND

The SDWA Amendments of 1996 created a new multi-billion dollar Drinking Water State Revolving Fund (DWSRF) program which provides capitalization grant funds to states to set up drinking water infrastructure programs and for other activities related to the protection of drinking water. The DWSRF pays special attention to the needs of small systems. In addition, a minimum of 15% of the DWSRF funds that a state expects to expend each year must go to drinking water systems serving less than 10,000 people. Up to 2% of a state's annual DWSRF allotment may be used for technical assistance to small drinking water systems. States also have the flexibility to provide an amount up to 30 percent of the capitalization grant for additional principal subsidies for disadvantaged communities. States have the flexibility to define the affordability criteria used to determine which systems meet the eligibility criteria for these additional subsidies.

EPA released final guidelines to states for applying for DWSRF funds in February 1997. EPA is working with states to set up state programs and to award capitalization grants. Twenty-two states have been awarded capitalization grants, and the other states are moving very quickly to submit their applications. Forty-eight states have the legislative authority to receive capitalization grants.

## SOURCE WATER PROTECTION

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

## CONSUMER CONFIDENCE REPORTS

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

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

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

## **Pesticides—Federal Insecticide, Fungicide & Rodenticide Act**

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

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

Also, EPA has published a final Policy Statement on the manufacturer and distributor labeling revisions required by the WPS which is included in Item-17. EPA has available many items to assist in compliance with the Worker Protection Standards, including bilingual training manuals for pesticide applicators, videos and leaflets for pesticide handlers, a pesticide safety poster for workers, a slide presentation covering the "Standard," a heat stress guide, and other items. A copy of the publication "Worker Protection Standard: Materials Developed by EPA, States, and Other Organizations," which describes Worker Protection Standard materials and how to obtain them, may be obtained from the EPA Certification and Worker Protection Branch, (7506-C) 401 M Streets, S.W., Washington, D.C. 20460, or by calling 1-703-305-7666. These WPS materials addressing pesticide safety and training may also be obtained through EPA Regional Offices, States Agencies, the Cooperative Extension Service, the Government Printing Office, and private agricultural supply businesses.

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

A Proposed Rule was published, in the May 13, 1991, FR pages 22076-9, which presented options for adding new "restricted" pesticide use criteria based on the potential for

ground water contamination. The comments are now under analysis, and a Final Rule is anticipated in Summer 1998.

## **Hazardous Waste Management Resource Conservation & Recovery Act**

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

Congress, in the Hazardous Solid Waste Amendments (HSWA) of 1984 to the Resource Conservation and Recovery Act (RCRA), established a timetable for restricting land disposal of hazardous wastes unless properly treated. Treatment standards have been finalized for newly listed hazardous wastes and hazardous debris, which are included in Title 40 of the U.S. Code of Federal Regulations (CFR) Part 268, July 1, 1996, as amended, (2/18/97, FR). The CFR Part 268, as amended, is included in Item C-41.

Rule-making relating to a September 25, 1992 court decision concerns the "Phase III" Final Rule to establish treatment standards for formerly characteristic wastes primarily managed in land-based, waste-water treatment systems, whose ultimate discharge is regulated under the Clean Water Act (CWA) and to establish treatment standards for newly listed carbamates and organobromine wastes. The Final (Phase III) Rule was published (4/8/96 FR pp. 15565-668) with subsequent corrections and revisions listed in Item C-88.

The "Phase IV" original Proposed Rule addressed whether land-based, waste-water systems would provide treatment equivalent to that under the Land Disposal Restriction (LRD) program, (8/22/95 FR pp 43654-98). It also proposed treatment standards for wood preserving and metal wastes. A supplemental proposal (1/25/96 FR pp. 2338-75) discussed mineral processing issues. A Notice on these issues was published (5/10/96 FR pp. 21418-22). Treatment standards for wood preserving wastes were set forth in a Final Rule (5/12/97 FR pp. 25997-6040). The second supplemental proposal on treatment standards for toxicity characteristic metal wastes and metal constituents of other wastes was also published (5/12/97 FR pp. 26041-84). The Final Rule for these wastes is now anticipated for April 1998. Publications of the Rules for "Phase IV" and Definitions and Clarifications and Supplemental Proposals are found in Item C-89. The FR Notices on the forthcoming rule-makings will also be included in Item C-89, as they become available.

### **UNIFORM HAZARDOUS WASTE MANIFEST UPDATE**

Further Rule-making actions under consideration which address management of hazardous wastes include a revision of the Uniform Waste Manifest to reduce the paperwork burden associated with the manifest consistent with the current Agency objectives for burden reduction. Currently, states may require additional information to be supplied on the manifest in the optional blocks provided on the form. This can become burdensome when waste must be transported to several different states and each state has slightly different requirements. Also, some states require paying a fee. The Agency seeks to reduce the burden of the manifest by streamlining the form and, where feasible, utilizing automated

information technologies where they facilitate access to and storage of manifest data. A Notice of Proposed Rule-making is now scheduled for the Fall of 1998.

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

Other rule-making actions concerning management of hazardous wastes which have been reported in the FR and referenced in prior Updates concerned the December 9, 1991, U.S. Court of Appeals ruling which vacated the previously promulgated "mixture" and "derived-from" rules. EPA, after reviewing comments on a Proposed Rule addressing the Definition of Hazardous Waste, deemed it appropriate to withdraw the proposal and to remove the expiration date from the reinstatement of the "mixture" and "derived-from" rules. These actions were taken in the FR of October 30, 1992, pp. 49278-80, included in Item C-79. EPA published a Proposed Rule (FR December 21, 1995, pp. 66344-469) under the title, "Identification and Listing of Hazardous Waste: Hazardous Waste Identification Rule." This rule proposed a "self-implementing" exemption for low-risk listed hazardous wastes, while still protecting health and environment, and it included a risk analysis to evaluate a variety of exposure pathways and receptors.

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

A companion Rule proposing alternative regulations for environmental media contaminated with hazardous waste, was proposed (4/29/96 FR pp.18779-864). This Rule proposes to establish exemption standards for certain low-risk contaminated media, so that they may not necessarily be subject to all hazardous waste management requirements. The Final Rule covering these standards is scheduled for publication in June, 1998. These proposed rules are included in the Item C-87.

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

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

## **NEW 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) is included in the Item C-51. This rule greatly facilitates the environmentally-sound collection for proper recycling procedures and waste management for the covered wastes.

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

## **SMALL QUANTITY GENERATOR HANDBOOK UPDATE**

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

## **USED OIL MANAGEMENT COURT CHALLENGE UPDATE**

On 1/19/96, the United States Court of Appeals for the District of Columbia Circuit Court vacated the Environmental Protection Agency's (EPA) 11/30/95, Administrative Stay of part of the regulatory provision, known as the "used oil mixture rule," set forth in 40 CFR 279.10(b) (2). The provisions of the used oil mixture rule at issue relate to mixtures of used oil destined for recycling and characteristic hazardous waste (including waste listed as hazardous because it exhibits a hazardous waste characteristic).

This series of events has been quite involved, so to inform those concerned with the Court action taken, the EPA has published a Final Rule concerning used oil in the Code of Federal Regulation (1996) 40 CFR Part 279.1 which is included in Item C-36. This Rule clarifies the regulatory status of used oil and hazardous wastes destined for recycling described above, in light of the Court's vacatur of the Administrative Stay, and eliminates the explanatory note to 40 CFR 279.10(b)(2), which was included in the Notice of the Administrative Stay. In response to a Court Order, EPA is now reviewing the used oil mixture rule, including review of data submitted by industry in anticipation of a future rule-making. A draft of the data analysis is currently under internal review.

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

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

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

## **UNDERGROUND STORAGE TANK SYSTEMS**

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

## **Emergency Planning, Community Right-to-Know Act**

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

One major requirement of the Act includes emergency planning for designated hazardous substances (Extremely Hazardous Substances, or "EHS") above threshold reporting quantities; reporting releases of EHS and hazardous substances above reportable quantities; submission of Material Safety Data Sheets (MSDS) to planning groups; and

submission of annual reports on March 1, yearly, covering inventories of hazardous substances, which for any time in the reporting year exceed the stated reporting thresholds. These requirements are explained in the "Community Right-to-Know and Small Business" pamphlet, Item K-32. A Final Rule was published on 5/7/96 FR pp. 20473-90, effective 7/8/96, on changes in the EHS list and reportable quantities. This Final Rule is included in Item K-30.

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

An EPCRA requirement is for manufacturers (SIC Codes 20 through 39) with 10 or more employees to submit "Form R" or "Form A" reports to the EPA annually on July 1st for the "Toxic Release Inventory" (TRI) listed chemicals when they are either "used," manufactured, or incorporated into products in quantities above stated thresholds. These "TRI" reporting instructions for the calendar year 1996 reports are included in Item K-45.

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

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

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

## **1995 TOXICS RELEASE INVENTORY-PUBLIC DATA RELEASE**

The 1995 Annual Toxics Release Inventory (TRI) public data base has now been published. The recently added 286 new reportable compounds account for 237.7 million pounds or 10 percent of all the reported releases for 1995 to air, land, or water. For the core chemicals, releases were down 4.9 percent for pollution, to air, down 7 percent, to surface water, down 10 percent, to land down 6 percent, but underground



injection releases increased by 19.5 percent. Information on the TRI data base may be obtained from the Hotline at 1-800-424-9346.

## **Superfund Comprehensive Environmental Response, Compensation & Liability Act**

### **CERCLA LENDER LIABILITY GUIDANCE**

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

## **The Toxic Substances Control Act**

### **LEAD BASED PAINT TRAINING, ACCREDITATION AND CERTIFICATION RULE AND MODEL STATE PLAN RULE**

The Residential Lead-based Paint Hazard Reduction Act of 1992 mandates EPA to promulgate regulations governing lead-based paint activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; and, that contractors engaged in such activities are certified. Program Accreditation, Individual Certification and Work Practice Standards were published in Final Rule: 8/29/96 FR pp. 45813-30 Item E-40.

## **General**

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

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

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

On May 20, 1996, EPA's Office of Enforcement and Compliance Assurance (OECA) issued a final policy providing incentives for auditing or using compliance assistance, and promptly correcting violations. It applies the principles of

the Clean Air Act Section 507 Policy of August 12, 1994 to other environmental programs see Item I-13.

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

Recognizing the potential difficulties faced by small and medium organizations wishing to put EMSs in place, EPA's Offices of Water and Compliance Assurance have produced a guide to EMS implementation specifically to the needs of these types of organizations. The Guide is based on the elements of the ISO 14001 standard and is written in plain, easy to understand language. Several small organizations worked with EPA and NSF to design and review the Guide and are presently using it. The Guide provides a step-by-step approach for putting an EMS in place and gives a number of examples from companies that have already done so. Contact: Jim Horne, (202) 260-5802.

The Guide also provides tips for putting in place an effective approach for managing an organization's compliance with regulatory requirements and using pollution prevention techniques to enhance the environmental management system. For copies of the Guide, call 1- (800) 368-5888, Item B-12.

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

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

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

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

A major implementation effort is now underway, and it has met with tremendous response. Even prior to the annual American Electroplaters and Surface Finishers Conference, at which point the program will announce it's official launch, 186 companies, 7 states, and 9 metropolitan Publicly Owned Treatment Works have already signed up to participate.

The CSI Print Sector also continues to make progress toward the implementation of PrintSTEP (Printers' Simplified Total Environmental Partnership). PrintSTEP's goals are to reduce emissions, allow for greater operational flexibility, enhance public involvement and lower transaction costs. Reduced emissions will be achieved as printers voluntarily make changes in order to have fewer and easier regulatory

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

Pilot projects with extensive evaluation (including gathering baseline information at the initiation of the State pilots projects) will be the primary means of determining the effectiveness of PrintSTEP. Workbooks describing the industry, the permitting process, and steps for public participation are near completion. These products will be used in the State pilot projects scheduled to begin later this year.

In addition to the previously mentioned recent successes, several completed metal finishing and printing industry projects continue to provide access to information and resources that were previously difficult to reach. For more information about these and other CSI projects, please call the CSI Program Staff on 202 260-7417 or visit their home page at <http://www.epa.gov/commonsense>.

## **SMALL LAB COMPLIANCE GUIDE**

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

Now, to help small chemical labs, the Environmental Protection Agency's Small Business Ombudsman's Office has started development of an environmental compliance guide. The guide, expected to be completed by the middle of 1998, will contain an inventory of applicable environmental compliance requirements in plain English, an approach for labs to use in establishing and managing self compliance, and a directory of compliance assistance resources.

With over 30,000 labs in the US, the guide should be useful to a large audience. For more information, contact the Small Business Ombudsman at (202) 260-0490

## **POLLUTION PREVENTION BY AND FOR SMALL BUSINESS**

The Pollution Prevention By and For Small Business project summaries for Rounds 1 and 2 are still available. Two publications contain detailed descriptions of 20 small business projects (14 for Round 1 and 15 for Round 2) that were designed to demonstrate the application of innovative pollution prevention technologies and techniques. A wide variety of projects which were supported by EPA and small business sectors are represented.

Innovative Clean Technologies Case Studies, First Year Project Report and Innovative Clean Technologies Case Studies, Second Year project Report may be ordered as item B-11 from Karen V. Brown, Small Business Ombudsman, U.S. EPA, 401 M Street, S.W. (2131), Washington, D.C. 20460.

Please call the toll-free hotline at (800) 368-5888 for more information.

## **SOURCE BOOK ON ENVIRONMENTAL AUDITING**

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

## **COMPLIANCE ADVISORY PANEL (CAP) TRAINING COMPLETED AND SCHEDULED**

By popular request, a second training program for members of state and territory Compliance Advisory Panels (CAPs) was conducted on Sunday, September 21, 1997 at the Holiday Inn-OldTown, Scottsdale, Arizona. This training program assists CAPs in defining their role and carrying out their mission and will share information on building a successful Section 507 CAP as required by the 1990 Clean Air Act Amendments. A third training course is planned for Sunday, March 29, 1998, in Scottsdale. Registration information has been sent to each state and territory Small Business Ombudsman. For more information, call Karen V. Brown at 202-260-0490.

## **ENERGY STAR SMALL BUSINESS**

ENERGY STAR Small Business is a voluntary, pollution prevention program which helps small businesses cut their energy costs 20-30%. No reporting is required, but Partners who share their "success stories" receive additional public recognition, and are eligible for national awards. EPA even helps Partners calculate how much pollution their business is preventing.

The "deal" is simple. EPA provides free information, technical support to help Partners determine their best investments and quickest payback through its toll-free hotline, website, Upgrade Guide, Finance Directory, case studies, and other support tools. The small business Partner makes a "good faith" commitment to upgrade energy efficiency wherever a three-year simple payback, or about a 33% return-on-investment, can be earned. Tenants, as well as businesses who own their property are welcomed as Partners.

Partners receive a bright, colorful poster and window decal recognizing their contribution to pollution prevention and are eligible for awards, and publication of their "success story." For more information call toll-free 1-888-STAR YES, or visit the website at [www.epa.gov/smallbiz](http://www.epa.gov/smallbiz).

### **1998 STATE SMALL BUSINESS OMBUDSMAN AND ASSISTANCE PROGRAM CONFERENCE**

The State Small Business Ombudsman and Small Business Technical Assistance Programs, which are required under Section 507 of the 1990 Clean Air Act Amendments to aid small businesses impacted by air quality regulations, will hold their conference in Scottsdale, Arizona, on March 30-31, and April 1, 1998.

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

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

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

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

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

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

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

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

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

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

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

### **ENFORCEMENT RESPONSE POLICY**

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

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

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

## EPA ASSISTS SMALL BUSINESSES BY ESTABLISHING COMPLIANCE CENTERS

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

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

### EXISTING CENTERS

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

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

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

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

### NEW CENTERS

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

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

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

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

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

## STATE SMALL BUSINESS ASSISTANCE PROGRAMS

### SMALL BUSINESS SPECIAL NEEDS:

Congress recognized the particular problems that many small businesses would have in dealing with the 1990 Clean Air Act Amendments complex requirements. A typical small business employs fewer than 50 people, and is the only business operated by the owner. It is the corner dry cleaner, the “mom and pop” bakery, the auto body repair shop, gasoline service station, the machine, tool and die 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 review 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 permitnent federal regulations. The compliance advisory panels also makes certain that information affecting small business is written in a style that is clear and understandable.

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## TYPES OF BUSINESSES SUBJECT TO AIR POLLUTION CONTROLS

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

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

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

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

**CLEAN AIR ACT**  
**SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS**

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
AL	Blake Roper	(334) 213-4308 (N) (800) 533-2336	James Moore	(334) 271-7861 (N) (800) 533-2336
AK	David Wigglesworth	(907) 269-7582 (S) (800) 510-2332	Scott Lytle	(907) 269-7571 (N) (800) 510-2332
AZ			Gregory Workman	(602) 207-4337 (S) (800) 234-5677, x4337
AR	Robert Graham	(501) 682-0708		
CA	James Schoning	(916) 323-6791 (S) (800) 272-4572	Peter Venturini	(916) 445-0650
CA	La Ronda Bowen (SCAQMD)	(909) 396-3235 (N) (800) 388-2121	Natalie Porche	(909) 396-3218 (N) (800) 388-2121
CO	Cathy Heald	(303) 692-2034	Nick Melliadis	(303) 692-3175 (N) (800) 333-7798
CT	Tracy Babbidge	(860) 424-3382	Glen Daraskevich	(860) 424-3545
DE	George Petitgout	(302) 739-6400		
DC	Carol Baker	(202) 645-6093, x3082	Olivia Achuko	(202) 645-6093, x3071
FL	Elsa Bishop	(904) 488-0114 (S) (800) 722-7457	Lorraine Clark (Acting)	(904) 488-0114 (S) (800) 722-7457
GA	Marvin Lowry	(404) 363-7014	Anita Dorsey-Word	(404) 362-4842
HI			Robert Tam	(808) 586-4200
ID	Doug McRoberts	(208) 373-0497	Avijit Ray (Acting)	(208) 373-0298
IL	Don Squires	(217) 785-1625	Mark Enstrom	(217) 524-0169 (S) (800) 252-3998
IN	Maggie McShane	(317) 232-8958 (S) (800) 451-6027	Cherrie Storms	(317) 233-1041
IA	Linda King	(515) 242-4761 (S) (800) 351-4668	John Konefes	(319) 273-2079 (S) (800) 422-3109
KS	Janet Neff	(913) 296-0669 (N) (800) 357-6087	Frank Orzulak	(913) 864-3978 (S) (800) 578-8898
KY	Rose Marie Wilmoth	(502) 564-2150, x128 (N) (800) 926-8111	Gregg Copley	(606) 257-1131 (N) (800) 562-2327
LA	James Friloux	(504) 765-0735 (S) (800) 259-2890	Dick Lehr	(504) 765-2453 (S) (800) 259-2890
ME	Ron Dyer	(207) 287-4152 (S) (800) 789-9802	Brian Kavanah	(207) 287-6188 (S) (800) 789-9802
MD	John Mitchell	(410) 631-3003 (S) (800) 633-6101, x3003		
MA			George Frantz	(617) 727-3260, x631
MI	Dana Cole	(517) 335-1847	Dave Fiedler	(517) 373-0607 (N) (800) 662-9278
MN	Charlie Kennedy	(612) 297-8615 (S) (800) 985-4247	Troy Johnson	(612) 296-7767 (S) (800) 657-3938
MS	Jesse Thompson	(601) 961-5171 (N) (800) 725-6112		
MO	Brad Ketcher	(573) 751-3222	Byron Shaw, Jr.	(573) 526-5352 (N) (800) 361-4827

**NOTE: (S) = State; (N) = National**

**CLEAN AIR ACT**  
**SMALL BUSINESS OMBUDSMEN AND TECHNICAL ASSISTANCE DIRECTORS**

STATE	OMBUDSMAN	PHONE	TECH. ASST. DIR.	PHONE
MT	Mark Lambrecht	(406) 444-2960 (N) (800) 433-8773	Adel Johnson	(406) 444-4194 (N) (800) 433-8773
NE	Dan Eddinger	(402) 471-3413		
NV	Marcia Manley	(702) 687-4670, x3162 (S) (800) 992-0900, x4670	David Cowperthwaite	(702) 687-4670, x3118 (S) (800) 992-0900, x4670
NH	Rudolph Cartier	(603) 271-1379	Rudolph Cartier	(603) 271-1379
NJ	John Serkies	(609) 633-7308 (N) (800) 643-6090	Chuck McCarty	(609) 292-3600
NM	Robert Horwitz	(505) 827-9685 (N) (800) 810-7227	Cecilia Williams	(505) 827-0042 (N) (800) 810-7227
NY	Tria Case	(212) 803-2282 (N) (800) 782-8369, x157	Marian Mudar	(518) 457-9135 (S) (800) 780-7227
NC	Edythe McKinney	(919) 733-1267 (N) (800) 829-4841	Fin Johnson	(919) 733-0824 (N) (800) 829-4841
ND	Jeff Burgess	(701) 328-5153 (S) (800) 755-1625	Tom Bachman	(701) 328-5188 (S) (800) 755-1625
OH	Mark Shanahan	(614) 224-3383	Rick Carleski	(614) 728-1742
OK	Steve Thompson	(405) 271-8056	Alwin Ning	(405) 271-1400
OR	Paul Burnet	(503) 229-5776 (S) (800) 452-4011	Terry Obteshka	(503) 229-6147 (S) (800) 452-4011
PA	Greg Czarnecki	(717) 772-8951	Cecily Beall	(215) 656-8709 (N) (800) 722-4343
PR	Tomas DeLeon	(787) 724-1451	Maria Rivera	(800) (787) 767-8025, x296
RI	Roger Green	(401) 277-2771	Richard Enander	(401) 277-6822, x4411 (S) (800) 253-2674
SC	Donna Gullede	(803) 734-5909 (N) (800) 819-9001	Rose Stencil	(803) 734-2765 (N) (800) 819-9001
SD	Joe Nadenicek	(605) 773-3151 (S) (800) 438-3367	Bryan Gustafson	(605) 773-3351
TN	Ernest Blankenship	(615) 532-0731	Linda Sadler	(615) 532-0779 (S) (800) 734-3619
TX	Tamra Shae-Oatman	(512) 239-1062 (N) (800) 447-2827	Kerry Drake	(512) 239-1112 (N) (800) 447-2827
UT	Stephanie Bernkopf	(801) 536-4479	Frances Bernards	(801) 536-4056 (N) (800) 270-4440
VT			Judy Mirro	(802) 241-3745
VA.	John Daniel	(804) 698-4311 (S) (800) 592-5482	Richard Rasmussen	(804) 698-4394 (S) (800) 592-5482
VI	Marilyn Stapleton	(340) 777-4577	Marylyn Stapleton	(809) 777-4577
WA	Leighton Pratt	(360) 407-7018	Bernard Brady	(360) 407-6803
WV	Kenneth Shaw	(304) 558-1218 (S) (800) 982-2474	Fred Durham	(304) 558-1217 (S) (800) 982-2474
WI	Hampton Rothwell	(608) 267-0313 (N) (800) 435-7287	Pam Christenson	(608) 267-9214 (N) (800) 435-7287
WY	Dan Clark	(307) 777-7388	Charles Raffelson	(307) 777-7391

**NOTE: (S) = State; (N) = National**



# State Pollution Prevention Programs

## Region 1

US EPA Region 1  
Abby Swaine  
Boston, MA  
(617) 565-1155

Connecticut DEP  
Phone: 860/424-3297  
Fax: 860/566-4924  
Contact: Mary Sherwin

Maine DEP  
Phone: 207/287-2811  
Fax: 207/287-2814  
Contact: Ann Pistell

Massachusetts DEP - OTA  
Phone: 508/792-7962  
Contact: Rick Reibstein

MA STEP Program  
Phone: 617/727-3260  
Contact: Paul Richards

Toxics Use Reduction Institute  
Phone: 508/934-3275  
Fax: 508/934-3050  
Contact: Janet Clark

New Hampshire DES  
Phone: 603/271-6398  
Contact: Stephanie D'Agostino/Vince Perelli

Rhode Island DEM  
Phone: 401/277-3434  
Fax: 401/277-2591  
Contact: Richard Enander

Rhode Island Economic Develop  
Phone: 401/277-2601  
Fax: 401/277-2591  
Contact: James Saletnik

Vermont ANR  
Phone: 802/241-3629  
Contact: Gary Gulka

NEWMOA  
Phone: 617/367-8558  
Fax: 617-367-0449  
Terri Goldberg

Narragansett Bay Commission  
Phone: 401/277-6680  
Fax: 401/277-2584  
James McCaughey

## Region 2

US EPA Region 2  
Janet Sapadin  
New York, NY  
(212) 637-3584

New Jersey DEP  
Phone: 609/777-0518  
Fax: 609/292-1816  
Contact: Jeanne Herb

New Jersey Institute of Technology  
Phone: 201/596-5864  
Fax: 201/596-6367  
Contact: Dr. Marcus J. Healey

New York State DEC-P2 Unit  
Phone: 518/457-2553  
Fax: 518/457-2570  
Contact: John Ianotti

New York State EFC.  
Phone: 518/457-9135  
Fax: 518/485-8494  
Contact: Marian Mudar

Puerto Rico Environment  
Phone: 809/765-7517 x381  
Fax: 809/765-6853  
Contact: Carlos Gonzales

## Region 3

US EPA Region 3  
Jeff Burke  
Philadelphia PA  
(215) 566-2761

Delaware DNR  
Phone: 302/739-3822  
Fax: 302/739-6242  
Contact: Andrea Farrell

Maryland Dept of Environment  
Phone: 410/631-4119  
Fax: 410/631-4477  
Contact: Melissa Farrell

Maryland Technology Extension  
Phone: 301/405-3883

Pennsylvania Dept of Environment  
Phone: 717/783-0540  
Fax: 717/787-8926  
Contact: Meredith Hill

PA Technical Assistance  
Phone: 814/865-0427  
Fax: 814/865-5909  
Contact: Jack Gido

Virginia DEQ  
Phone: 804/698-4344  
Fax: 804/698-4346  
Contact: Sharon K. Baxter

West Virginia DEP-OWR  
Phone: 304/484-6269  
Fax: 304/558-2780  
Contact: Leroy Gilbert

## Region 4

US EPA Region 4  
Bernie Hayes  
Atlanta, GA  
(404) 562-9430

Alabama DEM - P2 Unit  
Phone: 334/213-4303  
Fax: 334/213-4399  
Contact: Gary Ellis

Arkansas PC&E  
Phone: 501/682-0744  
Fax: 501/682-0753  
Contact: Robert Graham

Florida DEP - P2 Program  
Phone: 904/488-0300  
Fax: 904/921-8061  
Contact: Julie Abcarian

Georgia DNR - P2AD  
Phone: 404/651-5120  
Fax: 404/651-5130  
Contact: G. Rober Kerr

Kentucky DEP P2 Center  
Phone: 502/852-0965  
Fax: 502/852-0964  
Contact: Cam Metcalf

Kentucky Assistance Program  
Phone: 606/257-1131  
Fax: 606/323-1907  
Contact: Greg Copley

Mississippi DEQ  
Phone: 601/961-5241  
Fax: 601/961-5376  
Contact: Thomas E. Whitten

NC DEHNR - P2 Division  
Phone: 919/715-6508  
Contact: Gary Hunt

South Carolina DHEC  
Center for Waste Minimization  
Phone: 803/734-4761  
Contact: Robert Burgess

TN DEC  
Phone: 615/532-0760  
Contact: Angie Pitcock

University of Georgia  
Phone: 706/542-4887  
Contact: Terry Perenich

Univ of North Carolina  
Phone: 704/547-3968  
Contact: Alisa Wickliff

Univ of South Carolina  
Phone: 803/777-8157  
Contact: Doug Dobson

## Region 5

US EPA Region 5  
Phil Kaplan  
Chicago, IL  
(312) 353-4669

Illinois Dept of Commerce & Community Affairs  
Phone: 217/785-6192  
Fax: 217/785-6328  
Mark Enstrom

Illinois EPA  
Phone: 217/782-8700  
Fax: 217/782-9142  
Contact: Kevin Green

IL Waste Mgmt  
Phone: 217/333-8940  
Fax: 217/333-8944  
Contact: Gary Miller

Indiana Clean Manuf. Tech & Safe Materials Inst  
Phone: 765/463-4749  
Contact: Lynn A. Corson

Indiana Dept of Environmental  
Phone: 317/232-8172  
Fax: 317/233-5627  
Contact: Tom Neltner

Michigan DEQ  
Phone: 517/373-9122  
Fax: 517/335-4729  
Contact: Marcia Horan

Michigan Tech University  
Phone: 906/487-3143  
Fax: 906/487-3292  
Contact: Peter Radecki

MN Office of Environmental  
Phone: 612/215-0296  
Fax: 612/297-8709  
Contact: Stacy Stinson

Minnesota (MN TAP)  
Phone: 612/627-4646  
Fax: 612/627-4769  
Contact: Cindy McComas

MN Pollution Control Agency  
Phone: 612/296-7330  
Fax: 612/297-8676  
Contact: Al Innes

Minnesota Technology Inc.  
Phone: 612/672-3446  
Fax: 612/339-5214  
Contact: Kevin O'Donnell

Federal contact on State P2 Programs - Christopher Kent (202) 260-3480

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## State Pollution Prevention Programs

National Farmstead Program  
Phone: 608/265-2774  
Fax: 608/265-2775  
Contact: Liz Nevers

Ohio EPA  
Phone: 614/644-2810  
Fax: 614/728-1245  
Contact: Anthony Sasson

University of Michigan  
Phone: 313/936-2637  
Fax: 313/936-2195  
Contact: Nancy Osborn

University of Wisconsin-SHVEC  
Phone: 608/262-0936  
Fax: 608/262-6250  
Contact: Tom Blewett

Wisconsin DNR  
Hazardous Waste Minimization Program  
Phone: 608/267-3763  
Fax: 608/267-2768  
Contact: Lynn Persson

Wisconsin DNR  
Phone: 608/267-3125  
Fax: 608/267-0496  
Contact: Linda Wiese

### Region 6

US EPA Region 6  
Eli Martinez  
Dallas, TX  
(214) 665-2119

AR Industrial Development Commission  
Phone: 501/682-7325  
Fax: 501/682-2703  
Contact: Alford Drinkwater

Louisiana DEQ  
Phone: 504/765-0739  
Fax: 504/765-0742  
Contact: Gary Johnson

Louisiana Environmental Leadership Program  
Phone: 504/208-6644  
Fax: 504/208-5586  
Contact: A.T. Knecht

New Mexico Environment Department  
Phone: 505/827-0677  
Fax: 505/827-2836  
Contact: Patricia Gallagher

Oklahoma DEQ  
Phone: 405/271-1400  
Fax: 405/271-1317  
Contact: Dianne Wilkins

Texas NRCC  
Phone: 512/239-3145  
Fax: 512/239-3165  
Contact: Ken Zarker

Gulf Coast Hazardous Substance Research  
Phone: 409/880-8897  
Fax: 409/880-1837  
Contact: Margaret Aycock

TX Manuf. Assistance Center  
Univ. of TX-El Paso  
Phone: 915/747-5930  
Fax: 915/747-5437  
Contact: Conrad Soltero

Lower Colorado River Authority  
Phone: 512/473-3200  
Fax: 512/473-4066  
Contact: Charles Urdy

### Region 7

US EPA Region 7  
Marc Matthews  
Kansas City, KS  
(913) 551-7517

Iowa Department of Natural Resources  
Phone: 515/281-8499  
Fax: 515/281-8895  
Contact: Julie Nelson

Iowa Waste Reduction Center  
Phone: 319/273-2079  
Fax: 319/273-2926  
Contact: John L. Konefes,  
Christine Twait

Kansas Department Prevention  
Phone: 913/296-6603  
Fax: 913/296-3266  
Contact: Theresa Hodges

Kansas State University P2  
Phone: 913/532-6501  
Fax: 913/532-6952  
Contact: Sherry Davis

Missouri DNR  
Phone: 314/526-6627  
Fax: 314/526-5808  
Contact: Becky Shannon

Nebraska Small  
Phone: 402/595-2381  
Fax: 402/595-2385  
Contact: Rick Yoder

Nebraska DEQ, Office of P2  
Phone: 402/471-6988  
Fax: 402/471-2909  
Contact: Ben Hammerschmidt

University of Kansas  
Phone: 913/864-3968  
Fax: 913/864-5827  
Contact: Felice Stadler

University of Nebraska  
Phone: 402/472-8656  
Fax: 402/472-6338  
Contact: Wayne Woldt

### Region 8

US EPA Region 8  
Linda Walters  
Denver, CO  
(303) 312-6385

Colorado Dept of Health  
Phone: 303/692-3009  
Fax: 303/782-4969  
Contact: Parry Burnap

MT Pollution Prevention Program  
Phone: 406/994-3451  
Fax: 406/994-5417  
Contact: Michael P. Vogel

ND Department of Health  
Phone: 701/328-5150  
Fax: 701/328-5200  
Contact: Jeffrey L. Burgess

South Dakota DENR  
Phone: 605/773-4216  
Fax: 605/773-4068  
Contact: Dr. Dennis Clarke

Utah Department of  
Phone: 801/536-4477  
Fax: 801/536-4401  
Contact: Sonja Wallace

WY Department of Environment  
Phone: 307/777-6105  
Fax: 307/777-5973  
Contact: Patricia Jordan

### Region 9

US EPA Region 9  
Bill Wilson  
San Francisco, CA  
(415) 744-2192

AZ Dept of Environment  
Phone: 602/207-4607  
Fax: 602/207-4236  
Contact: Raelyn Stockwell

California Energy Commission  
Phone: 916/654-4554  
Fax: 916/663-7832  
Contact: David Jones

CA Toxic Substance Control  
Phone: 916/322-1815  
Fax: 916/327-4494  
Contact: David Hartley

Hawaii Department of Health  
Phone: 808/586-4373  
Fax: 808/586-7509  
Contact: Marilyn Aguilar

Guam EPA  
Phone: 671/472-8863  
Fax: 671/477-9402  
Contact: Joseph C. Cruz

UCLA P2 Center  
Phone: 310/825-2654  
Fax: 310/206-3906  
Contact: Billy Romain

### Region 10

US EPA Region 10  
Carolyn Gangmark  
Seattle, WA  
(206) 553-4072

Alaska DEC  
Phone: 907/269-7582  
Fax: 907/269-7652  
Contact: Dave Wigglesworth,  
Marianne See

Idaho Division of Environmental  
Phone: 208/373-0465  
Fax: 208/373-0576  
Contact: Katie Sewell

Oregon DEQ  
Phone: 503/229-5918  
Fax: 503/229-5850

Washington DEC  
Phone: 360/407-6086  
Fax: 360/407-6989  
Contact: Thomas Eaton

Federal contact on State P2 Programs - Christopher Kent (202) 260-3480

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## REQUEST FOR PUBLICATIONS

Office Small Business Ombudsman (OSBO)

Winter 1998

**EPA USE ONLY** Small Business \_\_\_\_\_ Asbestos \_\_\_\_\_

INQ. NO.: \_\_\_\_\_ DATE: \_\_\_\_\_ FILLED BY: \_\_\_\_\_ DATE FILLED: \_\_\_\_\_

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

[Add: \_\_\_\_\_ Init: \_\_\_\_\_ Date: \_\_\_\_\_] [Change: \_\_\_\_\_ Init: \_\_\_\_\_ Date: \_\_\_\_\_] [Delete: \_\_\_\_\_ Init: \_\_\_\_\_ Date: \_\_\_\_\_]

**NAME:** \_\_\_\_\_ **TELE. NO.:** ( \_\_\_\_\_ ) \_\_\_\_\_

**Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

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

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

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

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												J-7		

**Mail to:**  
 Karen V. Brown, Small Business Ombudsman  
 U.S. Environmental Protection Agency  
 401 M Street, S.W. 2131  
 Washington, D.C. 20460

**Or Telephone:**  
 Toll Free Hotline: (800) 368-5888  
*In the D.C. area:* (202) 260-1211  
 or Telefax: (202) 401-2302

Remarks/Other Materials Requested: \_\_\_\_\_