

Guidelines Subcommittee

SBO/SBAP National Conference
St. Paul, Minnesota
June 20, 2007
Sally Tarowsky, Chair

Creation of the Guidelines Subcommittee

- 2002 National SBO/SBAP Conference in Chicago Working Session
 - Are the 507 programs working as intended in the Clean Air Act?
 - Are the eight EPA guidelines for the 507 programs realistic and still applicable or are they outdated?
 - Do the 507 programs need a formal review to become more standardized?

Mission of Guidelines Subcommittee

Explore the usability and relevance of EPA's guidelines for implementation of Section 507 of the 1990 CAAA throughout the SBO/SBEAP network. Once the relevance and usability are determined, create a dialogue with EPA to discuss modifications.

507 Guidelines

- *Guidelines for Implementation of Section 507 of the 1990 Clean Air Amendments*, January 1992.
 - EPA and state obligations under §507.
 - General requirements for SIP approval.
 - Components of a state small business stationary source technical and environmental compliance assistance program.

Guidelines for Implementing a 507 Program: Eight Elements

1. Develop, collect, and coordinate information on compliance methods and technologies for small businesses.
2. Assist small businesses on methods of P2 and accidental release prevention and detection. ...including alternative technologies, process changes, ...

Guidelines for Implementing a 507 Program: Eight Elements

3. Designate a State office to serve as an Ombudsman for small businesses in implementing the requirements of the Act.
4. Establish a compliance assistance program for determining applicable requirements and permit issuance.

Guidelines for Implementing a 507 Program: Eight Elements

5. Include adequate mechanisms for notifying small businesses on a timely basis of their rights under the Act.
6. Include adequate mechanisms for informing small businesses of their obligations under the Act, including a program for referring sources to qualified auditors. ...

Guidelines for Implementing a 507 Program: Eight Elements

7. Include expedited procedures to respond to requests from small businesses for modification of any work practice or technical method of compliance. ...
8. Creation of a Compliance Advisory Panel.

Surveying the Programs

- Administered in mid-2003
- N = 50
- Survey comprised of questions relating to:
 - Composition of program
 - Eight elements in the 507 guidelines
 - CAA requirements
 - Information of interest

Survey Results – General Information

- Designated Ombudsman- 90%
- Designated tech assist program – 94%
- Dual role – 34%
- Have CAP – 68%
- Have CAP that meets regularly – 44%
- CAP fully appointed – 34%
- CAP fully functioning – 44%

Survey Results – Program Elements

- E1: develop, collect, coordinate info- 90%
- E2: assist biz on P2 – 90%
- E2: assist biz on accidental release- 76%
- E2: provide biz with info on alternative technologies, process changes – 90%
- E3: have designated state office to serve as Ombudsman – 80%

Survey Results – Program Elements

- E4: have biz compliance assistance program for determining applicable requirements and permits – 96%
- E5: inadvertently omitted.
- E6: have adequate mechanisms for informing biz of obligations – 92%

Survey Results – Program Elements

- E6: have program to refer sources to auditors to determine compliance – 60%
- E7: expedited procedures to respond to requests from biz for modification of work practice – 48%
- E8: redundant.

Survey Results – CAAA §507

- Have approved SIP – 94%
- Have a program that operates in accordance with SIP – 70%
- Have modified SIP for SBEAP – 14%
- Have a member of program serve as secretariat f CAP – 58%

Survey Results – CAAA §507

- Have a CAP who renders advisory opinions regarding:
 - Effectiveness of program - 50%
 - Difficulties encountered – 50%
 - Degree and severity of enforcement – 22%
- Have an ombudsman who renders advisory opinions regarding:
 - Effectiveness of program - 56%
 - Difficulties encountered – 64%
 - Degree and severity of enforcement – 46%

Survey Results – CAAA §507

- Have a CAP who makes periodic reports to EPA's concerning the compliance of the program with the requirements of:
 - Paperwork Reduction Act – 20%
 - Regulatory Flexibility Act – 22%
 - Equal Access to Justice Act – 22%
- Have an Ombudsman who makes periodic reports to EPA's concerning the compliance of the program with the requirements of:
 - Paperwork Reduction Act – 34%
 - Regulatory Flexibility Act – 36%
 - Equal Access to Justice Act – 30%

Survey Results – CAAA §507

- Have an Ombudsman who reviews information for biz to assure info is understandable by layperson – 78%
- Have a CAP who reviews information for biz to assure info is understandable by layperson – 54%

Survey Results - Outreach

- Have program that provides multimedia assistance – 76%
- Have program that provides same services for those other medias – 66%
- Compliance and outreach provided via:
 - Written materials – 100%
 - Telephone contacts – 100%
 - Onsite assistance – 98%
 - Workshops – 92%
 - Other means – 62%

Survey Results - Staffing

- Level of staffing for:

Ombudsman office:		Technical Assistance Program:	
0-1 FTE	14%	0-1 FTE	2%
1-2 FTE	66%	1-2 FTE	38%
3-5 FTE	10%	3-5 FTE	18%
> 5 FTE	2%	> 5 FTE	12%
No answer	8%	No answer	30%

Survey Results - Funding

- Title V Funding:

100%	20 programs (40%)
75-99%	8 programs (16%)
50-74%	5 programs (10%)
25-49%	1 program (2%)
1-24%	3 programs (6%)
0-1%	12 programs (24%)
No answer	1 program (2%)

Survey Results - Funding

- Other Air Quality Permit Fees:

100%	1 program (2%)
75-99%	1 program (2%)
50-74%	0 programs (0%)
25-49%	0 programs (0%)
1-24%	1 program (2%)
0-1%	46 programs (92%)
No answer	1 program (2%)

Survey Results - Funding

- Other Air Quality Program Funds:

100%	0 programs (0%)
75-99%	0 programs (0%)
50-74%	0 programs (0%)
25-49%	2 programs (4%)
1-24%	1 program (2%)
0-1%	46 programs (92%)
No answer	1 program (2%)

Survey Results - Funding

- Other Water Program Funds:

100%	0 programs (0%)
75-99%	0 programs (0%)
50-74%	0 programs (0%)
25-49%	5 programs (10%)
1-24%	4 programs (8%)
0-1%	40 programs (80%)
No answer	1 program (2%)

Survey Results - Funding

- Other Waste Program Funds:

100%	0 programs (0%)
75-99%	0 programs (0%)
50-74%	1 program (2%)
25-49%	1 program (2%)
1-24%	3 programs (6%)
0-1%	43 programs (86%)
No answer	2 programs (4%)

Survey Results - Funding

- Other state appropriations:

100%	6 programs (12%)
75-99%	1 program (2%)
50-74%	1 program (2%)
25-49%	3 programs (6%)
1-24%	2 programs (4%)
0-1%	35 programs (70%)
No answer	1 program (1%)

Survey Results - Funding

- Other funds:

100%	0 programs (0%)
75-99%	0 programs (0%)
50-74%	1 program (2%)
25-49%	0 programs (0%)
1-24%	4 programs (8%)
0-1%	43 programs (86%)
No answer	2 programs (2%)

Survey Results - Other

- Program relationship with enforcement unit:

- Good working relationship	- 86%
- Fair working relationship	- 10%
- Poor working relationship	- 0%
- No working relationship	- 4%

Survey Results - Other

- Programs that provide confidentiality – 72%
- Of those programs that do provide confidentiality, it is done so via:
 - Policy (42%)
 - Law (19%)
 - Neither (39%)

Survey Results - Other

- Programs that have implemented a policy or law similar to EPA's:
 - Small Business Incentives Policy – 26%
 - 507 Enforcement – 22%
- States that have implemented their own audit law or policy: 52%

Survey Results - Other

Location:	TAP	Ombudsmen
General state enviro. agency	12	17
State enviro agency – air quality department	15	7
State enviro agency, non-regulatory department	4	3
State enviro agency, regulatory department	3	4
State enviro agency, customer relations/outreach	4	2
State enviro agency, special programs	1	1
State enviro agency, P2/TAP department	2	2
State economic development agency	3	2
University	2	0
Governor's Office	0	1
State Health Department	1	1

Survey Results - Other

- States that contract any portion of their program services to an outside agency: 18% (9 programs).
- Of those state programs...
 - 5 contracted to state university/education institution
 - 4 contracted to consulting firm
 - 1 not appointed

Survey Results

- Subcommittee members reviewed and analyzed results.
- Contacted states to provide clarification for answers.
- Tabled the discussions while the multimedia issue was being resolved.

Where to next?

- There have been many changes since this data was last looked at.
 - Multimedia not yet resolved. However, majority of programs are offering MM assistance.
 - Angela's office.
 - PRIZIM's training material
 - My realization that perhaps the problem is with the CAAA.

Ideas?

- Continue with the original intent of the subcommittee.
- Fold the subcommittee.
- Merge the subcommittee with the multimedia subcommittee so that there is one group that tackles program issues.
- Others?