

Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, section 507 of the CAA requires that states adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the federally approved SIP. In addition, section 507 of the CAA directs EPA to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of Title V of the CAA. In February 1992, EPA issued Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments, in order to delineate the federal and state roles in meeting the new statutory provisions, and as a tool to provide further guidance to the states on submitting acceptable SIP revisions.

On February 1, 1993, the Commonwealth of Pennsylvania submitted a SIP revision to EPA in order to satisfy the requirements of Section 507. In order to gain full approval, the state submittal must provide for each of the following elements: (1) the establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a state Small Business Ombudsman to represent the interests of small business stationary sources in connection with the implementation of the CAA; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP and the state Small Business Ombudsman. The plan must also determine the eligibility of small business stationary sources for assistance in the program. The plan must include the duties, funding and schedule for implementation for the three program components.

Analysis

1. Small Business Assistance Program

Sections 7.7 through 7.9 of the 1992 Pennsylvania Air Pollution Control Act, authorize the establishment of a Small Business Assistance Program which meets the requirements of section 507 of the CAA. In developing the PROGRAM submittal, the Commonwealth has delegated the majority of its functions to the Department of Environmental Resources (DER).

Section 507(a) of the CAA sets forth seven requirements that states must meet to have an approvable SBAP. Six requirements will be discussed in this section of this document, while the seventh requirement, establishment of a state Small Business Ombudsman, will be discussed in the next section.

The first requirement is to establish adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further compliance with the CAA. The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution.

Pennsylvania has met the first requirement through the use of an independent contractor, who will conduct the reactive technical assistance and proactive outreach portion of the program. The DER will train the contractor in state and federal permitting and enforcement policies. The contractor will then have the responsibility of serving as a clearinghouse for information related to compliance methods and control technologies, pollution prevention and accidental release prevention and detection. In the reactive portion of the program, the contractor will maintain a toll free telephone line for small businesses and be responsible for responding to questions raised by small businesses. All answers will be verified with the DER prior to issuance. In addition, the contractor will maintain a database of all questions and answers.

The DER will also monitor permit applications and compliance reports, contact trade associations and the EPA for information regarding the appropriate compliance techniques for small businesses and maintain a database of this information, which will be used to advise small businesses of compliance alternatives.

The contractor, in conjunction with the DER and the small business ombudsman will implement the proactive outreach portion of the program through the development of outreach documents (pamphlets and brochures, etc.), and seminars for small businesses and trade associations. In addition, the DER will maintain a computer bulletin board system which

will allow sources to download up to date information regarding regulations and other policy documents.

The second requirement will be met through the outreach and audit programs. Pamphlets will contain information regarding accidental release prevention and pollution prevention. In addition, pollution prevention and accidental release information will be provided during onsite audits, which may be requested by the small businesses.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the CAA in a timely and efficient manner. Pennsylvania has met this requirement by providing contractor assistance in the application process. The contractor will assist the small business in determining if a permit is required and provide the source with all applicable permit application forms as well as the proper interpretation of the application forms. In addition, the proactive outreach and reactive technical assistance portion of the program, discussed above, will be used to assure small business will be informed of the applicable requirements in a timely manner.

The fourth requirement is to develop adequate mechanisms to assure that small businesses stationary sources receive notice of their rights under the Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the CAA. The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the CAA, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with the CAA. Pennsylvania has met these requirements by planning to maintain a toll free telephone line to allow easy access to information regarding federal and/or state requirements. In addition the State will inform affected small businesses, in a timely manner by the proactive mechanisms described above. The State will provide material, through the outreach portion of the program on environmental auditors to assist small businesses in meeting the requirements of CAA. The environmental audit will determine applicable requirements, compliance status, control options and pollution prevention alternatives.