

STATE SMALL BUSINESS ENVIRONMENTAL ASSISTANCE PROGRAMS PROGRAM REQUIREMENTS*

Codified in

U. S. STATUTES

Clean Air Act Amendments of 1990

Public Law 101-549 – November 15, 1990

Title V – PERMITS (42 USC 7661f)

Sec. 507. Small Business Stationary Source Technical and Environmental Compliance Assistance Program – now commonly known as the state Small Business Environmental Assistance Program (SBEAP)

Funding Source: The Clean Air Act Amendments of 1990 require that all direct and indirect costs to administer the Title V Air Permit Program be funded via collection of annual emission fees from major state air sources. The SBEAP is a component of the Title V Air Permit Program. Thus, its operation is funded by a portion of those emission fees.

Small Business – Definition:

- employs 100 or fewer individuals;
- is a small business concern as defined in the Small Business Act;
- is not a major stationary source;
- does not emit 50 tons or more per year of any regulated pollutant; and
- emits less than 75 tons per year of all regulated pollutants.

Requirements:

- Establish a small business technical and environmental compliance assistance program (now SBEAP) as part of the State's Implementation Plan (SIP).
- The State SBEAP must include:
 - **State Small Business Ombudsman** – Within the relevant state agency
 - **State SBEAP** which must provide:
 - ... Assistance to small businesses in determining applicable requirements and in receiving permits in a timely and efficient manner;
 - ... Adequate mechanisms to assure that small businesses receive notice of their rights under the CAA;
 - ... Adequate mechanisms for informing small businesses of their requirements, including mechanisms for referrals to other service providers or providing site visit evaluations to determine compliance status and assist in achieving compliance;
 - ... Procedures for consideration of requests from small businesses for modification of any work practice, technological method of compliance, or compliance date, within legal boundaries.

* This summary addresses only those requirements relating directly to the roles and responsibilities of the three components of the state Small Business Environmental Assistance Program (SBEAP), and should not be construed to reflect all requirements of CAAA'90, Title V, Section 507.

- ... Adequate mechanisms for developing, collecting, and coordinating information concerning compliance methods and technologies for small businesses;
 - ... Programs to encourage lawful cooperation among small businesses and other persons to further compliance;
 - ... Adequate mechanisms for assisting small businesses with pollution prevention and accidental release detection and prevention, changes, products, and methods of operation that help reduce air pollution.
- **State Compliance Advisory Panel (CAP)** - This Panel shall:
- ... Consist of not less than 7 individuals:
 - ~ 2 members selected by the state governor to represent the general public, who are not small businesses or representatives of small businesses;
 - ~ 2 members selected by the state legislature who are small businesses or their representatives - 1 member each by the majority and minority leadership of the lower house;
 - ~ 2 members selected by the State legislature who are small businesses or their representatives - 1 member each by the majority and minority leadership of the upper house; and
 - ~ 1 member selected by the head of the department or agency of the State responsible for air pollution permit programs to represent that agency.
 - ... Render advisory opinions concerning the effectiveness of the state program, difficulties encountered, and degree and severity of enforcement;
 - ... Make periodic reports to the EPA Administrator concerning the compliance of the state program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;
 - ... Review information for small businesses to assure it is understandable by the layperson; and
 - ... Have the state program serve as its secretariat for the development and dissemination of reports and advisory opinions.

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